PhD dissertation
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Justify My Love:
The affective governing of the attachment requirement

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Abstract

This dissertation investigates how the attachment requirement, understood as an affective biopolitical governing mechanism, governed marriage migration. As a condition for the right to family reunification, the attachment requirement stated that a residence permit could only be granted if a couple's combined attachment to Denmark was greater than their combined attachment to another country. The dissertation follows queer theoretical legal scholar Siobhan B. Somerville's (2005) call to examine how the nation-state through immigration policy sets the terms of an affective relationship between the nation-state and the potential citizen. Through immigration policy, the nation-state selects the immigrations it finds lovable and produces them as citizens. The fundamental thesis of the dissertation is that the attachment requirement can be seen as an example of how the Danish nation-state selects the subjects it finds lovable and bestows them the right to family reunification.

The empirical material of the dissertation consists of administrative documents, mainly application packets and decision letters in cases of family reunification, supplemented with memoranda and legal textbooks on immigration law. Drawing on a biopolitical framework and affect theory, the dissertation conducts close-readings and discourse analysis of how attachment has been conceptualised and evaluated in an administrative context. The dissertation is an article-based dissertation centred on three articles that each gives priority to a different set of administrative documents and aspect of the application process in family reunification (from application to decision).

Article 1: “Documenting Attachment: Affective border control in applications for family reunification” is co-written with scholar in gender studies Mons Bissenbakker (University of Copenhagen). The article is based on the application packets of the Danish Immigration Service, which transnational couples had to fill out and submit to document their attachment to Denmark. Drawing on affect theory (Ahmed 2010), the article examines how the application packets can be seen as orientation devices that encouraged transnational couples to direct themselves towards a chain of happy objects: the application, the residence permit, family reunification and ultimately, the Danish nation-state. As discussed in the article, this orientation had potential cruel implications for transnational couples because the ultimate happy object of Denmark
might never be reachable. The article invites migration researchers to think of migration management as a form of affective border control.

Article 2: “Ties That Bind: Intimate bordering and affective biopolitics in rejection letters in cases of family reunification to Denmark” takes its point of departure in rejection letters in cases of family reunification. The article shows how the rejection letters conceptualised and evaluated attachment as calculable ties to the Danish nation-state compared with the home country. The rejection letters configured attachment to Denmark through three affective vectors: to achieve, to maintain and to disrupt attachment. The rejection letters expected transnational couples, especially the sponsors, to achieve attachment to Denmark while several letters found that the sponsor had maintain a stronger attachment to a home country and had chosen to disrupt their attachment to Denmark. The article contributes to migration scholarship by showing how the rejection letters positioned the sponsor as an intimate border guard by bestowing the responsibility of the couple’s combined attachment to Denmark on the shoulders of the sponsor.

Article 3: “In the Administrative Gaze: Letters of approval as disciplinary devices in cases of family reunification to Denmark” explores letters of approval in cases of family reunification. Drawing on Foucault’s (1977) analysis of Panopticism, the article investigates how these letters can be seen as disciplinary devices that established the residence permit as conditioned by the attachment requirement, among other conditions, and subjected transnational couples to the possibility of follow up controls. By subjecting couples to the possibility of control, the letters placed couples in a position where they had to view their attachment efforts through an imagined administrative gaze. The article invites migration researchers to rethink how border control and national borders take shape. Rather than a wall, I argue, that national borders take the shape of a canal lock-system that aimed to sluice the applying applicant in/out of Denmark, depending on the couple’s national attachment.

In all, the dissertation shows how the attachment requirement functioned as a measuring and selection mechanism that directed transnational couples towards the Danish nation-state (the ideal object of attachment) and away from other nation-states. As a measuring mechanism, the attachment requirement made it administratively possible to calculate transnational couples’ national belonging and integration potential.
and thereby, it made it possible to select the transnational couples that were lovable in the eyes of the Danish nation-state and bestow them the right to family reunification.

**Resumé**


Afhandlingens empiri består af administrative dokumenter, primært ansøgningspakker og afgørelsesskrifter i sager om familiesammenføring, som suppleres med praksisnotater og juridiske grundbøger i familiesammenføringsret. Med udgangspunkt i et biopolitisk rammeværk og affektteori, foretager afhandlingen tekstnære diskursanalyser af, hvordan tilknytning er blevet begrebsliggjort og bedømt i en administrativ kontekst. Afhandlingen er desuden en artikelbaseret afhandling, der består af tre artikler, der hver giver forrang forskelligt sæt af administrative dokumenter samt aspekter af ansøgningsprocessen i familiesammenføring (fra ansøgning til afgørelse).

Artikel 1: “Documenting Attachment: Affective border control in applications for family reunification” er skrevet sammen med kønsforsker Mons Bissenbakker (Københavns Universitet). Artiklen tager empirisk udgangspunkt i Udlandingsstyrelsens ansøgningspakker, som transnationale par skulle udfylde og indsende for at dokumentere deres tilknytning til Danmark. Med udgangspunkt i affektteori (Ahmed 2010), undersøger artiklen, hvordan ansøgningspakkerne kan ses som
orienteringsværktøjer, der opfordrede transnationale par til at orientere sig mod en kæde af glædesobjekter: ansøgningen, opholdstilladelsen, familiesammenføring og ultimativt den danske nationalstat. Som artiklen desuden diskuterer, så har denne orientering mulige onde implikationer for transnational par, idet Denmark som det ultimative glædesobjekt måske aldrig nogensinde kan nås. Artiklen opfordrer migrationsforskere til at reflektere over migrationsforvaltning som en form for affektiv grænsekontrol.


I sin helhed viser afhandlingen således, hvordan tilknytningskravet fungerede som en målings- og selektionsmekanisme, der orienterede transnationale par mod den danske nationalstat (det ideelle tilknytningsobjekt) og væk fra andre nationalstater. Som en målingsmekanisme, gjorde tilknytningskravet det administrativt muligt at beregne transnationale pars nationale tilhørsforhold og integrationspotentiale og derved muligt at selektere i, hvilke transnationale par som var elskværdige i den danske nationalstats øjne samt tildele disse retten til familiesammenføring.
Chapter 1

National attachment required: The affective governing of family reunification

“Danish at heart”¹

In an opinion piece published in May 2020, in the Danish broadsheet newspaper *Information*, “Pia Kjærsgaard: Immigration from Somalia and Lebanon has negatively impacted Denmark for generations to come” (Kjærsgaard 2020, my translation), Danish politician and spokesperson on immigration for the right-wing Danish People’s Party Pia Kjærsgaard discusses ideals for integration and national belonging. Ideals that, in her view, non-Western immigrants, in Denmark, have yet to live up to. A key term that Kjærsgaard presents in the piece revolves around an emotional investment in the Danish nation-state that she imbues with great significance in a possible achievement of integration into Danish society. More precisely, Kjærsgaard links ideals of integration to (be assimilated into) *Danishness*. In her view, to be considered fully integrated, the immigrant must be recognisably Danish (or closely approximate *Danishness*). In the piece, Kjærsgaard defines her ideals for integration in relation to liberal views of it as an achievement realised through financial independence and law-abiding behaviour. Kjærsgaard does not reject these as valid criteria for judging whether an immigrant can be considered well integrated. Rather, she argues that integration, understood as becoming Danish, must be understood in affective terms. She elaborates:

[To be integrated as a Dane entails] That on a fundamental level, you have chosen the Danish society, because it is here you wish your family will live in the future. And this is best achieved if you choose this country. Also in your heart. (Kjærsgaard 2020, my translation)

¹ I am paraphrasing Kjærsgaard (2020) here.
As this quote illustrates, Kjærgaard connects ideas of national belonging, Danishness and integration with affect: to be integrated is to become Danish, which is best accomplished by choosing the Danish nation-state, also in your heart. The opinion piece articulates integration, understood as assimilation into Danishness, as an affective investment in, and orientation to, the Danish nation-state as the appropriate object of the expected emotional investment by the immigrant subject.

Although Kjærgaard does not mention family reunification or the attachment requirement as a condition for this right specifically, her equivalence of integration with an affective investment in the Danish nation-state can be said to echo the affective logic that underpinned the attachment requirement. For instance, the discursive construction of integration as affective investment is also seen in the Danish parliamentary debates in 2001 that preceded the tightening of the attachment requirement as a condition for the right to family reunification to Denmark. For instance, Birthe Rønn Hornbech, a politician from the Danish liberal party Venstre (and later Minister for Refugees, Immigrants and Integration from 2007 to 2011), articulated that:

> With regard to family reunifications, we wish to tighten the rules significantly. We are seeing more and more family reunifications and that many newcomers actually have their heart their home country, and want third and fourth generation children to be taught their mother tongue. If you want your children taught in your mother tongue, if you yourself were taught in it and want to marry somebody from your home country, then you have a closer attachment to your home country, your heart is in that home country, and family reunification with a residence permit in Denmark should not be granted. (Birthe Rønn Hornbech,² my translation)

In the quote, Hornbech identifies the behaviour of immigrants and descendants as the political reasoning and incentive for a tightening of the attachment requirement. She believes and problematizes the idea that immigrants and their descendants maintain a closer attachment to their home country than Denmark, understood as their heart being in the home country. Hornbeck sees being taught in your mother tongue, marrying a

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spouse from your home country and then applying for family reunification as a gateway for the spouse to come to Denmark as examples of immigrants’ hearts being in their homeland, as signs that they have maintained an attachment to the home country. Rather than a discussion of integration into Danish society as a choice of Denmark in the heart, Hornbech shifts the focus to a concern about the immigrant and their descendants keeping the home country in their heart. Although not explicitly stated, her wording can be said to imply a similar logic about integration as an achievement of (assimilated) Danishness as that formulated by Kjærgaard in her opinion piece. In other words, to become integrated, you must choose Denmark in your heart by rejecting courses in your first tongue (and presumably, in the process, learn or improve your Danish) and by not marrying a spouse from your home country (but preferably an ethnic Dane). This articulation would appear to rest on the integration logic that the immigrant or their descendants should choose Denmark in their heart by focusing on improving their Danish language skills and by marrying an ethnic Dane, instead of retaining an attachment to their home country through language and marriage. Although Kjærgaard never mentions attachment directly, her opinion piece still illustrates the affective logic that underpinned the attachment requirement and the administrative management of it. Both Hornbech and Kjærgaard understand integration as an exclusive affective orientation towards the Danish nation-state.

Returning briefly to the opinion piece, Kjærgaard distinguishes between migrant subjects, classifying them based on their proximity to Danishness. She distinguishes between Eastern Asian migrants, including Chinese, Thai and Indian migrant subjects on the one hand, and Somali and Lebanese migrant subjects on the other. Drawing on racial and culturally essentialist imaginary, Kjærgaard articulates the first group of migrant subjects as easily integrated thanks to their closer proximity to Danishness: “Because they come from a culture where people behave properly, are humble and take pride in not being a burden on society” (Kjærgaard 2020, my translation). The latter group, Kjærgaard posits as more distant from Danishness and therefore from integration: “Here, the cultural and religious background is completely different than a Danish one, and success rates for the integration of individuals from the various cultures and religions are very different” (ibid, my translation).
In both Kjærsgaard’s and Hornbech’s articulation, the Danish nation-state is appointed as the ideal and expected object of the immigrant or their descendants’ affective orientation. On the one hand, the group of Eastern Asian immigrants in Kjærsgaard’s opinion piece are understood as subjects with proximity because they demonstrate the correct kind of affective investment in the Danish nation-state (they desire Denmark in the right way). On the other hand, Kjærgaard frames Somali and Lebanese immigrants as being at distance from integration. Kjærgaard draws on affective investment (choosing Denmark at heart) as a tool of subdivision to distinguish between good and bad immigrants. As such, good immigrants do the required work to integrate, understood as assimilation into Danishness – a sign that the immigrant has chosen Denmark in their heart. Bad immigrants, on the other hand, still have their hearts in the home country (to use Hornbech’s words) by not doing the work required to integrate into Danish society.

Both Hornbech’s comment to the Danish Bill regarding family reunification and Kjærsgaard’s opinion piece on integration speak to contemporary political and parliamentary debates on immigration, family reunification and integration, many of which have dominated both Danish and European public discourses, before and during the process of writing this dissertation. Since the turn of the century, family reunification has become one of few gateways into what migration scholars have dubbed Fortress Europe, leading to a restrictive turn in European immigration policy in an effort to regulate and limit immigration (e.g. Block 2015, 2016; Bonjour & Kraler 2015; Eggebø 2012; Staver 2014). European and Nordic political discourses have also discussed and highlighted family reunification as an integration problem (e.g. Bak Jørgensen 2012, 2014; Bech et al. 2017; Bonjour & Kraler 2015; Moeslund & Strasser 2008; Myrdahl 2010a, 2010b; Staver 2013, 2014). Here, the marriage patterns of descendants of immigrant parents have been an object of concern. European political discourses have focused on family reunification as a sign of failed integration of descendant subjects (and implicitly, also the immigrant parents). This discourse follows a logic that the descendant would marry an ethnic majority spouse rather than one from their parents’ country of origin. The choice of spouse thus becomes a sign of successful or failed integration. However, family reunification of a spouse from abroad has also
been discussed as a possible hindrance to the integration of the immigrant or descendant. In these discourses, family reunification has been understood as a means to secure future integration, because marrying an ethnic majority subject would help the immigrant or descendant spouse integrate into the ethnic majority society.

This dissertation investigates the attachment requirement as a condition for the right to family reunification, an otherwise guaranteed right in Danish legislation in 1983 for individuals with refugee status. Introduced in 2000 by the then Social Democratic coalition government and tightened in 2002, by a Liberal-Conservative coalition, the attachment requirement aimed to limit immigration through family reunification, and to integrate descendant sponsors as well as the immigrating spouse (the applicant). As a condition for the right to family reunification, the requirement stated that a residence permit could only be issued if a transnational couple’s combined attachment to Denmark was greater than their combined attachment to any other country (cf. The Danish Aliens Act § 9, section 7). The dissertation seeks to shed light on the legal concept of attachment, understood as an affective biopolitical governing mechanism in the field of migration. In other words, I examine affective aspects of the governing of the legal demand for national attachment in the administrative context. My aim is not to investigate how transnational couples had to justify their marriage or cohabitating relationship to the Danish Immigration Service. The attachment requirement served as a migration policy tool that made transnational couples’ affective orientation toward Denmark and their national belonging and integration potential measurable, and therefore, transnational couples governable.

3 Throughout the dissertation, I refer to couples applying for family reunification to Denmark as transnational couples. I borrow this term from migration scholarship on marriage migration and family reunification that refers to spouses applying for family reunification as transnational marriages, “i.e. a marriage entered between two persons residing in different countries and of different nationality” (Liversage & Rytter 2014: 7, my translation). I prefer to use the term transnational couples rather than transnational marriages or spouses, to show that Danish legislation regarding family reunification equates cohabitating couples with marriage. However, I want to stress that my aim is not to discuss the equality of cohabitating relationships with marriages from a legal studies perspective nor to investigate what the Danish legislation and immigration administration recognise as a valid love relationship worthy of the right to family reunification. These questions would require dissertations of their own.

Using the attachment requirement as a prism, I investigate how migration management can be described as taking the shape of an affective border control that folded migrants in or out of the Danish nation-state. Thus, my research interest focuses on how affect can be seen as a cog in the biopolitical machinery in the governing of marriage migration. The dissertation aims to examine the affective implications, logics and underpinnings of the attachment requirement: What does it mean that the nation-state demands transnational couples document their combined attachment to Denmark? Which orientations and what kind of work does such a demand entail for transnational couples? In what ways does the demand of national attachment invite us to think of belonging to the nation-state as not merely a strictly formal and legal, but also an affective relationship between the citizen – or potential future citizen – and the nation-state? In addition, how does the nation-state use immigration policies to set the terms of this affective relationship? How are we to understand the requirement as a demand to prove that the immigrant or descendant sponsor really belongs, and has earned the right to family reunification as a reward in exchange for accomplishing an attachment to the nation-state?

A piece of the LOVA puzzle

Let me make clear that the dissertation is a part of the collective research project Loving Attachment: Regulating Danish Love Migration (LOVA). In light of what has been described as a European migration crisis, LOVA seeks to investigate the conceptual and political governing of migration. LOVA takes as its starting point the psychological and juridical concepts of attachment as examples of such governing practices. From the turn of the century, the concept of attachment has functioned as a key tool in the regulation of various forms of migration, characterised by migration scholarship as love migration; i.e. transnational adoption, transnational marriages and family reunification. With this in mind, LOVA suggests that the concept of attachment (to the adoptive family, to a family member, and to the nation-state) is seen as a contemporary biopolitical governing mechanism, upon which migration is discussed and granted. The overall aim and scope of LOVA serves as the backbone of my individual project. Research is never a

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5 I am partly paraphrasing Somerville (2005: 661) here.
solo effort, which is also the case with this dissertation. As such, the dissertation is a product of collective discussions of an empirical, theoretical and methodological nature in the research group. The input, inspirations and experiences shared in the group have also shaped the dissertation and guided the research process.

Overall, the dissertation can be seen as one piece in a four-part puzzle: taken together, the projects shed light on attachment as an affective biopolitical governing mechanism in the field of migration. My individual project examines the administrative management of the attachment requirement, but it is also connected to the three other projects. LOVA also consists of a research group leader and gender studies scholar, Mons Bissenbakker (University of Copenhagen, Denmark) who examines the Danish parliamentary debates on the attachment requirement. The Professor in critical adoption studies Lene Myong (University of Stavanger, Norway) investigates how attachment has been revitalised as a knowledge regime and diagnostic tool within adoption legislation, post-adoptive services and adoptive kinship in Denmark. Last, but not least, post.doc and media sociologist Asta Smedegaard Nielsen explores media representations of, and news reporting on, Danish family reunification cases.

My individual contribution to LOVA is, therefore, both empirical and discourse analytical in nature. In the dissertation, I aim to establish knowledge about the administrative management of the attachment requirement. In other words, I will examine how the Danish immigration administration conceptualised and evaluated the concept of attachment, in real-life cases of family reunification to Denmark. Accordingly, I explore how the legislation on attachment, as a condition for the right to family reunification, has been interpreted and converted into administrative practice. The dissertation also contributes to LOVA by conceptualising and investigating the attachment requirement as an affective orientation device that aimed to govern transnational couples and encourage them to work on an exclusive attachment to the Danish nation-state. Consequently, I use the attachment requirement as a prism through which to understand how national belonging to the nation-state rests on affective

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6 For more information about LOVA and the individual projects, see the website of the Centre for Gender, Sexuality and Difference (University of Copenhagen). Direct link: https://koensforskning.ku.dk/forskning/lova/ (last accessed 26-10-2020).

orientations. My claim is that the attachment requirement, understood as both prescribed by and inscribed within an affective economy, demanded that transnational couples document their integration potential so that the administration could determine the lovability of the couples in the eyes of the Danish nation-state.

**Research interest and questions**

The dissertation investigates the administrative management of the attachment requirement, understood as an affective biopolitical governing mechanism. I use the requirement as a case study to examine the affective dimensions of migration management in a biopolitical light. I follow legal scholar Siobhan B. Somerville’s (2005) call for queer theoretical scholarship in migration, citizenship and national belonging, to examine how the (nation) state in “itself functions as a site of affective power” (ibid: 662). Investigating American naturalisation (i.e. the legal transformation and production of an immigrant to a citizen), Somerville argues that the (nation) state chooses the immigrants it finds to be appropriate objects of its love and produces them as citizens of the state (ibid: 661). With Somerville in mind, the primary claim of the dissertation is that the attachment requirement served as a migration policy tool that enabled an administrative evaluation and calculation of the transnational couples’ national belonging and integration potential. Based on this assessment, the Danish nation-state could select the lovable subjects and bestow them the right to family reunification as their reward in exchange for couples’ integration efforts. In light of this, the dissertation positions itself within the affective turn in biopolitical scholarship on migration. The dissertation sets out to address the following main research question:

- How has the attachment requirement governed family reunification to Denmark?

I use the term to *govern* to encapsulate the biopolitical administering of the life of the population by regulating migration and disciplining migrants. The dissertation seeks to shed light on the attachment requirement in an administrative context. My research interest is directed by Somerville’s call to investigate the production of citizens, or
perhaps more precisely, to investigate the administrative effects of the law on a discursive level. As per Somerville’s appeal, I investigate the administrative management of the attachment requirement, including the administrative production of temporary residents based on an evaluation of national attachment. My study takes its empirical starting point in administrative documents, mainly application packets and decision letters in cases of family reunification, supplemented by other administrative documents such as memorandums and legal textbooks. I have collected the administrative documents to explore how the attachment requirement has been discursively translated and converted from law into administrative practice. To address how the attachment requirement has governed family reunification to Denmark, I break the main research question down into the following sub-questions:

- How has the legal requirement of national attachment to Denmark been translated into administrative practice in the assessment of the right to family reunification?
- How has attachment been affectively conceptualised, re-circulated and evaluated in the administrative context?
- What did the administration deem to constitute sufficient or insufficient attachment in the eye of the administration?

The dissertation conducts an affective biopolitical study of Danish family reunification policy. Viewing the field of migration through a biopolitical lens directs my attention to the how the attachment requirement aimed to (affectively) target transnational couples and subjected them to administrative scrutiny and management. Using the attachment requirement as a case, I investigate how transnational couples was folded in or out of the administering of life of the population. Understood as an orientation device, the requirement targeted transnational couples to direct themselves towards the Danish nation-state as the expected object of attachment while serving ties to a country of origin (or their parents’ country of origin). As such, the requirement rested on an expectation of an exclusive orientation towards Denmark. As a migration policy tool, it also enabled the administration to evaluate and measure couples’ orientation and
integration efforts. In other words, the requirement enabled the Danish nation-state to measure and select between transnational couples based on their lovability.

**Overview of the dissertation**

In addition, being an introduction to the content of the dissertation, this section also aims to provide an interpretative key that guides the reader in the dissertation's conceptual universe. The dissertation is composed of seven chapters in total. In this chapter (**Chapter 1**), I have introduced my area of research interest and the more precise subject of the dissertation. The remaining chapters outline and unfold the following:

Next, I delineate the existing migration scholarship on family reunification, the attachment requirement and affect, as well as highlighting my own contribution to the field. Investigating the attachment requirement as an affective biopolitical governing mechanism, I invite migration researchers to think of administrative border control as the administrative folding of transnational couples in or out of the Danish nation-state in affective terms. Taking the attachment requirement as a specific case in point, this part also situates the dissertation as a contribution to the study of everyday bordering.

In **Chapter 2**, I contextualise the attachment requirement in a contemporary political and administrative context. This chapter can be read as informative background regarding the attachment requirement as a condition governing family reunification in Denmark. In part, the chapter is meant as a reference guide that readers can return to if in doubt about the administrative management of the requirement while reading the rest of the dissertation. In addition, the chapter offers an interpretative reading of the administrative interpretations, clarifications and negotiations in converting the Danish legislation into practice. In that instance, I think of the requirement as a form of converter that made the required affective orientations and investments of transnational couples measurable and calculable, and the couples administratively governable. I begin the chapter by reflecting on the circumstance that the requirement was transformed during the period of my PhD studies from current policy to contemporary historical artefact. As I unfold in greater detail in the chapter, I employ
the attachment requirement as a case study to shed light on how affect is instrumentalised in the biopolitical governing of migration.

I dedicate **Chapter 3** to a presentation of the empirical material that primarily consists of the application packets for family reunification and decision letters relating to cases of family reunification retrieved from the Danish Immigration Service. I outline the process involved in applying for access to the case material; and how it shaped the selection of the decision letters I analyse. I also introduce the supplementary administrative documents, which I use as key interpretative texts in the management of the attachment requirement. I then go on to discuss the epistemological advantages of conducting a text-based analysis of the administrative texts, as well as the ethical considerations and anonymisation practices that both the Danish Immigration Service and I have applied to ensure the anonymity of the couples involved.

In **Chapter 4**, I situate my study of the administrative management of the attachment requirement within theoretical perspectives and discussions of biopolitics and affect theory. I have chosen to divide the chapter into two, yet interrelated, parts. In the first part, I outline how my study contributes to biopolitical studies of migration policy and border control, i.e. the bio-political administering of migration as the optimisation of the life of the population as a whole. Then, I consider affect theory, which I employ as a theoretical lens through which to investigate the manner in which the governing of the population can take shape through the operationalisation of affect. Understood as an affective orientation device, I use the attachment requirement as a prism through which to view how nation-building, national belonging and border control materialise through ideals of, and demands for affective investment in the Danish nation-state. This chapter is followed by an essay demonstrating my affective biopolitical reading strategy, which also serves as a bridge between the theoretical perspectives and reflections presented in chapters 4 and 5.

**Chapter 5** sketches out and reflects on the methodological inspirations and approaches I have drawn on in the study of the administrative management of the attachment requirement. I discuss and explain my methodological approach in what queer theorist Jack Halberstam (1998) has described as a scavenger methodology, drawing from, and combining different methods to analyse the administrative documents, understood as cultural products. The chapter begins with the methodological implications of the
theoretical foundation in affective biopolitics. I draw inspiration from discourse theory, among other methods, to approach the administrative documents and unpack their discursive constructs and negotiations of national attachment.

Chapter 6 begins with a descriptive discourse analysis of the rejection letters related to cases of family reunification to Denmark. This section serves as a discursive analytical backdrop to the theoretical reflections and analyses presented in the following, central, collection of articles. The dissertation is an article-based dissertation, consisting of three articles in total. In them, I show how the empirical material discursively constructed and evaluated attachment as a calculation of the achievement of ties to Denmark as the ideal object of transnational couples, with a particular emphasis on the sponsor’s exclusive attachment. Together, the articles seek to show how a cultural-analytical gaze on the administrative management of the attachment requirement can contribute to a re-thinking of and establish crucial knowledge about migration management, national borders and border control, integration, national belonging and national attachment in an affective biopolitical light.

Chapter 7 concludes the dissertation: The attachment requirement can be seen as a demand of an exclusive orientation of transnational couples towards the Danish nation-state and away from other nation-states. As a migration policy, the requirement rested on an administrative estimation of transnational couples’ national attachment to Denmark vis-à-vis another country. The requirement enabled the administration to assess and measure national attachment through four ethno-cultural and socio-economic criteria. On a textual level, the administrative documents understand as signifiers of transnational couples’, especially sponsors’, national belonging and integration efforts. The administrative documents understood and measured the national attachment of transnational couples as a vector calculation through the three signifiers to achieve, to maintain and to disrupt national attachment. The attachment requirement enabled the Danish nation-state to measure and select between transnational couples that it deemed appropriate objects of its love and bestow rights accordingly. Here, I also pass on the baton, by posing further questions that future migration research in the affective biopolitics of migration might seek to answer.

In summary, the dissertation investigates the administrative management of the attachment requirement, understood as an affective biopolitical governing mechanism
that made national belonging and the affective orientations and lovability of transnational couples measurable/calculable and in this specific way, both couples and immigration to Denmark manageable. The dissertation is the first in-depth study of the affective and biopolitical aspects of the requirement as a migration policy tool – and the administrative management of that tool. It also contributes to the field of migration as well as biopolitical and affect-theoretical studies by analysing administrative documents related to cases of family reunification to Denmark.
Migration research into family reunification, affect and national attachment

This part situates the dissertation within migration research into marriage migration and family reunification, including migration scholarship into affect and the attachment requirement, to highlight the dissertation’s contribution to this line of scholarship. Migration research has contributed to and provided important insights into the discriminatory effects of the attachment requirement, as well as how the requirement has regulated migration to Denmark based on notions of national belonging. The dissertation builds on these vital insights into the workings of the attachment requirement by taking seriously the affective implications of the term *attachment*. In light of these implications, I examine the attachment requirement as an affective biopolitical governing mechanism. Moreover, the dissertation is one of only a few studies that contribute to migration research by examining concrete decisions in cases of family reunification.

In the following, I sketch out insights and tendencies within the existing scholarship on family reunification, affect and the attachment requirement. I have structured it around selected examples and highlights to illustrate what I have found to be central tendencies in migration research on family reunification, and offer some important insights into the attachment requirement specifically. I have chosen to highlight these particular research examples because, in one way or another, they have guided me in my study of the administrative management of the attachment requirement.

Speaking of migration research, I want to stress that the dissertation, both this part and throughout, references and engages in conversation not only with international scholars but also with local Nordic researchers, including Danes. I have chosen to include local scholars in order to reflect the local Danish context as this is what the dissertation is based on, in terms of both its subject and my location, namely the University of Copenhagen, Denmark. The dissertation focuses on Danish immigration policy, using the attachment requirement as a case study, which is why I turn to the work of local
scholars who have contributed to migration research and provide local insights into these policies. In other words, I engage with the work of local scholars because they contribute insight into Danish family reunification and the administrative management of the attachment requirement, based on local knowledge. At this point, I also want to stress that I engage with Nordic-based scholars in order to highlight their work and contributions to the field internationally. As such, research by Nordic scholars draws and builds on international theory and research; they are, therefore, a part of ongoing international academic conversations on migration management, bordering practices and control, family reunification and national belonging, which is why I want to make their contributions to the conversation visible.

This part is divided into two subparts. The first part outlines migration research, including the few studies concerning the attachment requirement, and situates the dissertation within this research. The second part outlines more recent migration research in everyday bordering. In it, I situate the dissertation as a contribution to this scholarship by investigating the attachment requirement as a case of (affective) everyday bordering practice.

A research overview of family reunification, affect and national attachment

This part provides an overview of the migration research with which the dissertation engages. I have structured the following sections around themes and tendencies in the existing migration literature on family reunification, affect, and the administrative management of the attachment requirement. These sections focus on examples of studies that I highlight because, in different ways, they illustrate tendencies within the literature and offer vital insight into the study of the management of the attachment requirement as a governing mechanism.

Several migration studies at least mention or partially include the attachment requirement, but few have made the requirement the main object of investigation. This dissertation is one of only a few examples of studies that take the attachment requirement (and the administrative management thereof) as its object of study. Moreover, most of the studies on family reunification and the attachment requirement have been conducted from within social science disciplines, predominantly
anthropology, sociology and political science, as well as legal science. These studies include statistical overviews, legal reviews of Danish immigration legislation including the attachment requirement, qualitative interviews, and ethnographic-inspired research with transnational couples and discursive analysis of parliamentary debates on the attachment requirement. As such, the dissertation is one of few that conduct textual readings of administrative documents such as the application packets and decision letters in cases of family reunification.

The following sections introduce the few studies on (or that mention) the attachment requirement as an example of what has been called the restrictive turn within European, especially Nordic, immigration policy since the turn of the century. The studies have explored how the attachment requirement functioned as a selection mechanism that made it possible to distinguish between wanted and unwanted migrants. Several studies have also highlighted the racial and ethnic discriminatory effects of the requirement. In other words, they have shed light on how racial and ethnic minority sponsors had a harder time fulfilling the attachment requirement than sponsors recognisable as ethnic Danes. The dissertation also draws on the strand of migration research into how European, including Nordic, political debates and legislation have highlighted family reunification as an integration problem. Research has shown how in Europe, especially in the Nordic countries, the restrictive turn in family reunification legislation is based on discourses that view the family reunification of a foreign spouse as a hindrance to the ethnic minority sponsor’s integration. Last, but certainly not least, I situate my affective study of the attachment requirement within the growing body of migration research into affect as an important component in migration management.

**Family reunification and the attachment requirement**

In general, other studies have investigated the attachment requirement as a central example of the restrictive turn of contemporary European, especially Nordic, immigration policy. As this scholarship has highlighted, the restrictive turn in family immigration policy has been concurrent with family reunification becoming one of few gateways into what has been proclaimed as *Fortress Europe* (e.g. Block 2015, 2016;
Lund Pedersen 2012; Moeslund & Strasser 2008; Staver 2013, 2014; Wray 2013).
Overall, migration scholarship into the attachment requirement has mainly focused on
the policy as a selection mechanism and its consequences for transnational couples (e.g.
Bak Jørgensen 2012; Block 2015; Bonjour & Kraler 2015; Lund Pedersen 2012; Rytter
2010). In a study of Danish immigration legislation and public discourses,
anthropologist Mikkel Rytter (2010) analysed the attachment requirement as
underpinned by what he calls kinship images that operate to distinguish between real
and not-quite-real Danes. In line with these findings, political scientists Saskia Bonjour
and Albert Kraler (2015) have studied European policy discourses and highlighted the
attachment requirement as “a policy instrument aimed at assessing whether the person
wanting to bring in foreign family members really “belongs” (ibid: 1413). The studies
show that the attachment requirement functioned as a selection mechanism that made
it administratively possible to distinguish between wanted and unwanted marriage
migrants, based on notions of national belonging and kinship as well as whiteness. As
such, these studies point towards how the attachment requirement functioned as a
selection mechanism by drawing on the pillars of whiteness, kinship and socioeconomic
independence from the welfare state.

**Family reunification as an integration problem**

In addition to highlighting the attachment requirement as a selection mechanism, a
branch of migration scholarship has examined how European, including Nordic, policy
discourses have constructed family reunification as an integration problem (e.g. Bak
Jørgensen 2012, 2014; Bech et al. 2017; Bonjour & Kraler 2015; Moeslund & Strasser
2008; Myrdahl 2010a, 2010b; Staver 2013, 2014). A noteworthy example is the work of
anthropologist and scholar in gender and sexuality Eileen Muller Myrdahl (2010a,
2010b) on Norwegian family reunification legislation and racialising structures of
integration ideals. In her research, Myrdahl thus identifies several discursive
tendencies that also characterise European, including Danish, immigration policy
debates: family reunification is framed as both a hindrance of the descendant spouse
future integration and as proof of failed integration. Myrdahl’s findings resonate with
other migration studies on how the attachment requirement was shaped by and
maintained political ideals of national belonging and goals of integration (e.g. Bonjour &
Kraler 2015; Moeslund & Strasser 2008; Staver 2014). For instance with political scientist Anne Staver’s (2014) identifies the attachment requirement as an immigration policy that “relies on an integration logic, as ‘attachment’ is argued to indicate ability and willingness to integrate oneself and one’s partner” (ibid: 18).

These studies thus contribute important insights into how family reunification has been politically and legislatively conceptualised as an integration problem in a European, especially Nordic, context. They show how family reunification is understood both as a hindrance to the racial and ethnic minority sponsor’s integration and as evidence of failed integration. Building on these insights, I examine how the requirement governed family reunification through notions and logics of integration and national belonging. My analysis suggests that we see the attachment requirement as an administrative handling mechanism that made the sponsor’s willingness or ability to integrate themselves and their partner measurable, and made couples manageable.

The racial and ethnic discriminatory effects of the attachment requirement

I am also indebted to the body of research that has explored the racial and ethnic discriminatory effects of the attachment requirement. Within a legal framework, these studies have shed light on how the attachment requirement weakened the legal position of individuals with an ethnic minority background with regard to the right to family reunification, compared to white ethnic Danes (e.g. Bech & Mouritsen 2013; Dilou Jacobsen 2004; Erskbøll 2010a, 2010b; Lund Pedersen 2012; Staver 2013, 2014; Stokes-DuPass 2015). For example, legal scholar Bjørn Dilou Jacobsen (2004) found that the attachment requirement (in conjunction with the then 28-year rule) gave preference to people with Danish citizenship from birth over people born in Denmark who obtained Danish citizenship later in life. A later example of a study that focuses on the legal position of sponsors is the study on integration and citizenship conducted by sociologist Nicole Stokes-DuPass (2015). Stokes-DuPass highlighted the attachment requirement as a prime example of how “increasingly restrictive policies have created a fixed boundary between those who are Danes by “nature” and those who are Danes by “jurisdiction”” (ibid: 31). A legal consequence of this distinction, she pointed out, was that “one can be a Danish citizen, who theoretically has the same rights and protections
as other citizens – unless you choose to partner with a third-country national immigrant and want to reside in Denmark” (ibid: 31). This study shows how national belonging is connected with racial and ethnic norms, and how rights are accordingly bestowed.

As these studies show, the attachment requirement rested on racial and ethnic norms and therefore, it had racial and ethnic discriminatory effects. Although the dissertation is not a legal study of the requirement, I build on these studies, because they invite me to investigate further, how norms of race and ethnicity have shaped notions of national belonging and citizenship. This scholarship – in addition to the literature on family reunification as an integration problem – thus offers crucial insights into the administrative management of the attachment requirement, and the ideals of integration that it made administratively measurable and manageable.

**Love migration and affect**

Several recent migration studies have brought affect to the forefront. These are mostly qualitative analysis of affect as the motivational factor that drives people to migrate (e.g. Mai & King 2009; Stubberud, Akin & Bang Svendsen 2019), or how the restrictive Danish legislation shaped transnational couples' feelings of national attachment (Jensen 2014). Another strand of research have focused on bureaucrats (e.g. Eggebø 2012, 2013a; Pellander 2015, 2016). For instance, Pellander (2015, 2016) has analysed how bureaucrats function as moral gatekeepers in the evaluation of family reunification to Finland, based on notions of culture and gender. Eggebø (2012, 2013a), on the other hand, has explored how Norwegian bureaucrats used feelings as a resource in the assessment of applications for family reunification. Political scientist and governmentality scholar Anne-Marie D’Aoust (2013) has done a noticeable study into the attachment requirement. Understood as an example of a technology of love, D’Aoust highlights the requirement as “a very instrumental, if not repressive, use of technologies of love”(ibid: 268). D’Aoust pinpoints how affect can be seen as a central governing tool in migration management because, as she suggests, it is at the heart of questions regarding who can be recognised as a subject who belongs (ibid: 271). Together, these studies invite us to think of affect as a motivational factor of migrants and recourse of
bureaucrats as well as open up for further analysis of how affect can be said to structure migration management.

The contribution of the dissertation to the field of migration research

I enter the field of migration with an academic background in gender studies, Danish studies and art history. In other words, I am firmly rooted within the humanities, and this has shaped my approach to the study of migration management. I approach migration management and migration policy from a cultural studies perspective, as the negotiation and regulation of migration through notions of national belonging: who can and should belong to the nation state and what it takes to be recognisable as a subject who could potentially belong. The dissertation builds on existing research that show how family reunification has become an area of political concern in a European, including Nordic, context. My contribution to the field is both theoretically and empirically. Empirically, the dissertation is the first to conduct an in-depth discursive analysis of administrative documents. Theoretically, I contribute to the field by (re)thinking and examining border control and migration in an affective light. In other words, I investigate how the attachment requirement can be said to connect notions of integration and national belonging with affect. I explore national belonging as a demand of affective orientation towards the Danish nation state.

National attachment: A case of everyday bordering

In this part, I outline a newer branch of migration research that has contributed to the field by rethinking migration management and border control as everyday bordering practices within, for instance, the Nordic welfare state. As this body of scholarship has shown, border control does not only occur at the nation state’s territorial borders in the shape of border barriers marking the inside and outside of the nation state’s territory; it also takes place within the territory of the nation-state. The dissertation positions itself within this strand of migration research by examining the attachment requirement as an affective example of administrative bordering practices. The sections below describe the rethinking of borders as bordering practices, migration management as administrative bordering and familial ties as bordering sites, which the scholarship in
everyday bordering offers. I build on these theorisations to examine the administrative management of the attachment requirement as administrative bordering and attachment as affective bordering sites.

**Bordering practices**

The dissertation contributes to the growing body of literature on everyday bordering (see e.g. Yuval-Davis, Wemyss & Cassidy 2018; Tervonen, Pellander & Yuval-Davis 2018; Könönen 2018; Pellander 2018). As Yuval-Davis and others have shown, borders should not be reduced to external barriers; they are also (administrative) practices that structure the everyday life of migrants residing within the nation-state. As such, borders are not mere “static lines ‘containing’ populations” (Tervonen et al. 2018: 139). Rather, as Tervonen, Pellander and Yuval-Davis argue, the concept of everyday bordering shifts the analytical attention “to a processual understanding of ‘bordering’ as something that reaches beyond borderlines and into everyday life” and that structures social relationships as well as migrant subjectivities (ibid: 139).

Taking administrative documents as an analytical entry point, the dissertation sheds light on how applications and decision letters can function as instances of everyday bordering practices. For instance, a residence permit can become a personalised border that enables state control of non-citizens access to the labour market as well as health and social services (Pellander 2018). As such, national borders are not merely external barriers or “places of exclusion at the territorial edges” (Könönen 2018: 144) that migrants must pass or navigate to gain entry into Denmark. Bordering practices also take shape and are upheld through legal-administrative documents such as residence permits.

**Migration management as administrative bordering**

The aim of my study is not to shed light on the attachment requirement alone but rather to shed light on the administrative function and handling of it. In this sense, I investigate migration management as a collection of administrative bordering practices. Building on the concept of everyday bordering, sociologist Jukka Könönen (2018) introduces “the concept of administrative bordering to emphasise the significant role of the
administrative practices and discretionary power in migration governance” (ibid: 143, italics in original). Drawing on this concept, I highlight administrative governance as a central part of bordering practice that takes place on an everyday level. Although immigration “fundamentally a bureaucratic process, yet surprisingly, little attention has been paid to the concrete administrative practices in the migration literature” (ibid: 143). Following on from Könönen, I contribute to migration scholarship by highlighting the administrative handling of attachment as a concrete example of an administrative bordering practice.

An example of administrative bordering is the differences in legal status between migrants and people with citizenship (ibid: 143). As Könönen points out: “Immigration does not designate a linear path towards citizenship; rather it consists of transitions in legal positions and overcoming various institutional and bureaucratic requirements for legal residence” (ibid: 143). Könönen here draws attention to the fact that immigration, although often understood as such, is not a linear trajectory towards citizenship as an imagined endpoint. Here, the attachment requirement serves as an example of an institutional and bureaucratic requirement for legal residence that governs the legal position of the applicant. Administrative bordering thus refers to borders as not only internal but also personalised borders manifested in administrative documents.

In the dissertation, I build on the concept of administrative bordering to shed light on the migration management of marriage migration. I find the concept useful, because it makes visible how border control is (also) a matter of administration. Taking inspiration from Könönen’s analysis, I analyse the administrative bordering of attachment, understood as personalised borders, in the management of which transnational couples had to take part.

**Affect and attachment as bordering sites**

It is worth noting that the conceptualisation of migration management as administrative bordering also influences how I think of national attachment as a bordering site. In this way, the dissertation builds on and contributes to the migration literature on everyday bordering by reflecting on how affect, emotions and attachment can be seen as bordering practices. To address national attachment as a bordering site, I
build on the scholarship in everyday bordering. In particular, I look into migration scholar Saara Pellander’s (2016, 2018) research on notions of care, dependency, family ties and the ageing body as bordering sites within Finnish immigration administration. Pellander shows how, in the case of Finland, “the ambivalent concept of dependency is a central criterion in determining whether elderly people are granted residence permits” (2018: 159). She highlights how Finnish family reunification policies rest on certain notions of the elderly body as a body in need of care (ibid: 165). This also affects the way that we understand national borders: “Borders cut through the lives of transnational families, and familial ties are shaped by struggles over belonging and the threat of separation and deportation” (ibid: 159). As Pellander describes it, it is not simply that borders may be seen as a hindrance that severs family ties but rather, that family ties have become instrumentalised as sites of bordering. As Pellander hints, this can also be seen as a part of the biopolitical regulation of the population “that intrudes into the private sphere” (ibid: 164). I find Pellander’s conceptualisation of borders a fruitful perspective in my study of the legal requirement of national attachment as a bordering site and therefore an example of administrative bordering practices; for instance, the administrative documents construct national attachment as a set of ties to the Danish nation-state on which couples, especially the sponsor, had to work. Through the lens offered by the scholarship on everyday bordering, we may think of the attachment requirement as an affective bordering site.

The contribution of the dissertation to the scholarship in everyday bordering

The dissertation contributes to the growing body of migration scholarship in everyday bordering and its rethinking of national borders, border control and migration management. As such, Borders can also take shape through administrative bordering practices (Könönen 2018) that structure the everyday life of migrants residing within the nation-state. I also contribute by reflecting on and examining the attachment requirement as an example of affective bordering sites (Pellander 2018). In other words, by examining the concept of national attachment, I seek to show how notions and ideals of affect can be instrumentalised as bordering practices.
Chapter 2

Background: The political history and administrative management of the attachment requirement

This chapter introduces the attachment requirement as a condition governing family reunification to Denmark. In the chapter, I situate the requirement within a brief political history on recent Danish immigration policy and discuss the administrative interpretations of it into legal practice. As such, the chapter situates the requirement as a policy example of the restrictive turn in Denmark as well as in Europe. I also situate the requirement as an example of a cultural turn within Danish integration policy that equates integration within cultural adaptability. As such, the chapter serves two purposes. First, it serves as a reference guide by describing the political context and administrative management of the attachment requirement. Thus, it can be read as an independent chapter that introduces the central focus of the dissertation, namely the attachment requirement, and use it as a reference guide to return to as a reminder of particular details about the content and implementation of the requirement when reading the rest of the dissertation. Second, I lay out an interpretation of how the legal literature and administrative documents understand and evaluate attachment.

During the research process, the attachment requirement was abolished, moving it from the field of a current policy to a matter of contemporary migration history. This does not mean that my study became irrelevant when the requirement was replaced in 2018. Rather, the attachment requirement still serves as a central and recent example of the affect in the biopolitical governing in the field of migration. To clarify, the dissertation is not a legal study of the jurisprudence and management of the requirement or its legal consequences. Rather, the dissertation offers a biopolitical study of the affective governing of the attachment requirement in the field of marriage migration.
In what follows, I outline the political background that informed the introduction of the attachment requirement. During the 18 years in which the requirement was in force, few amendments were made to it. Noticeably, only few and temporary major changes were made to Danish immigration law during the same period.\(^8\) Despite a tightening of the definition of the requirement in 2002, and further temporary tightening in 2011, the attachment requirement remained the same in terms of the criteria used to assess it. The relative lack of major legal amendments or administrative changes suggests political satisfaction with the function and efficacy of the requirement. I begin by situating the requirement within a national and international history of how examples of concepts of attachment have governed Danish and American law on national belonging, immigration and citizenship. As I discuss, the history of legal concepts of attachment calls for further research into the governing of migration through notions of national attachment.

**Attachment – a ghost from the past?**

During the research process, the attachment requirement moved from current policy to contemporary history. However, I want to stress that this circumstance has not changed the objectives of the dissertation. The dissertation offers an affective biopolitical study of how the legal of attachment has governed the field of marriage migration. In this sense, the dissertation is not a migration study per se. Rather, I employ the attachment requirement as a recent case in how affect has been instrumentalised as a biopolitical governing mechanism. Although the requirement is no longer a current cog in the Danish Aliens Act, it still serves as a recent example of affective biopolitics. Furthermore, I want to stress that the attachment requirement is not the only example of attachment as an affective policy tool in the governing of migration, national belonging and citizenship. Both local and international examples of attachment exists. These examples call for investigations into attachment as governing mechanism in the field of migration, why I now present a few of them.

\(^8\) One noticeable examples was the introduction of an integration point system in 2011, which marked the temporary suspension of the 24-year requirement and the 28-year exception rule from the attachment requirement. I elaborate on these legal rules and requirements later in the chapter.
Although the attachment requirement has been the only requirement of its kind to date governing the right to family reunification, other legal concepts and logics of attachment have haunted and still haunt immigration law over the years, both in Denmark and internally. One example is the attachment clause in British colonial law, which American legislators in Maryland later tried to implement in order to reinvent pro-slavery jurisprudence after the American Revolution (Reid 2019 [2016]). As historian in early American history Patricia A. Reid (2019 [2016]: 676, 682) notes, the colonial attachment clause was used by Maryland legislators to naturalize the relation between master/slave owner and formerly enslaved African American individuals as property of their master. In this case, the attachment clause served as a legal concept that connected citizenship rights with notions of race and racial privilege. Although I do not suggest that the attachment requirement is a direct ancestor of this clause, I do note that the attachment requirement echoes similar logics. Although the attachment requirement did not state that only individuals recognisable as white ethnic Danes were eligible for family reunification, ethnic minority sponsors had a harder time fulfilling the requirement because they lacked a family genealogy and cultural bonds to Denmark as required (e.g. Block 2015; Dilou Jacobsen 2004; Lund Pedersen 2012; Stokes-DuPass 2015; Rytter 2010).

In a Danish context, a concept of attachment also regulated stay in the 1930s. In other words, for Jewish residents in Germany to be granted a Danish visa, the applicants had to have a sufficient attachment to Denmark evaluated through Danish family and (previous) Danish citizenship (folkedrab.dk⁹; Rüinitz 2005). In a recent Danish context, attachment also structure the application process for individuals born abroad who wish to maintain Danish citizenship.¹⁰ Furthermore, in criminal cases regarding entry ban,

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¹⁰ According to the Danish Immigration and Integration Ministry’s website, a Danish citizen born abroad who has never lived nor stayed in Denmark “under conditions that indicate affinity with Denmark,” will lose their citizenship when they turn 22 unless they become stateless (ibid., my translation). The assessment of the application, according to the website, entails whether the applicant has an attachment to Denmark through contact with Danish relatives or through Danish associations among other criteria. Direct link: https://uim.dk/arbejdsmoerader/statsborgerskab/danske-statsborgere/bevarelse-af-dansk-statsborgerskab (last accessed 10-08-2019).
individuals are asked if they have attachment to Denmark, for example, through family relations. In this case, it is attachment to Denmark that determine Danish entry ban.\footnote{Thank you to fellow PhD student Paulina Bala (Department of Nordic Studies and Linguistic, University of Copenhagen) for helping me develop this point. As part of the research project INTERPRETING, Bala conduct conversation analysis of interpretation in Danish preliminary hearings. Direct link: \url{https://nors.ku.dk/forskning/projekter/interpreting/} (last accessed 6-11-2020).} Finally, logics of attachment has not only governed the right to entry and stay inside Danish territory, but also internally in regards to housing policy, as per the recent example of the ghetto clause.\footnote{Introduced in 2018, the ghetto clause states that family reunification cannot be granted to a sponsor that resides in an area defined by Danish Ministry of Foreigners and Integration as a ghetto. As Bissenbakker (2019) notes, the ghetto clause can be seen as a continuation of the discourse of attachment because “it relocates the immediate threat to national attachment from the geographically external (other nations) to the geographically internal (the ghetto as a “nation within the nation”)” (ibid: 194).}

Although the attachment requirement is now a matter of contemporary history, discourses on attachment still govern entry, stay and national belonging in a Danish context. Furthermore, the mentioned examples (although not an exhaustive list) call for investigations into the instrumentalisation of attachment as migration policy tools and nation-building devices. I use the attachment requirement as a recent case to examine how national belonging and integration can be seen as intertwined with affective demands and orientations.

The attachment requirement, a condition governing the right to family reunification

The dissertation focusses on the attachment requirement that served as a condition for family reunification to Denmark. This raises an important question: what is family reunification? In a juridical-administrative context, the term family reunification refers to the granting of temporary residence to one or more foreign family members of a person already residing in Denmark. In other words, the right to family reunification made it possible for a family member abroad related to a person residing in Denmark to apply for temporary residency in Denmark for a period of up to two years.

In an administrative context, family reunification can be divided into three subcategories: 1) family reunification of spouses (i.e. a residence permit granted on the grounds of marriage or a cohabitating relationship with a Danish resident), 2) family...
reunification of children and 3) other family members. The third and final category can be seen as a residual category concerning other close family members, for example, siblings. This dissertation only explores family reunification of spouses because the attachment requirement only pertained to this particular subdivision. Overall, the term family reunification can be seen as an umbrella term encompassing different subcategories. However, if not stated otherwise, I will use the term family reunification throughout the dissertation to refer specifically to the family reunification of a spouse.

Although family reunification of spouses often centres on married couples, Danish law equates cohabiting couples with married couples. As such, cohabiting couples, able to document (previous) cohabitation could also apply for family reunification. Drawing on migration scholarship in love migration and family reunification, I use the term sponsor when referring to the spouse or cohabitating partner residing in Denmark, while I use the term applicant when referring to the spouse or cohabitating partner residing abroad. Seen from a legal-administrative perspective, a sponsor that is a Danish or Nordic citizen, a refugee or a temporary or permanent resident could apply for family reunification. As reflected in the empirical material, the applicant was usually a third-country national, i.e. a person, who is not a citizen in a member country of the European Union (EU) or the Schengen Area that also includes Iceland, Lichtenstein, Norway and Switzerland (Staver 2014: 46, note 152). That an applicant for family reunification is often a third-country national is because EU-citizens can apply under EU-rules. For instance, the right to free movement affords an EU citizen the right to reside within another EU member country, and the right to be accompanied or joined by family members, such as a spouse, in the country of residence (Staver 2014: 85; see also Staver 2013, Lund Pedersen 2012).

As Danish migration scholars Mikkel Rytter and Annika Liversage have argued (2014: 14-15), the Danish legislation aimed specifically to reduce two types of marriage migration, namely 1) marriages between immigrants already in the country and/or their children (i.e. descendants of immigrant parents) with a spouse from the country of origin of the family, and 2) marriages between a Danish citizen and a spouse abroad.
with no previous connections to the country.\textsuperscript{13} The dissertation focusses on these two subcategories, the first in particular, as these were the forms of migration the attachment requirement was implemented to target and administratively control. In addition, the concrete decisions in cases of family reunification collected during the research process specifically encompassed the first type of transnational couples.\textsuperscript{14} Rytter and Liversage argue that the first type of marriage migration can be characterised by the Danish sponsor’s (presumed) membership of an immigrant community in Denmark, with relations to the country where they found a spouse abroad, in particular, Turkey, Pakistan, Lebanon and Somalia (2014: 15). This is also borne out by the decision letters I have collected during the research process, which I return to later.

In a Danish political context, this type of migration, according to Rytter and Liversage, was framed as a political problem, “because spouses have systematically been brought to Denmark from non-European countries with predominantly Muslim populations,” and as a political effort to combat perceived forced marriages (ibid: 16, my translation). However, the tightening of the attachment requirement in 2002 resulted in the second type of marriage migration also becoming substantially affected by the condition. According to Rytter and Liversage (2014: 16), this category came to include ethnic Danish citizens marrying a spouse they had met while studying or working abroad. In 2003, as noted by Rytter and Liversage, this resulted in protests in the media regarding the resulting compromised legal position of Danes working or studying abroad to avail of their right to family reunification under the widened definition of the attachment requirement. This led to the implementation of the 28 (later reduced to 26) years-rule, providing an exception to the attachment requirement. With this in mind, I now continue to contextualise the attachment requirement within a brief political history on Danish immigration policy.

\textsuperscript{13} Rytter and Liversage (2014) also refers to a third subcategory of marriage migration. This category is marriages between, what Rytter and Liversage, categorise as Danish men and foreign women abroad, where contact has been established via the internet, bureaus or networks (ibid: 14–15).

\textsuperscript{14} Therefore, most of the decisions collected from the Danish Immigration Service related to cases where ethnic minority individuals (either immigrants or descendants of immigrants) married a spouse from the country of origin of their family.
**A brief political history**

In this section, I outline and situate the attachment requirement in recent political history in Denmark. I do not outline the political history of Danish parliamentary debates on immigration in exhaustive detail; rather I focus on important years and tendencies to contextualize the introduction of the attachment requirement. As migration scholars have discussed, the attachment requirement, a condition for the right to family reunification, can be seen as an example of the restrictive turn within European immigration policy as well as a part of the cultural within integration legislation (Schmidt 2011).

In 1983, the Danish *four-leaf-clover government*\(^\text{15}\) passed legislation that guaranteed Danish residents and refugees the right to family reunification. As researcher in cultural studies Kirsten Hvenegård-Lassen (2002) points out, the legal changes of the Danish Aliens Act can be seen as “an expression of the political will among the majority in Danish parliament to make the individual foreigner’s legal and civil rights a higher priority than the state’s scope for deciding which individuals, and how many of them should be allowed to come to Denmark and stay there” (ibid: 157, my translation). As such, the new Danish Aliens Act of 1983 gave priority to the legal right to family reunification for Danish residents and refugees\(^\text{16}\).

However, this changed in 2000, when a Social Democratic government\(^\text{17}\) introduced the attachment requirement as a condition for the right to family reunification to Denmark (among other conditions). In 2002, a new Liberal-conservative government\(^\text{18}\) tightened the definition of the attachment requirement further in two ways. Before, the law had previously stated that transnational couples’ combined attachment to Denmark had to be *equal to* their combined attachment to another country. Now, the law stated that a couple’s combined attachment to Denmark had to be *greater than* their combined

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\(^\text{15}\) The *four-leaf-clover government* was a conservative-liberal coalition between the Conservative People’s Party, the liberal party *Venstre*, the Centre-Right Democrats and the Christian People’s Party.

\(^\text{16}\) Although the government proclaimed the new Danish Aliens Act of 1983 to be the most liberal in the world (Schmidt 2011: 259; Staver 2014:72), a migration stop had been implemented in 1973 to “curb the number of arriving “guest workers,” whom Danish employers had actively recruited from the mid-1960s (Myong & Andersen 2015: 65). As such, restrictive tendencies not also characterised Danish immigration after 1983, but also before this year.

\(^\text{17}\) This government consisted of the Social Democratic Party and the social-liberal *Radikale Venstre*.

\(^\text{18}\) This government consisted of *Venstre* and the Conservative People’s Party.
attachment to another country before a residence permit could be granted. In addition, where the requirement had previously only pertained to Danish residents and refugees, it now also pertained to Danish citizens. In 2003, following the tightening of the attachment requirement, an exception was also introduced: the 28-year rule (changed to the 26-years rule in 2012). This exception stated that if a sponsor had at least 28 years (later 26 years) of Danish citizenship or legal residency, the attachment requirement no longer applied. According to legal scholars Dilou Jacobsen and Vedsted-Hansen (2017: 530) note, the political motivation behind the exception had been informed by media reports of Danes working or studying abroad, but also Danish expats\textsuperscript{19} in Schleswig Holstein, for example, had been of political concern\textsuperscript{20} (ibid: 530). In particular, the first group had a hard time fulfilling the attachment requirement after it was tightened. The political aim of the requirement was three-fold (cf. 2003 memorandum; Lund Pedersen 2012). First, to reduce general immigration to Denmark by regulating family reunification. Since the 1980s, family reunification had increasingly become a gateway into Europe, including Denmark (e.g. Block 2015; Bonjour & Kraler 2015; Eggebø 2012; Staver 2014). Second, it was an attempt to combat perceived forced marriages between Danish ethnic minority young people and spouses from their immigrant parents' country of origin. Third, the requirement was designed to secure goals of integrating immigrants and their descendants into Danish society.

In this way, the attachment requirement can be seen as an example of broader tendencies within European immigration policy by treating family reunification as both an integration problem and a sign that integration has failed (Bak Jørgensen 2012, 2014; Bonjour & Kraler 2015; Moeslund & Strasser 2008; Myrdahl 2010a, 2010b; Staver 2013, 2014). The attachment requirement can also be seen as an example of what professor in cultural studies Garbi Schmidt (2011: 259) calls the culturalist turn in

\textsuperscript{19} I use the term \textit{expats} to refer to Danes living temporarily abroad and as Danish minority groups residing outside Danish geographic territory in Germany and Argentina.

\textsuperscript{20} The then 28-year rule used Danish citizenship as a measuring stock of attachment to determine whether a couple should be excepted from the requirement. However, as Staver (2014: 110) remarks, this meant that Danish citizens residing abroad would be considered to have a stronger attachment to Denmark the longer they were abroad, while the opposite logic applied to Danish residents that spend time abroad as they were considered to lose attachment.
Danish integration policy,\textsuperscript{21} which echoes similar tendencies in a wider European context. As such, the requirement illustrated how integration has been (and are continuously) conceptualized with cultural norms (Moeslund & Strasser 2008: 23). In other words, the integration of migrants is understood to rest on their ability to cultural adaptability to Danish culture.

Returning to the political history of the requirement, 2011 was a key year. In 2011, the liberal-conservative government tightened the definition of the attachment requirement even further. Now, couples’ combined attachment to Denmark had to be \textit{significantly greater than} their attachment to another country. Alongside this change, the government implemented a \textit{point system}.\textsuperscript{22} According to legal scholar Peter Starup (2012), the political motivation for the further tightening of the requirement was to ensure that only immigrant families who “choose to be active citizens in Denmark and work towards that goal” could settle in the country (ibid: 139, paraphrasing the remarks to Bill no. L 168 of 17 March 2011, p. 23, my translation). However, these legal changes were short-lived. Later the same year, a new Social Democratic government\textsuperscript{23} came to power and made several amendments to legislation concerning family reunification. From 2012, the attachment requirement was changed back to its 2002-definition and the point system was abolished. Noticeably, the new government changed the requirement to its 2002 definition and followed the political lead of the pre-2011 conservative-liberal government.

In the summer of 2018, the \textit{three-clover-leaf government} replaced the attachment requirement with an integration requirement. This was not because of political dissatisfaction with the requirement, however, but came in the wake of a verdict in the \textit{Biao vs. Denmark} case. In 2016, the European Court of Human Rights had deemed the 26-year rule ethnically discriminatory, as it differentiated between sponsors with

\textsuperscript{21} For analysis of how culture has played a key role in Danish parliamentary debates on immigration and integration, see Hvenegård-Lassen (2002).

\textsuperscript{22} The point system modified the 24-year requirement that stated that couples had to be at least 24 years before family reunification could be granted. The point system meant that family reunification could be granted to couples under the age of 24 years depending on if the applicant could score 120 points based on several criteria such as language skills, education, and work experience among other criteria. If both parties were over the age of 24, the applicant only had to score 60 points (Dilou Jacobsen & Vedsted-Hansen 2017: 470).

\textsuperscript{23} This time consisting of the Social Democratic Party, \textit{Radikale Venstre} and the Socialist People’s Party.
Danish citizenship from birth and sponsors who had obtained Danish citizenship later in life (Dilou Jacobsen & Vedsted-Hansen 2017: 534-35). The later group primarily consisting of ethnic minority sponsors with immigration background. After the European Court of Human Rights deemed that the 26-year rule violated human rights legislation, the Danish government chose to abolish the attachment requirement.

In conclusion, the right to family reunification became condition with the implementation of the attachment requirement (along with other requirements). Overall, the requirement can be seen as example of restrictive and culturalist turn (cf. Schmidt 2011) in both Danish and European immigration and integration policy. Although the requirement stayed in the Danish Aliens Act for almost 18 years, only few temporary major legal alterations were implemented. This indicates a political satisfaction with the function and the efficacy of the requirement.

**Administrative estimations of attachment**

This section looks at the administrative interpretations and management of the law on national attachment. Although the attachment requirement was not the only condition governing family reunification from turn of the century, it was the only requirement that rested on an administrative estimation at the time. According to legal scholars Dilou Jacobsen and Vedsted-Hansen (2017: 461-62), the right to family reunification was bound by law in 1983. They explain that the legal rules did not leave room for an administrative estimation when assessing the application. Instead, a residence permit was granted depending certain conditional circumstances in the particular case. They describe the administration of the time as “a law-bounded permission system” that entailed a high degree of predictability about the legal position of transnational couples because the assessment did not deviate from the pre-determined conditions (ibid: 462, my translation, italics in original). With the introduction of the attachment requirement,

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24 For an extended legal-administrative introduction to the conditions of family reunification to Denmark up to 2017, see Dilou Jacobsen & Vedsted-Hansen 2017.
the right to family reunification now rested on an administrative estimation. This estimation was based on four main criteria of attachment, which I elaborate on later.

The administrative evaluation of attachment stayed the same from the tightening of the requirement in 2002. It should be noted that the requirement was temporarily tightened in 2011 and reversed into the 2002 definition in 2012. According to Stage (2012: 139) and Dilou Jacobsen and Vedsted-Hansen (2017: 523), the further tightening of the requirement entailed tightening up on certain criteria in the assessment process. However, they do not elaborate on which criteria. My guess would be that the criterion of employment, for example, might have been emphasised in the assessment due to their weight under the 2002 definition of the requirement.

As Vedsted-Hansen (2017: 18) point out, the legal changes and conditions can be seen as a tendency towards what he calls selective immigration control. As such, the attachment requirement not only served to reduce general immigration, and in particular, family reunification, but also functioned as a selection mechanism making it administratively possible to select between wanted and unwanted marriage migrants (Bak Jørgensen 2012). In the words of migration scholar Rytter, the attachment requirement targeted “specific groups of Danes as it [distinguished] within the pool of national citizens between the majority of ‘real’ Danes and the minority of ‘not-quite-real’ Danes. The latter group comprises the growing number of immigrants, refugees, and their descendants who have settled in the country and obtained Danish citizenship in the last 50 years” (2010: 303). In this way, the requirement made it possible to

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25 The estimation was based on the practice of evaluation stated in the 2005-memorandum (Starup 2012: 139–40).

26 I have only retrieved one rejection letter from 2011. Although this particular decision was issued in 2011, the application (as stated in the letter) was submitted in 2010; in other words, it fell under the 2002 rules. I also retrieved two approval letters from 2011, but these do not contain an assessment of the attachment requirement. Thus, they do not provide any insight into how the administration assessed the applications, including any criteria emphasised by the administration in its evaluation that would indicate a significantly greater attachment to Denmark than another country.

27 In a comparative study of Danish, Norwegian and British immigration legislation, Staver (2014) also point out that migration policy has led to selection of migrants.

28 Similarly, Stokes-DuPass (2015: 31) has highlighted the attachment requirement as an example of selection between Danes by nature (birthright citizenship) and Danes by jurisdiction (naturalisation), bestowing rights to family reunification according to if a sponsor can be considered a Dane by nature.
select between sponsors and bestow the right to family reunification based on an
evaluation of integration efforts as an indicator of whether they had earned this right.  

**Legal definitions of attachment, Denmark and home country**

A residence permit pursuant to 1 (1) a, for a person living in the country who has
not had the right to Danish citizenship for 28 years, and pursuant to 1, (1), b–d,
can – unless specific reasons including consideration of the family unit suggest
otherwise – only be granted if the spouse’s or cohabitating partner’s combined
attachment to Denmark is greater than the spouses’ or cohabiting partner’s
combined attachment to another country. (Danish Aliens Act § 9, section 7,
quoted in the 2005 memorandum: 1, my translation)

In this section, I analyse and discuss the legal and administrative definitions of
attachment, Denmark and home country. These are important concepts in the analysis
of the management of the attachment requirement. It is important to note that neither
the (quoted) Danish Aliens Act, the parliamentary debates nor the administrative
memorandum clearly defined the meaning of the legal concept of attachment, what it
denoted and how it should be understood. For instance, the memorandum on the
administrative management of the attachment requirement from 2005 presents the
administrative interpretations of the evaluation of attachment, but does not define what
attachment is. As such, the attachment requirement had the status of a common sense
concept that neither the legislation, the Danish parliament nor the administration ever
cared to elaborate on or discuss in greater detail. However, the function and
effectiveness of the attachment requirement did not rest on a stated definition of what
attachment is or was.

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29 For instance, Staver argues that these policy changes, including the attachment requirement, changed family immigration “away from a right and towards an earned privilege” (2014: 299). Similarly, Bech, Borevi and Mouritsen argue that family reunification “became a special arena of civic integration policy” (2017: 3). The attachment requirement can be seen as an example of what they call “a double conditionality imposed in this policy area – where both the civic deservingness of the sponsor and the civic integration potential of the incoming family member were evaluated” (ibid: 3, italics in original). As such, the attachment requirement can be said to mark a shift from family reunification as a basic right to a reward that transnational couples have earn.

30 See Bissenbakker (2019).

31 I present the memoranda in more detail in chapter 3.
As both the 2005 memorandum and the 2003 memorandum\(^{32}\) indicate, the administrative interpretation of the legislation can be said to rest on the evaluation of attachment. In other words, the administrative documents can be said to understand attachment in similar terms to how a meteorological device makes the natural phenomenon of temperature understandable through measurements. A meteorological device does not define what temperature essentially is, but interprets temperature through measurements in the same way that the administrative documents understands attachment only through calculation. As such, the attachment requirement was not applied by means of a legal definition, but by means of its administrative function. In other words, the memorandums present and understand attachment through its doing, rather than its being. Thus, attachment was understood through the administrative management it enabled. Therefore, my research interest consists in unpacking the doing and effect of legal discourses is not only a methodological choice; rather, the administrative documents have guided me on my analytical path. In this sense, the law – and the administrative management of it – can be said to reflect the analytical gaze of both Foucault and Ahmed because they point away from an understanding and exposure of the essence of the attachment requirement and towards the administrative use of the concept.\(^{33}\)

Although the administrative texts do not explicitly discuss and ascribe meaning to the legal concept of attachment, it is worth noting that the concept was ascribed meaning through its administrative function as well as in translation into English. Noticeably, there are different translations and interpretations of the Danish word *tilknytning* in the English versions of the administrative documents, in which I identify a shift in the ascribed meaning of the concept of attachment. For instance, the word *tilknytning* is translated as *attachment* in the English versions of the application packets (FA1 2018; FA10 2018). However, in the decision letters, it alternates between *aggregate ties* (used most frequently in the decisions) and *connection* (which appears less frequently). These examples point towards a small shift in the interpretation of what attachment denotes. However, all three signifiers (*attachment, aggregate ties, connection*) point towards an

\(^{32}\)The 2003 memorandum discuss the administrative evaluation of the sponsor’s employment concerning the 24-year rule, and the attachment requirement, but did not go into further detail about the actual evaluation of the attachment requirement.

\(^{33}\)I elaborate on the theoretical foundation of the dissertation in chapter 4.
understanding of attachment as an affective relation or bond between the sponsor (and to a lesser degree the applicant) and the nation-state. In conclusion, the administrative documents understand the legal concept of national attachment as a quantitative phenomenon that amount to a calculation.

As the assessment of the attachment requirement was a comparative evaluation of transnational couples’ combined attachment to Denmark and their home country, it becomes relevant to take a closer look at how the administrative documents understand the signifiers Denmark and home country. Concerning the concept of Denmark, the administrative documents alternate between different understandings. For example, the decision letters use different understandings interchangeably. In some instances, Denmark refers to geographical location (and national identity as a formal relation to Denmark as a geographical area). Other times, Denmark denotes an ethnic community and a symbolic product of language and culture. As such, membership to this community requires a family genealogy (kinship) to the national community. At other times, Denmark refers to the national labour market.

The flexible definition of Denmark also gave a certain flexibility to whom could be recognisable as subjects that (potentially could) belong in the Danish nation-state. For instance, individuals from Danish minority communities abroad could still considered national subjects, for example, due to their family genealogy and by speaking Danish. On the other hand, this flexibility also casted suspicion on the national belonging of immigrants and their descendants because they lacked a family genealogy in Denmark among other things in the eyes of the administration.

Here, the question of what the administrative documents understand as a home country becomes relevant. The administrative documents do not offer a clear definition either. The decision letters use home country as a country of origin. If the sponsor had immigrated to Denmark, their home country would be the country they was born and raised in and held (formerly) citizenship. If the sponsor was a descendant of immigrant parents, their home country would be the parents’ country of origin, regardless whether the sponsor was born and raised in Denmark.

The assessment of couples’ national attachment drew on the construction of the nation-state as a geographical territory where an ethnic (homogenous) community, defined by
kinship and a shared history, culture and language, naturally belong. With this in mind, we might say that the assessment of the attachment requirement served as an assessment of transnational couples’ integration efforts and potential. More precisely, the assessment seemed to determine whether transnational couples’ ability to adapt culturally to idealized notions of the Danish nation-state, understood as a cultural community and labour market.

Although neither the law nor the administrative documents clearly defined the concepts attachment, Denmark and home country, the way they use these concepts tells us that the meaning of the concepts is so conventionalised that they do not need clarification. In other words, they have a common sense status in the documents. In conclusion, the documents understand attachment as a calculation through four main criteria, while they documents understand Denmark as nation-state and an ethnic and cultural community and home country as a country of origin of the immigrant or immigrant parents in the case of descendants.

The criteria of attachment

Assessments was based on four main criteria, which I will now present and discuss. The main administrative body that handled (primarily first-time) applications for family reunification was the Danish Immigration Service, a directorate that operated under the former Ministry of Refugees, Immigration and Integration Affairs (Lund Pedersen 2012: 144; Vedsted-Hansen 2017: 35). The Danish Immigration Service function as the service body that administer the Danish Aliens Act and is responsible for family reunification and other immigration matters. The main administrative document, used by the Danish Immigration Service, to assess the requirement was the 2005

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34 This notion of the nation-state is also referred to as the German model (jus sanguinis) that refers to citizenship and national belonging based on kinship, in contrast to the French model (jus soli) that refers to citizenship and national belonging based on the geographical territory one is born in (Brubaker 1992: 96 et seq.). See also Yuval-Davis (1997).

35 At the time of finishing the dissertation, the Danish Immigration Service is now an administrative body under the Ministry of Immigration and Integration.
As stated in the 2005 memorandum, assessments of attachment rested on four main criteria: 37

1) The duration and character of the spouses’ stays in their respective countries
2) The spouses’ family-based attachment to Denmark and to the applicant’s home country
3) The spouses’ language skills
4) The spouses’ attachment to Denmark in terms of education and employment

Notably, these criteria remained the same throughout the period during which the attachment requirement applied. This indicates political and administrative satisfaction with the criteria as signs of attachment, as well as their administrative effectiveness. Overall, the four criteria can be described as ethno-cultural (residence and upbringing, family ties and language skills) and socioeconomic criteria (employment and education), or signs of belonging to the nation-state.

In the following, I outline each attachment criterion with regard to how the 2005 memorandum explains and instructs in how attachment should be assessed. As mentioned, the 2005 memorandum was a key administrative text, as it was the basis on which attachment was assessed (cf. Starup 2012; Dlou Jacobsen & Vedsted-Hansen 2017). I shall also reflect upon and discuss the implications and understandings of national attachment instigated by the memorandum.

1) The duration and character of the spouses’ stays in Denmark

The duration and nature of the time spent in Denmark by both the sponsor and applicant compared to the time they spend in another country is the first criterion for attachment listed in the memorandum (2005: 2–4). First, the memorandum focus on the upbringing of the sponsor as a key factor. It states that the assessment had to take the

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36 This is reflected in the rejection letters, which reference, quote and paraphrase the memorandum as the source of how the particular case has been evaluated.

37 I paraphrase from the 2005 memorandum: 2–7, my translation.
The memorandum presents attachment as a calculation, partly determined by the length and character of the stay and upbringing in a particular country. As such, the memorandum’s description of the criterion rests on a logic that argues that where and for how long a person was brought up is expected to either strengthen or weaken that individual’s attachment to a given country. In other words, attachment and integration, as described in the memorandum, can be seen as the result of upbringing and schooling in the case of the sponsor, and in terms of stays in Denmark in the case of the applicant. The memorandum here draws on a discourse that equates schooling with (attachment and) integration. As such, the memorandum understands schooling as both a means and measure of integration. It also presents upbringing as both a measuring tool for national attachment and integration, and a means by which this attachment and integration is expected to be achieved.

2) The spouses’ family-based attachment to Denmark and to the applicant’s home country

The second criterion for the evaluation of attachment, according to the memorandum (2005: 4–6) is the family genealogy of both the sponsor and the applicant. The memorandum is concerned with whether the family genealogy of first the sponsor, then

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38 The discourse equating schooling with integration can also be seen in Danish news media coverage on immigration. In the news media, schools has been viewed as both a means of integration and a measure of whether integration has been successful; see Andreasen (2005).
the applicant, include links to Denmark. Finally, the memorandum states that the evaluation must also take into account the couples’ family genealogical links to the applicant’s home country. It is important to note that, according to the memorandum (ibid: 5), the family criterion have to be included in the evaluation but cannot in itself determine whether the sponsor can be considered to have achieved a significant attachment to Denmark. In other words, the criterion cannot determine the outcome of a case on its own (as can, for example, the fourth criterion, of employment and education). The memorandum also state that the evaluation should take into account the sponsor’s close family members\textsuperscript{39} and any children resident in Denmark. In the case of the applicant, the memorandum states that the family criterion cannot determine the outcome of the case, but should be taken into account. In other words, genealogy is not a determining factor on its own. However, the memorandum states the importance of whether, by having family members who live in Denmark, the applicant has achieved a real attachment to Danish society (ibid: 6). Finally, the memorandum focuses on the couples’ family genealogy in the applicant’s home country. Here, the memorandum states that the evaluation should include whether the sponsor also has family members living in the applicant’s home country. It also describes that the evaluation should include whether the couple are related to each other, for example as cousins, as this indicates that the couple have an attachment to the applicant’s home country. Lastly, the memorandum states that information should be included about when and where the couple were married. Here, the memorandum is concerned with whether the couple has already been married in the applicant’s home country, later to remarry in Denmark when applying for family reunification.

The memorandum thus describes both \textit{what} counts as attachment (or lack thereof), for example, family, and \textit{how} it should count in the evaluation process. For the memorandum, some signs only \textit{indicate} attachment in relation to family, while others denote \textit{actual} attachment, understood as a given fact.

\textsuperscript{39}The 2005 memorandum defines close family members as parents and siblings. In addition, the application packets (FA1 2018; FA10 2018) ask the sponsor to provide information about the identity and residence of their father, mother and siblings under the section \textit{Attachment to Denmark} (FA1: 20–21; FA10: 20–21). The application packets, therefore, interpret close family members as the sponsor’s parents and siblings.
In this context, I want to return to the memorandum’s concern about the possibility of the couple being cousins. Although the logic of this presumption is not explicitly stated in the memorandum, it could be argued that culture-essentialist notions of cousin marriage as a common practice in parts of the Middle East underpinned this logic. This could also explain why the administration viewed this practice in itself as a sign of national attachment to the applicant’s home country. As cultural studies scholar Garbi Schmidt (2011) concludes in her study of the Danish political debates and legislation on transnational marriages and family reunification – and as the memorandum can be said to highlight – “transnational and traditionally arranged marriages serve as images of otherness that allow of boundary defining and even exclusionary practices” (ibid: 272).

Returning to the second criterion, on family, the memorandum draws on a discourse that situates family as an indicator of (symbolic) membership of the national community.\(^40\) The discursive constitution of the family as symbolic membership of the nation-state has a long history. In the case of the attachment requirement, this symbolic sense of belonging can be said to be taken in a literal way, as family has been converted into a criterion for national attachment.

3) The spouses’ language skills

The third criterion listed by the memorandum (2005: 6–7) is that of couples’ language skills and preferred language. The memorandum is specifically concerned with the sponsor’s Danish language proficiency. It states that if the sponsor can hold a conversation in Danish without noticeable difficulties, it would strengthen the couple’s case in the overall evaluation of their attachment to Denmark compared to another country (ibid: 6). The memorandum outlines some possible ways the couple can prove

\(^{40}\) Other scholars has investigated the discourse on family and kinship as signs of membership and belonging to the nation-state, see e.g. Collins (1998), Olwig (2008) and Rytter (2010). For instance, black feminist scholar Patricia Hills Collins (1998) offers crucial insight into how categories of gender, race, class and the nation intersect and mutually construct each other. Collins argues that “Families constitute primary sites of belonging to various groups: to the family as an assumed biological entity; to geographically identifiable, racially segregated neighborhoods conceptualized as imagined families; to so-called racial families codified in science and law; and to the U.S. nation-state conceptualized as a national family” (Collins 1998: 63). As Collins highlights, it is the family that is understood to constitute membership and belonging to other groups, including to the nation-state (in turn, often understood as a national family). Similar to Collin’s analysis, Rytter (2010) has examined how kinship images and notions of the figuration of the Family of Denmark have shaped Danish immigration policies, including the attachment requirement. As these scholars point out, family and kinship is often understood to indicate national belonging.
their proficiency, such as course certificates documenting tests taken. If the sponsor cannot document Danish language skills, and this criterion will be a determining factor, the memorandum states that the police will facilitate a meeting with the sponsor to assess their Danish. Although the sponsor is the main focus of the memorandum, the document also states that the Danish of the applicant, which they might have acquired through previous stays in Denmark should be taken into account. In addition, the memorandum states that the couple’s shared language, including communication in a language that was not Danish, should be included in the assessment. According to the memorandum, if the sponsor cannot speak Danish and shares the same home country as the applicant, the couples’ attachment to that country will be considered greater than their attachment to Denmark, despite the length of the sponsor’s stay in Denmark (which would otherwise tip the balance in favour of attachment to Denmark). The memorandum also presents the sponsor’s lack of Danish language skills as a sign that the sponsor has not made an effort to integrate into Danish society (ibid: 7).

Lastly, the memorandum directs attention towards attachment as a calculation of transnational couples’ potential for integration. The articulation of linguistic attachment can be said to rest on an integration logic: as such, the couples’ level of proficiency in the Danish language is seen as the measure (and means) of successful integration. In this sense, the calculation of the sponsor’s (potential for) integration can be said to determine the integration of the applicant. In the memorandum, language is viewed as both a measure of and a means to national belonging in Denmark. This equivalence of national belonging and language (more specifically, linguistic variations and dialects) can also be seen in sociolinguistic research. For example, in a recent article from 2020, sociolinguistic researchers Malene Monka, Pia Quist and Astrid Ravn Skovse present a quantitative analysis of the relation between Danish young people’s use of linguistic variations and their place attachment. The authors draw on a concept from environmental psychologists Hidalgo and Hernández that define place attachment as “an affective bond or link between people and specific places” (Hidalgo & Hernández 2001: 274, quoted from Monka et al. 2020: 4). In their study, the authors operationalise place attachment in a quantitative study of participants’ affective bonds to local places. Noticeably, their conceptualisation of attachment as a bond resonates with the
empirical material, especially the configuration of attachment as a bond to the nation-state in the rejection letters. Both concepts seem to have functioned as measuring tools, making affective bonds to a (local or national) place quantifiable and therefore manageable. While Monka, Quist and Skovse use place attachment to shed light on how Danish young people cope with local belonging through dialects and multi-ethnic styles, national attachment in migration law was politically operationalised to quantify and make national belonging and migration administratively manageable. Where the authors use the concept of attachment to make affective ties to the local community measurable, I employ the legal concept of attachment to examine critically the administrative management of transnational couples.

4) The spouses’ attachment to Denmark in terms of education and employment

The memorandum (2005: 7–8) presents the spouses’ education and employment history as the fourth and final criterion for the evaluation of attachment. Here, the sponsor is again the primary concern of the memorandum. The first part of this section centres on the sponsor’s employment history in Denmark. The memorandum mentions the nature of the sponsor's attachment to the Danish labour market, the type and duration of their employment, and whether they has achieved an attachment to the labour market through Danish education. It also states that an assessment of the nature of the sponsor’s employment must take into account whether it will further the sponsor’s integration. The memorandum goes on to elaborate that employment entailing a significant degree of contact and communication with colleagues and customers in Danish can be considered to further the sponsor’s integration. The memorandum mentions stable employment (for four-five years) that does not amount to appreciable contact with Danish-speaking people and will not normally be seen as furthering integration to the extent that the sponsor can be considered to have achieved a significant attachment to Denmark. The memorandum also states that if the sponsor has at least seven or eight years of stable work experience, it indicates that they has achieved a significant attachment to the country, regardless of whether the employment itself has furthered their integration. Finally, the memorandum includes an evaluation of the sponsor’s educational background, stating that if the sponsor has studied full-time for a professional qualification and has been employed in the field since
graduation, this should be taken into account. In addition, it states that the evaluation should take account of whether the sponsor has completed (or are in the process of completing) a higher professional qualifying education.

The memorandum describes the sponsor’s employment history as a key factor in the assessment of attachment to Denmark. Notably, the memorandum (2005) does not mention voluntary work in an association or whether this counted as employment in Denmark. However, two cases from the Danish Appeals Board’s\(^{41}\) reveal that voluntary work did not count as employment.\(^{42}\) This decision is perhaps surprising given that participation in associations has otherwise been recognisable as a particular Danish cultural tradition. Former Minister of Culture, Bertel Harder (from the liberal party *Venstre*), published the Canon of Denmark in 2016 as a way of making Danish values and traditions visible and preserving them in the future, and this lists “participation in the life and work of associations and volunteering” as particular Danish values.\(^{43}\) Although recognisable as a special Danish value, the administration did not count voluntary work for associations as a signifier of national attachment to Denmark. The criterion of employment seemed to be as much about ideals of cultural adaption as financial self-support (although the latter was also an additional requirement and condition of the right to family reunification). I also want to draw attention to how the memorandum articulates employment as an activity that it expects to improve the sponsor’s Danish language proficiency and contact with Danish society.\(^{44}\) This brings me

\(^{41}\) The Danish Immigration Appeals Board hears cases concerning applications for family reunification (among other types of immigration cases) that have been rejected by the Danish Immigration Service. On their website, they list examples of decisions in appeal cases as examples of their practice. I refer here to the decisions of 19 July 2016 and 1 May 2014. For further information about the examples, see chapter 3. Direct link: [www.udln.dk](http://www.udln.dk) (last accessed 6-10-2020).

\(^{42}\) In the decision dated 19 July 2016, the Appeals Board chose to confirm the Danish Immigration Service’s initial rejection of an application for family reunification between two citizens of Bosnia-Hercegovina. Summarising its decision on the website, the Board states that the sponsor had done voluntary work at a karate club once a week for two years (from 2010 to 2012). The Board found that the voluntary work had not been proportional to – and by its nature could not be equated with – the attachment and integration that the sponsor could have built up by taking an education or having a job in Denmark (cf. the Danish Immigration Appeals Board website).

\(^{43}\) Direct link: [www.danmarkskanon.dk](http://www.danmarkskanon.dk) (last accessed 23 April 2020).

\(^{44}\) As noted by anthropologist Karen Fog Olwig (2008), “exposure” of immigrants as an integration strategy is not new in Denmark. Olwig argues how an integration sector and programmes have been created that target immigrants and refugees in Denmark and aim to improve their cultural skills required to be part of Danish society (ibid: 233–34).
to my next point, which is to do with how the memorandum equates employment, attachment and integration. As my description of the content of the memorandum reveals, it articulates employment as a sign of both attachment and integration. However, the relationship between the two concepts is rather unclear in the document. Overall, the memorandum follows a mathematical logic in which the relation between employment on the one hand and attachment and integration on the other can be characterised as correlational. As such, the degree and length of employment in Denmark determined the degree and strength of attachment and integration. This can also be described as a relationship between cause and effect, in which employment is the presumed cause of or condition for attachment, and/or integration is the desired effect. However, it is unclear whether the memorandum understands employment as a condition for national attachment, understood as a condition for integration as the final and ideal cause and goal (ergo: employment => attachment => integration). In other instances, the memorandum seems to understand employment as a condition for both attachment and integration (employment => attachment + integration). Finally, in one instance the memorandum can be said to articulate employment as a condition for integration, here understood as the intermediary of employment and attachment, where attachment is understood as the end goal (employment => integration => attachment).

I want to stress that my aim is not to reveal the true administrative interpretation of the three signs; nor is it to criticise the administration for being unclear. Rather, I note how the signifiers of attachment and integration follow a circular logic in the memorandum, especially in the section on employment and education. In this way, they point towards each other and each is understood as the condition for the other. Noticeably, the memorandum equates the two concepts as significant goals and effects of employment and so on.

Concluding remarks on the attachment criteria

It is important to note that the memorandum (2005: 2) states the practice it describes for assessing the attachment requirement, including the criteria listed, serves as general
Overall, the four pillars of national attachment (language, family, country of upbringing and employment/education), as they appear in the memorandum, can be read as ethno-cultural and socioeconomic criteria that denote couples’ potential and ability to adapt culturally adapt to Danish society. As the memorandum indicates, the criteria can be seen as weights on a scale, where some weighed more heavily than others. For example, employment weighs heavily. In the assessments, some signs indicated attachment, while others were understood as proof of actual attachment. As the memorandum also shows, the sponsor was the primary focus of the assessments. The attachment of the sponsor thus weighed heaviest on the scale. The focus on the sponsor can be seen in the light of a broader discursive tendency in European policy to pinpoint family reunification as a hindrance to the sponsor’s integration (Myrdahl 2010a).

At first glance, the four criteria did not seem to have much to do with affect, including love, towards the Danish nation-state compared to other countries. In other words, they did not seem to denote transnational couples’ emotional investment in or (patriotic) love for Denmark. However, as Monka, Quist and Skovse (2020) indicate in their use of the concept of attachment, we may think of attachment as an affective bond to a place. For the authors, the concept of attachment makes it possible to convert (non-tangible) affect into quantitative factors, making place attachment calculable. Although the concept of place attachment is not equal to the legal concept of national attachment, the authors use of the concept of place attachment offers a key interpretation of how attachment can be understood as a quantitative converter of affect, including love, for the nation-state. I want to stress that I do not make any claims about whether or not transnational couples loved Denmark. Instead, I view the attachment requirement as a prism through which to reflect on how national belonging can be seen as imbricated in affective logics and structures. In other words, I view the ethno-cultural and socioeconomic criteria of attachment as signs of transnational couples’, especially the sponsor’s, required affective orientation toward the Danish nation-state.

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45 That the four main criteria only served as typical factors in the assessment is also discussed in the two legal textbooks I have included in my collection of empirical material (Dilou Jacobsen & Vedsted-Hansen 2017: 524; Starup 2012: 139).
Concluding remarks

This chapter has situated the attachment requirement within Danish political history and administrative context from its introduction in 2000 until its abolishment in 2018. The requirement can be seen as example of the restrictive and culturalist turn in Danish and European immigration policy, viewing family reunification as both a means of and potential hindrance to integration, understood as cultural adaptability or assimilation. As a condition governing the right to family reunification, the attachment requirement stated that a residence permit could only be granted if couples’ combined attachment to Denmark was greater than their combined attachment to another country. The assessments was based on an evaluation of four criteria: couples’ upbringing and stays, family, Danish language skills, and education and employment history in Denmark. These can be seen as ethno-cultural and socioeconomic signifiers that denoted efforts of integration and potential of belonging. Although the memorandums do not define what attachment essentially is, they understand it through its \textit{administrative function}. In other words, the attachment requirement served as a selection and measuring mechanism, making couples’ required orientations towards Denmark calculable and transnational couples selectable.
Chapter 3

Empirical material and ethical reflections on the collection process

The dissertation takes its empirical point of departure in administrative documents, mainly application packets and decision letters. This dissertation is one of a small number of studies that conduct a discourse analysis of decision letters. To my knowledge, the dissertation is the first study to conduct a text-based analysis of the decision letters and the application packets and includes a broad variety of decision letters, both rejections and approvals, covering almost the entire timeframe that the attachment requirement was an integral part of the Danish Aliens Act. In addition, I have included letters of approval, which are a particular overlooked object of study. For the most part, migration scholars have been more interested in analysing rejected cases, in order to highlight and discuss the consequences of Danish immigration policies. I contend that including letters of approval offers additional valuable insights into the administrative management of the attachment requirement. Rejection letters, on the other hand, provide an understanding of how the Danish Immigration Service evaluated cases of insufficient attachment. Although letters of approval do not contain an evaluation of what the administration considered sufficient attachment, they nonetheless shed light on the manner in which the attachment requirement served as a condition, even after the temporary residence permit had been issued. As a condition governing the validity of the temporary residence permit, the attachment requirement continued to govern transnational couples even after the approval of their application for family reunification.

In the following sections, I present the empirical material and outline the considerations I took into account in the process of collecting it. I relate how I gained access to the legal decisions and discuss how that process has shaped the study. The collection process the

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66 Some rare exceptions include two reports by the Danish Institute for Human Rights (Olsen et al. 2004; Liisberg & Olsen 2006), and Rytter (2010).
decision letters has raised questions about management and anonymisation of case material that contains personal information. I, therefore, discuss ethical considerations regarding the management of sensitive material as caring for the empirical material and the individuals involved in the particular cases as well as questions concerning anonymisation practices and about whether the case material is representative. I was unable to select the decision letters myself as the Danish Immigration Service made the selection for me. Accordingly, I discuss the possible methodological issues that this might raise. I conclude the chapter with a presentation of the empirical material and the epistemological benefits that the different legal documents can afford. First, I will begin by describing the process of gaining access to the decision letters and the ways this process shaped the selection of empirical material.

The collection process – and how it shaped the selection of decisions

Several circumstances have influenced the gaining of access to the selection of decision letters. Initially, I wanted to analyse a selection of cases, including all their enclosed case material and documentation, such as the submitted application packets etc. Due to Danish legislation on public administration (i.e. the Danish Public Access to Information Act), however, this proved to be more difficult than I expected. In the following section, I outline collection process and discuss how it shaped the selection of decision letters.

In order to retrieve the legal decisions, I had to apply for public access to state documents at the Danish Immigration Service. As Professor in evaluation systems Dahler-Larsen points out, different legal regimes or frameworks are designed to “decide if a researcher should be granted access to a certain material at all” (ibid: 242, my translation). In my own particular case, I encountered multiple legal frameworks, for instance, the administrative principles pertaining to access to the materials, such as the Danish Public Access to Information Act. Initially, I wanted to include all case materials from each application pack; from the filled-out application forms, along with relevant attachments and documentation, to the initial decision letter, including other administrative documents that might have been enclosed in each particular case. My ambition to include all such case materials was hampered by the sheer amount of related case files and documentation in every case. It would have been both a time and
resource-consuming process for the Danish Immigration Service to select, retrieve and anonymise all the necessary and relevant case files from each individual case. According to my research notes, at the time, the physical archive contained around 1 million individual cases, 10,000 of them in the period from 2000 to 2015 and directly related to family reunification. Although not all of these relate exclusively to family reunification, the number of individual cases would have made a full overview difficult to achieve. The Danish Immigration Service had set up the digital archive in 2011, which made it easier to retrieve cases from that year on, and this influenced my choice of sample letters of approval. The archives thematically categorise the cases according to approvals and rejections and based on a list of criteria of rejection. The attachment requirement was the single criteria on file that led to most rejections. In this sense, the attachment requirement appeared to be a much more effective governing mechanism than the other requirements governing family reunification.

Due to the amount of cases in the archive, I then planned to conduct a pilot project focusing on one specific case. I applied for access to the Biao case in the summer of 2017, which the Danish Immigration Service denied. I chose this particular case because the Danish media had reported on the case at the time. However, the Danish Immigration Service rejected my request for access to the case, on the basis that my prior knowledge of the identity of the couple was in violation of the legislation on public administration. The rejection letter informed me that I could only gain access to the case if I was granted consent by the couple. Consequently, I chose a different approach. Rather than using one specific case that had gained much public media attention, I

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47 Based on a phone conversation with the Danish Immigration Service that took place in the summer of 2015.

48 The Danish Immigration Service also manage other types of cases concerning migration, including asylum, work and study permits.

49 In the case *Biao vs. Denmark*, Danish national Ousamane Ghanian Biao and his wife Asia Adamo Biao (a Ghanaian national) alleged that the Danish state’s refusal of their application for family reunification to Denmark, on the basis of the attachment requirement, was in breach with the European Human Rights Convention, article 8 (the right to respect for private and family life), alone and in conjunction with article 14 (prohibition of discrimination on the basis of race and ethnicity). See European Court of Human Rights (2016): *Biao v. Denmark* (application no. 38590/10). Direct link: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-163115%22]} (last accessed 29-8-2017).

50 The 2016-verdict of the European Court of Human Rights lead to abolishment of the then 26-years rule. See chapter 2.
decided to change course. I also suspected that the intense media coverage of this particular case would deflect from the primary aim of my study: to investigate the administrative management of the attachment requirement.

Knowing that the Danish Immigration Appeals Board had an online archive of practice examples available online,51 I began researching if the Danish Immigration Service had their own online archive of practice examples. Although legal scholars Peter Starup (2012), Silvia Adamo (2016) and Jens Vedsted-Hansen (2017) have mentioned that the Danish Immigration Service did indeed have a database of decisions on their website (Newtodenmark.dk), I was unable to trace or find it. At the time of finishing the dissertation, the Danish Appeals Board online archive is still available while that of the Danish Immigration Service is not. In a study on the requirement of successful integration governing family reunification of children, Adamo (2016: 42) retrieved three decisions from a selection of administrative cases published on the Danish Immigration Service website that, according to her, were available until 2012, when the Danish Appeals Board was established.

I have been unable to discern why the online archive of examples of decisions is no longer available online. One possible reason could be concerns related to GDPR legislation that has set new and tougher standards for administrative institutions in the protection of personal data. Here, the Danish Immigration Service may have a different interpretation and practice regarding GDPR legislation than the Danish Immigration Appeals Board. Another, perhaps equally plausible reason is that the online case examples could create a precedent in future cases.52 As such, the online case examples would potentially make the application process and assessment of the attachment requirement more transparent for transnational couples and their lawyers. Leaving transnational couples in the dark about how to achieve and document a sufficient

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51 The examples of practice for the administrative processing of appeal cases concerning the attachment requirement are still available on the webpage. Direct link: https://udln.dk/da/Praksis/Aegtefaellesammenforing/Tilknytningskravet (last accessed 3-11-2020).

52 In a report from 2004, The Danish Institute for Human Rights did recommend the Danish immigration authorities to publish case examples (in anonymised form) online “so that applicants, advisers, legislators and immigration authorities are provided with sufficient knowledge on the application implementation of the immigration law in practice” (Olsen et al. 2004: 3, my translation). The legal textbook from 2017 also discuss the importance and purpose of the published decisions as this “might (...) reduce the unpredictability that otherwise usually accompanies administrative estimates” (2017: 21, my translation).
attachment to Denmark could be construed as a way of making them governable by keeping them on their toes. In other words, online case examples (illustrating what comprises a sufficient/insufficient attachment, in the eyes of the administration) would give couples room for negotiation. This must also be seen in the context of the differences between the two administrative bodies dealing with immigration. The Danish Immigration Appeals Board is the administrative agency that hears appeals and therefore, it could be described as the lawyer for transnational couples, because it is in a position to review the practices of the Danish Immigration Service. The Danish Immigration Service, on the other hand, is the administrative agency of the (nation) state that manages Danish immigration law in practice. By its nature, the Danish Immigration Appeals Board may be more motivated to make its practice visible for couples (and their lawyers) so that they have an idea of what to expect regarding the outcome of a (possible) appeals case.

In late November, after discussions with my co-supervisor legal scholar Stine Jørgensen (Faculty of Law, University of Copenhagen), I only applied for access to only decision letters in cases where the Danish Immigration Service had assessed the attachment requirement. In concern of time and the resources, I chose to focus on the decision letters only and not include additional case materials. In a telephone conversation with a chief consultant at the Danish Immigration Service (12 December 2018), we came to the agreement that I would receive a selection of decisions, primarily rejections from 2003-2017, all of which were connected to the attachment requirement. Although I would have liked to include cases from before 2002, compare cases from before and after the tightening of the requirement, it would have required too much resource to make these cases available to me.

It should be noted that caseworkers working at the Danish Immigration Service chose the particular cases at random and anonymised the decision letters before I received them. Although I did take part in the construction and ordering of my material collection by giving input and listing criteria for the empirical material, I did not choose the particular decision letters and cases. However, I do not consider this a methodological problem. I aim to examine the administrative management of the attachment requirement why I am interested the specific cases as examples of the
practice of the Danish Immigration Service. As such, I find the selection of decisions forwarded by the Danish Immigration Service interesting, because the institution itself chose the particular cases and not despite of it. In other words, I find the selection of decision letters thought-provoking in that they represent what the administrative institution itself had seen fit to present as examples of their practice. Consequently, I find that the decision letters offer an invaluable empirical vantage point, because they reflect the institution’s self-image and self-understanding of their handling and administrative assessment of the attachment requirement.

**Research ethics: The importance of caring for the empirical material**

The collection process and storing the decision letters raises important considerations regarding research ethics. These reflections are also informed by broader tendencies within contemporary academia, which understand research ethics as a means to protect the integrity of the researcher and the university. I concur that research ethics, understood as good scientific practice, are directly related to the accountability of the researcher. However, I find the tendency to reduce ethical reflections and practices of research ethics to a question of protecting the integrity of the research and the university, troubling to say the least. This tendency does not leave much room for ethical concerns of protecting research participants, and sensitive data, which I consider a vital part of good scientific practice.

Legal decisions can be characterised as sensitive material as they may contain person sensitive information or identifiable personal information (information that can disclose or reveal the identity of specific individuals) and information about people in vulnerable or precarious positions. The latter includes cases involving, for example, racial and ethnic minorities, or people with asylum status/refugees, and include intimate information about a person’s marital status or in a more indirect way, indicate sexual orientation. The case material, therefore, requires careful and considerate management and best safekeeping practices from the researcher’s side. With regard to sensitive personal information, this did not become an issue. Due to public administration legislation, the Danish Immigration Service had anonymised the decision letters, before I received them. Therefore, I do not know the identity of the couples involved in the research, and the task of anonymising the decision was out of my hands. The
safekeeping practices I have employed to manage and protect the material were chosen out of a concern to safeguard information about individuals in precarious positions.

As professor in philosophy of ethics Matthias Kaiser\(^{53}\) argues, research ethics and issues of academic integrity have increasingly become intertwined with debates about academic policy. This was also the case when I attended an obligatory PhD course on Research Integrity, hosted by my host institution, the University of Copenhagen, in late 2017. To enumerate on Kaiser’s point, this course was in itself mostly concerned with research ethics as a way to protect the integrity of the individual researcher as well as, implicitly, the academic institutions, than protecting research informants and safekeeping sensitive empirical material. The research ethics I have practised have been shaped by reflections centred on the need to protect the empirical material (and the identity of the transnational couples in). In my view, protecting the empirical material is a vital part of accountability as a researcher. The local research service departments at both the Department of Nordic Studies and Linguistics (NorS) and the Faculty of Humanities (University of Copenhagen) have assisted me in queries regarding the collection and safekeeping of the empirical material during the process.

In taking responsibility for and care of the decisions, I have chosen to manage and store this material as if the Danish Immigration Service had not anonymised it beforehand. Therefore, I have chosen not to include examples of decision letters as attachments in the dissertation (although it would have made it easier for the reader to visualise them).

As I understand it, research is not a neutral practice of knowledge production; it can also be exploitative of its participants. Therefore, I argue that researchers have a duty of care for the research participants and the empirical material. Legal frameworks such as GDPR legislation are not alone in informing my concerns about protecting and caring for the material. Epistemological discussions within feminist studies have been a major influence.\(^{54}\) To honour this responsibility and accountability, I have stored the material safely so that only I have had access to it, anonymised it further in some cases, and registered the project with the Danish Data Protection Agency. I want to stress that I am not against current models of good scientific practice and knowledge production.

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53 I paraphrase here from Professor Matthias Kaiser’s lecture Science and Ethics – Rotten Apples or Corrupted Quality, held Wednesday June 21, 2017, at Bergen Research Summer School.

54 For a discussion of researcher accountability, see e.g. Collins (1990) and Haraway (1991).
Rather, my critique of the current understandings of research ethics lies in the view that the protection of research participants can disappear in the academic conversation on research ethics. With this in mind, I would like to see this dissertation as a testament to the importance of caring for the empirical material as a vital part of ethical practices in knowledge production.

**Anonymisation and representation**

Ethical concerns for the empirical material have not only guided safekeeping the empirical material but have also guided how I represent the cases. As such, protecting the identity of each specific couple has influenced my reflections regarding practices of anonymisation. As mentioned, the Danish Immigration Service had already anonymised the decision letters and blanked out information that might disclose particular individuals’ identities, i.e. names, personal identification numbers (CPR and bibliometric numbers) and names of workplaces, before I received them. However, I have chosen to anonymise the decisions further. In my anonymisation practice, I draw inspiration from the practice examples available on the Danish Immigration Appeals Board’s website as examples of how to reference and paraphrase cases without disclosing information that might jeopardize couples’ anonymity. When references particular cases, I have only included and referred to case information if relevant for the analysis and context. However, to uphold the anonymisation of particular persons, I have chosen not to include specific dates; for example, the specific date a particular sponsor has been granted Danish citizenship, referring only to the month and year instead.

It should be noted that my anonymisation practice has also been guided what impact anonymisation practices have on the representation of the empirical material. Anonymisation is not a neutral matter, because, as Myong argues, “When you anonymise, [empirical material] new stories and connotations are constructed” (2009: 290, my translation). Therefore, it matters if and how a researcher anonymise the empirical material. For instance, to replace identity markers can diminish or disguise certain people and populations.55 I have avoided this concern by refusing to alter couples’ identity markers.

55 For a more in-depth discussion of anonymisation and representation, see Myong (2009: 287-290).
Although the decision letters do not necessarily reflect tendencies regarding, for example, the nationality of couples that have had their application either rejected or approved, they nonetheless can be seen as representative of how the institution itself understands its practice. It is important to note that I have not replaced the categorisation of couples’ nationality when referring to particular decisions, because I think it is vitally important to state the categorisation of the nationality of the couples, in order to paint an accurate picture of how the Danish Immigration Service assessed and compared the attachment to Denmark of the nationalities. In practice, I avoid quoting information that directly refers to and thus reveals the identity of specific individuals, while retaining and quoting information regarding the nationality and citizenship of couples to draw an accurate picture of some of the nationalities transnational couples applying for family reunification.

**Descriptive overview of the administrative documents**

This section provides a descriptive overview of the administrative documents.\(^{56}\) I primarily analyse application packets\(^{57}\) and decision letters, which I supplement with other administrative documents, i.e. memoranda, legal textbooks and practice examples from the Danish Immigration Appeals Boards, to contextualize the primary empirical material. As such, the different documents help me glimpse into different aspects of the administrative process. The application packets can be seen as the textual *input* into the administrative system, while the decision letters are the textual *output* of the system. Including the practice examples from the Danish Appeal Board, I broaden the empirical material, so it includes cases evaluated by different administrative institutions: from the Danish Immigration Service, which is the first agency to process applications for family reunification (Vedsted-Hansen 2017: 35) to the Danish Immigration Appeals Board. The inclusion of examples of decisions made in appeal cases broadens the scope of the study, providing an empirical foundation that facilitates a comparison of how different institutions under the Danish immigration administration interpreted and assessed

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56 For a list of the empirical material, see Appendix 1.

57 I use the term application packets to refer to the forms and declarations that transitional couples had to fill out and submit to apply for family reunification. I borrow the specific term *application packet* from the packets themselves (FA1, 2018; FA10, 2018) to reflect the official terminology of these documents.
attachment and processed cases accordingly. I include memoranda and legal textbooks because these administrative documents provide insights into the cockpit of the administration: memoranda instructs in how to assess the attachment requirement, and legal textbooks discuss and reflect on legal questions concerning the administrative practice. In the following extended presentation of the empirical material, I also segue into the epistemological possibilities and benefits opened up by the different types of material. I begin with a description of the application packets as the textual input into the Danish immigration administration.

**Application packets**

I retrieved the application packets from the website of the Danish Immigration Service in January 2018. I was unable to determine how long the particular packets had been in use. However, the last change made to the attachment requirement was in late 2012, when it was reverted to the 2002-definition; the latest possible date the application packets could have been in use. I retrieved two application packets: FA1 and FA10. At the time, the two types of packets were available in both Danish and English (and in both pdf and word format). I chose to include both the Danish and English versions to compare and see the manner in which the English versions translate and interpret the Danish concept of attachment [tilknytning] into English.

The two application packets are almost identical in structure and content. However, they are addressed to different sponsors, depending on their legal status. FA1 was to be submitted if the sponsor was a Danish or Nordic citizen or was in possession of a residence permit on grounds other than asylum. FA10 was to be submitted if the sponsor had a residence permit on the grounds of asylum. The two packets contained two forms and additional attachments, including integration declarations. Form 1 is the applicant’s application form, and Form 2 functioned as the sponsor’s application form and was used as confirmation of the veracity of the information provided by the applicant. The forms consist, for the most part, of short questions that couples could answer by ticking off yes and no boxes. In addition, the

58 [www.newtodenmark.dk](http://www.newtodenmark.dk)

59 For more information about the application packets, see also Article 1.
couples would be asked to enclose documentation verifying the stated information; a marriage license, for example. Only a few sections encouraged both parties to provide brief, condensed answer to an open question.

When applying for family reunification, the applicant could submit their part of the application (Form 1) to a Danish embassy or consulate-general if residing abroad, or, to the Danish Immigration Service or the local police station, if in Denmark (cf. FA1, FA10). The sponsor had to submit their application (Form 2 and attachment 1 and 2, and in the case of FA1, attachment 3) to the Danish Immigration Service within 14 days after Form 1 had been submitted (ibid). The application process is strictly text-based, the application packet being the main document of the application process. If the couple had completed the application correctly and included the adequate documentation, the application would be accepted for processing; if not, the application would be refused, and if the applicant had temporary residence during the processing of the application, it would be revoked, and the applicant would have to leave Denmark (Bak Jørgensen 2012: 73). When processing the application, the Danish Immigration Service might ask for further documentation or evidence (ibid: 73). As a result, the processing period of the application could be prolonged from the three months standard time, reserved for what the Danish Immigration Service deemed simple cases, and the seven months processing time for more complicated cases (Bak Jørgensen 2012: 73; see also Lund Pedersen 2012: 150-2). If the Danish Immigration Service rejected the application, the couple could either reapply or appeal their case through the Danish Appeals Board that might reverse the initial decision. If the Danish Immigration Service approved the application, the applicant would be granted a temporary residence permit for two years.

Decision letters

Turning to the output of the administration, I received a selection of decision letters from the Danish Immigration Service. Both the structure and the language of the letters reflect typical standardised usage within the organisation (Mik-Meyer 2005: 201). Both letters use a standardised language that was used throughout the period during which

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60 See Lund Pedersen 2012 for a personal case study of the application process.
these types of letters were sent out. As noted by Mik-Meyer, standardisation is never an innocent practice (ibid: 201). Rather, by using a template “and w and with the author not actively participating in the text, can be to send a signal to the reader that the information presented represents facts” (ibid: 201, my translation). Following sociologist and researcher in governance and bureaucracy Mik-Meyer’s point, the use of standardised language gives the letters a very formal, factual tone. Although signed by a caseworker, the institutional body can be described as the actual author of the text.

The sample of decision letters consists mainly of initial rulings; in other words, it is the first time that the Danish Immigrant Service had made a decision in those particular cases. The letters cover the period 2003 until 2017, that is, they cover almost the entire lifespan of the attachment requirement. They provide both a historical overview of, and offer insight into, the long-term practice of evaluating the requirement. In the following section, I will introduce the two types of letters in more detail.

Rejection letters

The rejection letter is a letter written by the Danish Immigrant Service to the applicant, stating that the institutional “we” has chosen to reject the application. Based on an evaluation of the couple's attachment, the “we” finds that the couple does not fulfil the attachment requirement, and therefore the letter informs them that the application has been rejected. The sample consists of 18 rejection letters from 2003 until 2017, including two cases per year from 2013-2017. Although the letters are mainly in Danish, several of them begin with a summarised English version of the decision and an enclosed English copy of the legal rules.61 This is the procedure in cases where the application had been submitted via a Danish embassy abroad. In those cases, the rejection letter was issued to the particular embassy with a request that the embassy inform the applicant of the rejection.

The rejection letters deal with cases where the sponsor has an immigrant background or is a descendant residing in Denmark and seeking family reunification with a spouse from abroad (the applicant). The letters also mainly cover cases where the sponsor has

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61 These letters count 2013, 2; 2014, 1; 2015, 1; 2015, 2; 2016, 1; 2016, 2; 2017, 1; 2017, 2.
a shared home country, i.e. country of origin, with the applicant. These nationalities include Asian (China, Vietnam, Sri Lanka), African (Somalia, Ethiopia, Tunisia) and Middle Eastern (Afghanistan, Pakistan, Iraq, Iran, Lebanon) countries. As only a few of the letters explicitly categorise the nationality of the couple, I have, in most cases deduced the categorisation of the couples from the scant available information regarding upbringing, citizenship, country of residence etc. The small sample thus reflects some broader tendencies associated with, and critiques of, the attachment requirement: that is, it targeted ethnic minorities, or to paraphrase Danish anthropologist Rytter, “the growing number of immigrants, refugees, and their descendants who have settled in the country and obtained Danish citizenship in the last 50 years” (2010: 303). As the sample of rejection letters illustrates, immigrant or descendant sponsors had “a hard time fulfilling the requirement of national attachment, because they lack a long family history and genealogy related to Denmark” (ibid: 306). Although the requirement not only entailed an evaluation of couples’ family genealogy, the lack of family genealogy as well as upbringing in Denmark also counted against them in the evaluation process, ensuring that these couples had an even harder time fulfilling the attachment requirement. In relation to geographical nationality of couples, it should also be noted that some of the letters pertained to bilateral family reunion “which means cases between Danish/residence holders and third-country nationals62” (Lund Pedersen 2012: 150). One possible explanation for this tendency could be that applicants who were citizens of an EU member state could use their EU right to freedom of movement to immigrate to Denmark, while bilateral couples had to apply for family reunification in order for the applicant to be granted temporary residency in Denmark (see e.g. Lund Pedersen 2012; Staver 2014).63

The rejection letters use standardised language and structure, although they do change during the time period covered. Despite variations in structure over the years, the

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62 The term third-country nationals refers to “citizens of countries outside the European Economic Area, i.e. the EU, Switzerland, Norway, Iceland and Lichtenstein” (Staver 2014: 46, note 152)

63 EU citizens can exercise their right to freedom of movement, which includes the right “to be accompanied or joined by their family members,” i.e. a spouse (Staver 2014: 85). In other words, a third country national can enter the EU as long as they are travelling with a spouse or partner within EU borders; however, they must be able prove their relationship through documentation (for example, a marriage certificate) (Lund Pedersen 2012: 150, note 9). However, this pertained to situations in which the sponsor migrated within the EU. See also Staver (2013).
letters all contain a case summary (a summary of the most important information in the case), a summary of the legal rules governing family reunification (the legal rules that the particular case had been administering under, including references to the 2005-memorandum); then a basis of the decision (i.e. a recap of the evaluation of the national attachment of couples and the conclusion of this evaluation), and finally, excerpts from the Danish Aliens Act and other legal rules to which transnational couples were subjected. A noticeable minor shift in the tone of the discourse can be traced after 2011: though they still contain standardised sentences, the letters employed a language that was less legally intricate, and notwithstanding the formal tone, the language now closer resembled everyday language.

Letters of approval

A letter of approval is a letter also issued and written by the Danish Immigrant Service (the institutional “we” in the texts) and addressed to the applicant (the “you” in the text). The letter states that the application has been approved and grants the applicant temporary residency in Denmark. This selection includes 14 letters of approval that cover the period 2011 until 2017 with two cases per year. Owing to the large amount of time and resources necessary to retrieve letters of approval from before 2011, it has not been possible to gain access to letters from before that year. As with the rejection letters, these letters are mainly in Danish with a few exceptions in English, and like the rejection letters, these have also been issued via Danish (in one case a Norwegian) embassies.

Contrary to rejections, this type of letter does not contain an actual evaluation of the attachment requirement. Therefore, they do not offer detailed information about the couples. This is also partly due to anonymisation; The Danish Immigration Service has information that (might) disclose the identity of the couples. However, of note in some of the letters is specific information addressed to Turkish citizens; these letters imply

64 These include the following letters: 2015, 2; 2016, 1; 2017, 1.

65 In the summer of 2019, a year after the attachment requirement had been replaced by an integration requirement, the European Court of Justice delivered a verdict in a case about the application of the attachment requirement in a case of family reunification with an economically active Turkish citizen in Denmark. The verdict stated that the attachment requirement was in violation of the so-called stand-still
that the applicant is a Turkish citizen, while another letter implies that both sponsor and applicant are Turkish citizens. The English letters also explicitly categorise the nationality of the particular couple: one states that the nationality of the applicant is Pakistani, another Iraqi, while another categorises the applicant as a stateless Palestinian. However, for the most part, the letters do not state the nationality of the couples. However, do to the fact that sponsors with immigrant background had a hard time fulfilling the attachment requirement; we might presume that the particular sponsor could have been ethnic Danes.

The letters are structurally similar and standardised, consisting of several subsections that describe and affirm the validity of the residence permit, list the conditions that govern the residence permit, warn of the possibility of further check-ups to ensure the couples continue to meet the conditions, as well as instructions to the applicant to register with the local council and the Danish Civil Register in order to receive a social security card. The letters also instruct the applicant on how to obtain the residence card (the documentation that functions as proof of residence), which, according to the letters requires biometrics (a facial photo, fingerprints and a signature) to be taken at the local police station or the Danish Immigration Service’s service centre. However, the largest section of the letters is concerned with, and lists, the conditions governing the residence permit. This section is divided into a part describing the successful passing of the Danish language test as a condition for the validity of the residence permit. The letters then go on to list several other conditions that couples must fulfil, including the attachment requirement. Next, they have a section on control checks, explaining how the Danish Immigration Service might select any random couple to visit. The letters conclude with instructions outlining the application process for an extension of the residence permit as well as explaining the consequences of not applying on time. This would result in the applicant finding themselves residing illegally (and thus undocumented) and risk deportation as well as being subjected to a subsequent entry clause as part of the association agreement between EU and Turkey. For more information, go to newtodenmark.dk. Direct link: https://www.nyidanmark.dk/da/News%20Front%20Page/2019/08/Tilknytningskravet%20i%20sager%20om%20aegtefaellesammenfoering (last accessed 2-11-2020).

66 This includes the following letters: 2013, 2; 2015, 1; 2016, 2; 2017, 2. The letters from 2015, 2016, 2017 imply that the applicant is a Turkish citizen, while the letter from 2013 implies that both sponsor and applicant are Turkish citizens.
ban. Like the rejection letters, letters of approval end with excerpts from the Danish Aliens Act and other legal rules governing family reunification to which couples are subjected.

**Concluding remarks on the decision letters**

Both forms of decision letters function as (different but interrelated) legal and administrative bordering devices: a letter of approval grants and legally transforms the legal status of the applicant into a temporary Danish resident, while a rejection letter functions as an exclusion mechanism, denying the applicant residence in Denmark. The rejection letters embody the legal agential capacity to make the applicant undocumented and therefore deportable if they stay beyond the extension date. As an example of the output of the administration, I am interested in the insights into the administrative management of national attachment, understood as an affective biopolitical governing mechanism that these administrative documents can provide.

**Practice examples from the Danish Appeals Board website**

In addition to the decision letters from the Danish Immigration Service, I have chosen to include practice examples, available from the Danish Immigration Appeals Board website, in the study. These are summarised decisions, affirming or reversing each case, and setting out a basis for the Board’s decision. These cases serve as examples of the practice of the board in appeal cases regarding family reunification. I have included the practice examples of family reunification of spouses that are related to the attachment requirement. I have chosen to include these practice examples to facilitate comparisons between the discursive tendencies and patterns in the decision letters from the Danish Immigration Service, which not only characterise the practice of the immigration administration but also reflect broader administrative tendencies within other institutions as well. At the time of completion of the dissertation, 46 decisions concerning the attachment requirement were available, and the majority of them affirm

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67 Direct link: [https://udln.dk/da/Praksis/Aegtefællesammenføring/Tilknytningskravet](https://udln.dk/da/Praksis/Aegtefællesammenføring/Tilknytningskravet) (last accessed 02-11-2020).
the initial rejection by the Danish Immigration Service. In other words, the Appeals Board has reviewed the cases and upheld the initial decision by the Danish Immigration Service that the couples had a greater attachment to a home country than to Denmark.

The examples first state the decision of the board and then set out the basis for the decision, providing information about the particular case and what the board has weighted in its final assessment. Similar to the decision letters, the practice examples predominantly pertain to racial and ethnic minority spouses with an immigrant background. The decisions thus cover cases where the board has evaluated and compared couples attachment to Denmark with their attachment to Asian countries (China, Thailand, Vietnam, and Sri Lanka), African countries (Somalia and/or Ethiopia, Tunisia, Egypt, Cameroun), and the Middle East (Afghanistan, Lebanon, Iran, Iraq, Israel, Pakistan, Turkey, Kuwait, Syria). In contrast to the selection of decision letters, the practice examples also cover cases of couples with relations to Eastern European countries (Macedonia, Bosnia-Hercegovina and Serbia).

Noticeably, one case referred to a sponsor who was a Danish expat, i.e. a Danish citizen residing in the United States. The Danish Immigration Service had initially rejected the application, because the then 26 years-rule no longer applied following the verdict by the European Human Rights Court in the case of Biao vs Denmark.

In conclusion, I have included the practice examples in order to broaden the scope of the study, and to compare and contextualise the practice of the Danish Immigration Service with appeal cases.

Memoranda

In order to analyse the application packets and decision letters, I supplement the case material with instructive texts to the original purpose of which was to assist caseworkers in the assessment of the attachment requirement. I use this supplementary

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68 The cases mainly refer to these countries as the country of origin of both sponsor and applicant. However, there are a number of exceptions to this. For example, one decision concerns a sponsor who is a Canadian citizen, born and raised in Iran, as is the applicant, and who later immigrated to Denmark (decision of July 19, 2016). Other cases refer to the sponsor as a stateless Palestinian (decision of July 25, 2016; decision of July 9, 2015; decision of August 14, 2013). Most of the cases equate nationality with being born, raised and having citizenship in the same country.

69 This case is the Danish Immigration Appeals Board’s decision of October 3, 2017.
material to situate the main material within the administrative context. Whereas the application packets and decision letters can be seen as examples of the input and output of the immigration administration, the memoranda and the legal textbooks allow me to gaze into the cockpit of the administration. The memoranda are invaluable to the study, because they are administrative documents used internally in the Danish immigration administration that instruct caseworkers how to evaluate the attachment requirement. According to legal scholar Peter Starup, the attachment requirement was administered according to the 2005-memorandum (2012: 139). This is also reflected in the rejection letters that reference and quote this memorandum in the description of legal rules under which the particular case has been adjudicated.

In the study, I have included the following two memoranda in my empirical collection, both retrieved from the digital database on the website of the Danish Immigration Service:

- Ministry for Refugees, Immigrants and Integration (2003): *Notes on the Application of the 24-year rule, according to The Danish Aliens Act § 9, section 1 (no. 1), and the attachment requirement, according to § 9, section 7, namely in cases where the resident has a special employment related attachment to Denmark* [Ministeriet for flygtninge, indvandrere og integration (2003): *Notat om anvendelse af henholdsvis 24 års kravet, jf. Udlændingelovens § 9, stk. 1, nr. 1, og tilknytningskravet, jf. § 9, stk. 7, navnlig hvor den herboende ægtefælle eller samlever har en særlig erhvervsmæssig tilknytning til Danmark*].


The memorandum from 2005 is a revised version of an earlier memorandum from 2003, which I would have liked to have included, but which is unavailable on the Danish Immigration Service website.\textsuperscript{70} The memorandum from May 2003 both discusses the

\textsuperscript{70} To clarify, the memorandum from 2003 that I have listed above is dated 26 May 2003, while the other memorandum from 2003 should, according to the memorandum from 2005, be from September of that year.
amendments (and the political reasoning behind them) to the Danish Aliens Act: the introduction of the 24-year requirement and the tightening and introduction of the then 28-years rule exceptions of the attachment requirement both in 2002. The later memorandum from 2005 can be viewed as a revised version in that it focuses solely on the evaluation of the attachment requirement, listing (and discussing in detail) the four main criteria. The memoranda, especially the one from 2005, provide useful insights into the workings of the administrative *cockpit*. In addition, the rejection letters reference the memorandum from 2005 when describing the legal framework for the assessment of the attachment requirement. When I conducted the initial research for the funding application on behalf of the LOVA project, I contacted the head of office of the division of family migration who pointed me towards the 2005-memorandum’s status as a key document in the evaluation of the attachment requirement. Thus, where the decision letters represent real-life case examples of how attachment has been assessed, the memoranda— together with the legal textbooks – provide a meta-view of the interpretive questions and reflections surrounding the management of this particular part of immigration legislation.

Although both the 2017-legal textbook (Dilou Jacobsen & Vedsted-Hansen 2017: 524) and the 2005-memorandum itself (the latter being the main defining source of the practice of attachment) state that the four main criteria of attachment are not exhaustive list that may or may not denote attachment, the 2005-memorandum does not undergo any radical change from the period 2005 until the elimination of the attachment requirement in 2018. A number of exceptions were, implemented in 2011, including the tightening of the attachment requirement, the introduction of the points system and the temporary elimination of then 26-years rule; changes that were all revoked in 2012. I have been unable to find out whether the changes introduced in 2011 entailed alterations to the 2005-memorandum, or if a new temporary memorandum was used, parallel to these changes. However, Starup (2012: 139-40) writes that the administration reverted to the practice defined in the 2005-memorandum after the requirement started to use the 2002-definition again. In this sense, the 2005-memorandum served as the most significant administrative document in the life span of the requirement.
Legal textbooks

In addition to the memoranda, I have included two legal textbooks in the empirical collection:


I incorporated the latter in the empirical collection, at an early point in my PhD process, and later added Starup (2012) to provide a sense of how other textbook sources may have reflected on the administrative interpretations and practices regarding the attachment requirement. Moreover, the 2012-textbook does not take into account any changes beyond 2012, whereas the 2017-textbook (Dilou Jacobsen et al. 2017) does include the most recent changes at that time and before the attachment requirement was replaced by the integration requirement in 2018. For instance, the 2017-textbook discussed the possible administrative implications and the outcome of the *Biao-vs-Denmark* case in 2016.

The legal textbooks, along with the memoranda, have helped me situate the application packets and legal decisions in a broader political context including contemporaneous parliamentary debates, and as a part of the legislative machinery. The legal textbooks also provide a meta-view into the judicial discussions and administrative interpretative questions in regard to translating the law into administrative practice. For instance, the 2017-legal textbook (Dilou Jacobsen et al. 2017) presents itself as an introduction to the legal rules in immigration law and uses material from the Danish Immigration Service
(such as the memoranda listed above) and builds on the practice of the Danish Refugee Appeals Board, the Danish Immigration Appeals Board and the Danish court system. The blurb on the back cover of the book states that the textbook is aimed at students and researchers in legal science, as well as practitioners and lawyers working within the administration, court system and NGOs “concerned with legal questions related to foreigners entering and residing in the country” (ibid: back-cover, my translation). The legal textbooks are not only a tool for training caseworkers but also function as a handbook for them when interpreting and evaluating the law. The legal textbooks not only provide me with insights into the administrative management of the attachment requirement, similar to the memoranda, but they also provide an overview of the legal changes in Danish immigration law, as well as the legal-administrative system and institutions, whereas the memoranda contain a specific focus on how to evaluate attachment.

Concluding remarks on administrative documents

In conclusion, the collected material from the application packets, the decision letters, and the instructive administrative documents (the memoranda and legal textbooks); all combine to broaden the empirical horizon. Specific case examples from different administrative bodies (from initial rulings to decisions in appeal cases) are included, while I use the administrative documents to situate the application packets and decision letters within a bureaucratic context and reflect on the administrative management and evaluation of the attachment requirement.
Chapter 4

Theoretical reflections: Affective biopolitical perspectives on national attachment

This dissertation takes its analytical starting point in queer theoretical legal scholar Siobhan B. Somerville's (2005) call for queer theoretical studies in national belonging and citizenship to rethink the affective relation between the immigrant and the nation-state. In a study of early American naturalisation, Somerville invites scholars to “pay attention to the ways in which the state selects its own objects of desire and produces them as citizens” (Somerville 2005: 662). Somerville shifts the focus from the immigrant to the perspective of the nation-state. Rather than exploring how the immigrant desires America, Somerville focuses on how the (nation) state selects desirable and loveable immigrants. Thinking of the relation between the citizen and the state as a love economy, Somerville invites us to think of how, through immigration and naturalisation, the (nation) state “sets the terms of this imagined love, actively distinguishing between which immigrants’ desire will be returned and which will be left unrequited?” (ibid: 661). Keeping this in mind, we may think of how immigration legislation, including the attachment requirement, sketches out and sets the terms for the imagined love relationship between the (potential) citizen and the nation-state. Following on from Somerville, I examine how the attachment requirement served as a selection mechanism that made (efforts toward) national belonging calculable and measurable, and, as such, made it possible to evaluate and select between those transnational couples the administration deemed lovable and those deemed to be inappropriate objects of the love of the nation-state. As discussed in Chapter 2, I interpret the attachment requirement as a converter that translated the sponsor's national belonging and integration (and as an extension of this, the applicant's potential future national belonging) into a particular degree of lovability for the nation-state. The dissertation thus offers an analysis of the attachment requirement as a demand and encouragement
to transnational couples, especially sponsors, to make themselves loveable for the nation-state.

This chapter outlines the theoretical reflections and perspectives that together serve as the theoretical foundation of the dissertation, and that I present as an affective biopolitical reading strategy I employ in the analysis of the empirical material. For the sake of readability, I have chosen to divide the chapter into two separate yet interrelated parts. I first outline the biopolitical thinking; then I proceed to an introduction to affect theory. Affect is a more recent analytical prism within biopolitical studies. I employ affect theory as a lens through which to conceptualise affect as a vital component of the biopolitical machinery. The dissertation is thus in dialogue with biopolitical discussions of migration management, border control and national belonging, and connects these with affect theoretical views of the function of affect as a nation-building device and a technology of national belonging and citizenship. In this endeavour, I use the case of the attachment requirement to investigate how immigration and integration policy can be seen as interwoven with affective ideals, demands, investments and orientations. I suggest that, as a bio-political governing mechanism, the attachment requirement aimed to select between lovable and unlovable subjects based on calculations of their recognisability as national subjects who belonged (or could belong) in the Danish nation-state.
Biopolitical perspectives on national attachment

This section situates the dissertation within a biopolitical framework and outlines the theoretical lenses offered by this framework. I employ this framework in order to conceptualise and examine the attachment requirement as an affective biopolitical governing mechanism that regulated the population selection of immigrants and disciplined the bodies of transnational couples. Biopolitical thinking constitutes the foundational pillars of the dissertation and invites me to think of migration management as the management of life. It also invites me to direct an analytical gaze towards how notions of national attachment functioned as a calculating sorting mechanism. In this way, we may understand the requirement as a migration policy tool that folded subjects in or out of the biopolitical management of life of the population.

As such, my study of the attachment requirement as a governing mechanism raises questions of how power relates to the nation-state, and questions regarding national borders and bordering practices, migration, citizenship and national belonging.

Migration within a contemporary context, as migration scholar Helle Stenum (2011 [2010]) remarks, refers to “the movement of people from one state entity to another” (ibid: 12). Referencing philosopher Étienne Balibar, Stenum points out that migration “is unthinkable without nation states, borders and citizenship that separate the human population into collectives of citizens” (ibid: 12). In this view, migration is inseparable from the imagined division of the world into nation states, each with a clearly defined territory and populated by citizens who naturally belong there. From this perspective, we may see migration management as a regulation of migration within a given nation-state. Migration management, as Stenum adds, has to do with “regulating access to territories, privilege and status within relatively wealthy nation states, and the maintenance of native citizens’ rights” (ibid: 10). Migration management is not only the regulation of entry, stay and the production of citizenship in the state, but also the regulation of the rights of its citizens, including the right to family reunification.

In the following, I introduce the French historian of ideas Michel Foucault’s reflections and conceptualisations of biopolitics, and later developments and rethinking of it.
Biopolitics thus invites me to think of the attachment requirement as a governing mechanism that regulated the Danish population and aim to affectively discipline subjects. Here, the biopolitical framework goes well together with affect theory, which I introduce later, and its invitation to think of affect as orientational. I want to stress that this chapter does not offer an extensive overview of all aspects of and contributions to biopolitics. Instead, I have structured the following sections around central concepts, analytical insights and discussions that have shaped or guided me in the analysis of the administrative management of the attachment requirement. These include theoretical reflections and clarifications of the nation-state, power and racism as what Foucault calls a caesura, marking a break between life and death in the biopolitical economy. I distinguish between citizenship as a legal subject position in the state and as culturalised notions of belonging to the nation. I also theorise the attachment requirement as a measuring and calculating device in the light of discussions and contributions to the study of political numbers. I begin by describing the study as a biopolitical study rather than a governmentality study. Then, I outline the concept and analysis of bio-politics (and biopower), and how this concept of power takes shape through the regulation of the population and the disciplining of the body in the administering and optimisation of life.

**A governmentality or biopolitical study?**

Overall, the dissertation is inscribed within and builds on a Foucauldian framework in biopolitics and governmentality. However, my study is perhaps more in line with biopolitical thinking than with governmentality studies, which are predominantly conducted within social science disciplines (see, e.g. Dean 2004 [1999]; Rose 1999; Stenum 2011 [2010]). I wish to stress that I do not view these two analytical concepts and approaches as completely separate (and separable) entities, but rather as two concepts that each focus on different aspects of governing practices and regimes. Introduced by French philosopher Michel Foucault, the concept of governmentality offers a modus to conceptualise the governing practices of modern society. In his introduction to governmentality, sociologist Mitchell Dean adds that governmentality refers to “the long process by which the juridical and administrative apparatuses of the state come to incorporate the disparate arenas of rule concerned with his government
of the population” (2004 [1999]: 20). According to this perspective, governmentality offers an analytical gaze into the governing of the population by the administrative apparatuses of the state. Dean adds that this long process also includes “the administrative imperative of the health, welfare and life of populations, or what shall be referred to as bio-politics” (ibid: 20). In Dean’s interpretation, biopolitics can be viewed as an analytical area of governmentality studies that brings the governing of the life of the population to the forefront. Although I do view the two approaches as interrelated, I would still describe this dissertation as a biopolitical study, rather than a governmentality study, because I investigate the attachment requirement as a migration policy that folded transnational couples in or out of the administering of life of the population.

Migration management as biopolitical administration of life

To investigate the administrative management of the attachment requirement, I draw inspiration from the biopolitical thinking, introduced and developed by the French historian of ideas Michel Foucault. In the final chapter of The History of Sexuality, vol. 1: The Will to Knowledge (English translation 1978, original French version 1976), Foucault reflects on the concept of biopolitics understood as a shift in power regimes from the eighteenth century onwards. Where the old sovereign power (the king) was characterised by the power to kill or let live, biopolitics marks a shift to the power regime of modern society, which is characterised by the governing and of life as its political task. Foucault explains:

The old power of death that symbolized sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life. During the classical period, there was a rapid development of various disciplines – universities, secondary schools, barracks, workshops; there was also the emergence, in the field of political practices and economic observation, of the problems of birthrate, longevity, public health, housing, and migration. Hence there was an explosion of numerous and diverse techniques for achieving

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71 For an extensive introduction to governmentality as a concept and analytical approach, see Dean (2004 [1999]).
the subjugation of bodies and the control of populations, marking the beginning of an era of “bio-power.” (Foucault 1978: 139-40)

As Foucault points out, the establishment of the modern (nation) state also marked a shift in power, a shift in which life is made the target of administrative governing and calculation. This provides me with a lens with which to encapsulate migration as a phenomenon and a field of political concern and problematisation. In other words, with the era of biopolitics, migration becomes a problem for the governing of the life of the population.

It is worth noting that Foucault juggles with two concepts, namely biopower and biopolitics. However, he does not use them as synonyms; rather, he uses them to denote two intertwined aspects of the power of optimisation of life. As criminologist Roddy Nilsson (2009) mentions in his introduction to Foucault, biopower can be seen as “power over life,” which “encompasses scientific knowledge and administrative techniques, but is also a network of institutions” (ibid: 114, my translation). As such, Nilsson understands biopolitics as a strategy that implements biopower (ibid: 114). In other words, we may see biopower as the political rationale, while bio-politics can be seen as the transposition of that rationale in society. Following Nilsson’s distinction between the two, I use the term biopolitics throughout the dissertation because I am investigating the transposition of biopower in society. Biopolitics offers a lens through which to examine how the governing and optimisation of life entails the regulation of the population and disciplining of the body. Biopolitics is concerned with family and patterns of migration, and makes them a problem for governance and administrative interventions (cf. Lemke 2011; Dean 2004 [1999]). Biopolitics thus offers a lens through which to see migration management as an institutionalised example of the administration of life on both the individual level and the level of the population.

Two forms of biopolitics: Regulation of the population and disciplining of the body

For Foucault, biopolitics developed along two poles, with the optimisation of life taking the form of the regulation of the population on one hand and the disciplining of the body on the other. Foucault clarifies that the two forms should not be seen as opposites: “they constituted rather two poles of development linked together by a whole intermediary
cluster of relations” (1978: 139). They should be viewed not as two clearly separable entities, but rather as two poles through which biopolitics takes shape.

Foucault identifies the first form as the disciplining of the body. More precisely, this form centres on “the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces” (ibid: 139). In this way, the biopolitical discipline of the body seeks to corrugate and encourage the body to do certain purposes and actions, for example as labour to support the economic system. In the context of migration, we may think of integration policy as the disciplinary governing of subjects to adapt culturally (assimilate) to the norms of national belonging.

Foucault identifies the regulation of the population as the second form. This form centres on the human body: “(...) the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary” (1978: 139). Biopolitics also takes the shape of governing and regulation at the level of the population. It is not only concerned with the life and health of the individual, but disperses the biological processes of human beings to the level of the population (Lemke 2011). Biopolitics aims to govern and optimise life, which is why it produces subjects and populations as the targets of administration through division, evaluation and measurement to define norms and normalise them.

The dissertation thus builds on the biopolitical thinking of Foucault in the analysis of the attachment requirement as a governing tool in the regulation of family reunification. Biopolitics offers a lens through which to view attachment as a policy that aimed to regulate the population by limiting marriage migration and to discipline subjects through demands for national attachment to Denmark.

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72 Social science disciplines conventionally differentiate between Foucault’s earlier work on panopticism and his later work on governmentality (e.g. Lindgren 2005). Nonetheless, I do not operate with a clear distinction between earlier and later Foucault. Instead, I read his later work on biopolitics as refinements of the questions he raises regarding power technologies and discipline in his work on panopticism.

73 For an analysis of Danish integration policy as aiming to discipline aliens into the image of the good citizen, see Hvenegård-Lassen (2002).
Biopolitical reflections on the nation-state

My study of the migration management of attachment requirement also open up the question of what I mean when I refer to Denmark as a nation-state. As mentioned by Stenum, migration (and the management thereof) is unthinkable without nation-states. She adds to this point, by defining migration management as “an institutionalized conceptualization of the governing and governmentality of nation-states and state cooperation in the field of human cross-national mobility and residency” (2011 [2010]: 27). In Stenum’s view, migration management can be seen as the governmentality and administration of and between nation-states. Keeping this in mind, we may see the Danish Immigration Service as the immigration administrative body of the nation-state that administers Danish immigration law and processes migration-related applications. This raises important questions of how we may understand the concept of the nation-state as well as its citizens from a biopolitical perspective.

The term nation-state combines two terms, namely nation and state. As noted by feminist scholar in migration and national belonging Nira Yuval-Davis (1997) the concept “assumes a complete correspondence between the boundaries of the nation and the boundaries of those who live in a specific state” (ibid: 11). In Yuval-Davis’ interpretation, the term nation-state presumes coincidence between a geographical territory of a state and a national community. In line with political theorist Benedict Anderson’s (2006 [1983]) work on the nation (state) as an imagined community, Yuval-Davis adds that the notion of the nation-state is a fiction:

There are always people living in particular societies and states who are not considered to be (and often do not consider themselves to be) members of the hegemonic nation, there are members of national collectives who live in other countries, and there are nations which never had a state (like the Palestinians) or

74 Drawing on a biopolitical framework, I do not view power as a single entity that the nation-state possesses. As Nilsson (2009: 79) describes it, a Foucauldian conceptualisation of power is a critique of the notion of power as sovereignty that legitimises different ways of governing. Moreover, the idea of power as sovereignty “also implies a substantialised form of power that power »is owned« or is possessed by someone or some people” (ibid: 79-80, my translation). In this sense, a Foucauldian approach to power rejects the notion of the state as the centre and source of power. More precisely, the state both manages power and is in itself underpinned by power relations. In a Foucauldian framework, the state may be seen as “an effect or codification of the power relations that make it possible” (ibid: 80, my translation). Following on from this, the nation-state can be seen as simultaneously the manager of and underpinned by power relations. See also Agamben (2000).
which are divided across several states (like the Kurds). However, this fiction has been at the basis of nationalist ideologies. (Yuval-Davis 1997: 11)

As Yuval-Davis points out, the concept of nation-states can be seen as a particular way of dividing up the world, drawing on an imagined notion of a coincidence between a certain geographical territory and an ethnic population residing within that territory to which the ethnic group naturally belongs. Although a hegemonic imaginary, this account of the nation-state does not consider migration, but rather presuppose a correlation between nation-state (Denmark) and population (ethnic Danes). As Yuval-Davis pinpoints, there are members of national communities living outside particular nation-states. For instance, this is reflected in the parliamentary debates regarding the attachment requirement and the legal position regarding the family reunification of members of Danish minorities residing in Germany or Argentina, if choosing they chose to reside in Denmark. Within this debate, the Danish expats recognised as Danes, although they might not have Danish legal citizenship or have resided within the (current) territory of the Danish nation-state. In this case, it was ethno-cultural parameters such as the Danish language and cultural knowledge and practices that made the expats recognisable recognisable as Danish.

Using the concept of the nation-state, I view Denmark as both a state that govern a certain geographical territory and a nation, understood as an imagined community. In the book *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (2006 [1983]), Anderson investigate the historical developments of the modern nation (state) and rejects the notion of it as a universal phenomenon. Rather, the modern nation (state) must be seen as a historical construction and understanding of the world. The nation, as Anderson suggests, can be seen as an imagined community. He characterizes it as such “because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion” (ibid: 4). Although the people of a national population will never all meet, they do share an imagined national identity and sense of belonging to the national community. Anderson elaborates that the nation (state) is imagined as a limited, sovereign and a community:
The nation is imagined as *limited* because even the largest of them, encompassing perhaps a billion living human beings, has finite, if elastic, boundaries, beyond which lie other nations. No nation imagines itself coterminous with mankind. (…) It is imagined as *sovereign* because the concept was born in an age in which Enlightenment and Revolution were destroying the legitimacy of the divinely-ordained, hierarchical dynastic realm. (…) The gage and emblem of this freedom is the sovereign state. Finally, it is imagined as a *community*, because, regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship. (Anderson 2006 [1983]: 7)

As Anderson sketch out, the nation (state) is imagined as a limited phenomenon, a limited and foundational principle of world division into different nations (states), clearly distinguishable from each other, and each populated by a community of people that naturally belong there. In other words, I naturally belong to the national community by birth and kinship. Second, the nation (state) is imagined as sovereign, a notion shaped by the critique and overturning of the political legitimacy of the king as a sovereign put forward in the era of the enlightenment. Finally, the nation is imagined as a shared community for its residents. Here, the invention of the type press has contributed to and underpinned the idea of the nation (state) as an imagined community, because, as Yuval-Davis summarizes it, “people started to read mass publications in their own languages rather than in classical religious languages, thus establishing linguistic national ‘imagined communities’” (1997: 143). The national community is thus imagined as an ethnic community one naturally has membership to and belong in via birth as well as learned ethno-cultural signifiers and practices such as a speaking shared (standardized) national language.

In conclusion, I conceptualise Denmark as a nation-state, an overlap between a nation and a state. In other words, I view Denmark as both referring to a geographical territory governed by a state and a nation, understood as a (imagined) national community that inhabit this territory; an ethnic community based on kinship, history and language.

“I Was Made for Lovin’ You:” The production of the citizen

The discussion of the nation-state brings me to the next important question regarding what it means to be a citizen in the nation-state. The term citizen is a legal position and
status that marks a legal membership in and relationship to a nation-state. In short, this relationship is characterised by rights and duties for the citizen to the nation-state.

The nation-state produces its citizens, depending on certain criteria. As philosopher Giorgio Agamben (2000) remarks, a “[n]ation-state means a state that makes nativity or birth [nascita] (that is, naked human life) the foundation of its own sovereignty” (ibid: 20). Agamben’s analysis of the nation-state as a state that take nativity, or kinship, as the basis of its (imagined) sovereignty mirrors what the literature on citizenship calls the German model (jus sanguinis), differentiated from the French model (jus soli) concerning the production of citizenship by the state. The French model refers to the territorial citizenship of the state. Anybody born on French soil automatically becomes a citizen. The German model, on the other hand, can be characterised as the citizenship by blood. Nation-states that use this model, including Denmark, assign citizenship to individuals based on the citizenship status of their parent(s). Under the French model, descendants of immigrant parents automatically receive citizenship if they are born on French soil; under the German model, descendants of immigrant parents are not granted citizenship if their parents do not have it (cf. Brubaker 1992). These models refer to how the nation-state produces citizens at birth (birthright citizenship); however, citizenship can also be granted by application (naturalisation).

Although I do not investigate the administrative production of legal citizens of the state, I use the scholarship in citizenship as a backdrop to understand, which subjects the Danish nation-state recognises as belonging and therefore, would be excepted from the attachment requirement after 28 (later 26) years of citizenship.

However, citizenship is not the only legal position in migration management. I again turn to migration scholar Stenum (2011 [2010]) and her dissertation on the governing

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75 According to the website of the Danish Ministry of Immigration and Integration, a child (born from 1 July 2014 and onward) will automatically receive Danish citizenship (of the state), if their father, mother or co-mother is Danish. Danish citizenship law thus follows the German model of citizenship. Although we may think of citizenship of the state as a strictly legal and formal relationship to the state, the German model especially illuminates how legal citizenship of the state rests on notions of cultural and national belonging to the nation. This model of citizenship has ethno-cultural implications, assuming an overlap between an (imagined) ethnic population and state-based citizenship. More precisely, ethno-culturally defined national belonging should automatically and ideally entail legal membership of the state, or should make access to it possible.

Direct link: https://uim.dk/arbejdsomrader/statsborgerskab/udenlandske-statsborgere/born (last accessed 10-09-2020)
of the illegality/legality of marginalised domestic working migrants (au pairs). Here, Stenum identifies four legal positions in the Danish juridical system, built on divisions of inside/outside and inclusion/exclusion:

1) The **Citizen** as included insider, residing legally with full rights and entitlements
2) The migrant as **Excluded Insider**, residing in the territory legally with limited rights and entitlements
3) The migrant as **Immanent Outsider**, residing in the territory illegally with no rights or entitlements
4) The **Alien** who does not reside on the territory and has no relations of rights and entitlements to the nation-state.

(Stenum 2011 [2010]: 28, emphasis in original)

The four legal positions partly reflect the legal categories used in the Danish legal system, namely citizen and alien, while types two and three are Stenum’s interpretation of the legal positions of immigrants in Denmark. Stenum’s legal categorisation echoes later scholarship in everyday bordering, as she shows that national borders not only regard questions of entry (who can cross the borders of the nation-state) but also govern and shape the lives of individuals residing inside the territory of the nation-state through access to rights and entitlements. The analysis I offer does not set out to categorise applicants of family reunification based on Stenum’s four categories. Rather, I discuss them because they illustrate how the bordering practices of nation-states are constructed through the legal positioning of immigrants residing in the national territory. Furthermore, the road to citizenship of a state includes the immigrant passing through several legal positions and residence statuses from temporary resident to permanent residency and later on the possibility of Danish citizenship.

Noticeably, Stenum does not take into account how norms of whiteness and ethnicity play into national belonging and claims to rights. As migration scholarship of the attachment requirement has highlighted, a sponsor could be a member of an ethnic minority and be a Danish citizen, without necessarily being able to enjoy the position of included insider (e.g. Dilou Jacobsen 2004, Stokes-DuPass 2015). People with a minority
racial and ethnic background could thus have several different legal statuses as refugees, residents or Danish citizens. In terms of the 26-year (initially 28-year) rule, sponsors with an ethnic minority background who had not received Danish citizenship later in life rarely enjoyed the privilege of exception from the attachment requirement (cf. Dilou Jacobsen 2004). Compared to people who had automatically received citizenship at birth, state-based citizenship for descendants (racial and ethnic minority subjects with immigrant parents) did not enjoy the position of included insider. As such, racial and ethnic minority subjects (both immigrants and descendants) had a hard time fulfilling the attachment requirement, because they might lack a family genealogy to Denmark (Lund Pedersen 2012; Rytter 2010).

In conclusion, I use to term citizen to refer to a legal category and relation to the Danish nation-state. Although I investigate administrative documents produces temporary residents in cases of family reunification, I use the scholarship on citizenship as a theoretical backdrop to conceptualize the migration trajectory as a path towards potential future citizenship in the future for the applicant. I also use this backdrop to conceptualise and investigate how rights are bestowed certain subjects. Although not only citizens could – and still can – claim the right to family reunification, in an administrative context, citizenship was used as a measuring stock of the national attachment of the sponsor to determine whether a couple should be excepted from the attachment requirement. Therefore, I also reflect on citizenship as legal membership to the nation-state as a bordering technology that opened up the possibility of family reunification for some sponsors (Danes by nature\footnote{I here draw on Stokes-DuPass' (2015) distinction between Danes by nature (citizenship by birth) and Danes by jurisdiction (naturalisation). The latter being ethnic minority sponsors with immigration background or descendants of immigrants.}), while others (Danes by naturalisation) found it harder to claim the same right.

**Racism, a cog in the biopolitical machinery**

My study of the attachment requirement, understood as an affective governing mechanism, is in dialogue with biopolitical studies’ theorisation of racism. In *Society Must Be Defended*, a posthumously published lecture series held in 1975–76, Foucault (2003) reflects upon racism as a vital cog in the bio-political governing machinery, from
the establishment of the modern (nation) state to Nazism and Stalinism. His thinking offers a lens through which to examine how racism functions as a power structure that is exercised in modern (nation) states. In an introduction to and critique of Foucault’s understanding of racism, philosopher Kim Su Rasmussen (2011) notes that this understanding deviates from an everyday understanding of racism. An everyday understanding personalises racisms as “a form of irrational prejudice, social discrimination, or political ideology” (ibid: 35). Rather, Foucauldian thinking invites us to rethink racism as a vital part of biopolitics as, in the words of Su Rasmussen, it “emerges at the intersection of disciplinary technologies that target the body and biopolitical technologies that target the population” (ibid: 37). As such, racism can be seen as a caesura within a population, Foucault elaborates:

What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power’s control: the break between what must live and what must die. The appearance within the biological continuum of the human race of races, the distinction among races, the hierarchy of races (...): all this is a way of fragmenting the field of the biological that power controls. It is, in short, a way of establishing a biological-type caesura within a population that appears to be a biological domain. This will allow power (...) to treat the species, to subdivide the species it controls, into the subspecies known, precisely as races. (Foucault 2003: 254–55)

In the quote, Foucault unpacks the governing of racism as a categorising and hierarchising power structure that divides populations into races. Racism, Foucault suggests, can be understood as a caesura or a breaking point between life and death, between worthy and unworthy lives (cf. Su Rasmussen 2011: 40). In this sense, racism serves two functions. First, it disrupts the biological domain of the population by dividing it into subdivisions of races. Second, it marks a break between life and death, similar to the logic of the statement “others must die in order for me to live” (Foucault 2003: 255). As such, the life of the first is justified as dependent on the death of other, as this will improve the health and purity of the life of the first (cf. Lemke 2011: 42).

As Lemke indicates, racism is not incompatible with the modern (nation) state (although it is often understood as such), but rather functions as a central building block that structures the modern (nation) state’s administering and optimisation of the life of its population. Following this line of thought, I think of racism as a technology in the
modern nation-state that translates the old sovereign power that exercised the right to kill within biopolitics (Su Rasmussen 2011: 40). Rather than thinking of the right to kill literally, in the form of execution, we may think of it as (also) a sentence to social or symbolic death (Foucault 2003: 256). In the context of migration, we can see deportation as an example of political death and state-based expulsion – both, for some people (for example, asylum seekers), for whom deportation also increases the risk of death. In short, Foucault’s bio-political theorisation of racism invites us to think of it as a central cog in the biopolitical machinery, a technology that structures the administering of life of the modern (nation) state (cf. Lemke 2011: 42–43).

The function of death in biopolitics has been the starting point of a critique of and further developments of Foucauldian biopolitics. For instance, philosopher and political theorist Achille Mbembe (2003, 2019) has made a huge contribution to biopolitical studies by introducing the concepts of necropolitics and necropower to encapsulate the function of death in biopolitics. For Mbembe, a Foucauldian understanding of biopolitics is “insufficient to account for contemporary forms of subjugation of life to the power of death” (2003: 39–40). In other words, he introduces these concepts to conceptualize how the optimisation of life has a downside. As Mbembe (2003, 2019) remarks in a reading of Foucault, the modern (nation) state translates the sovereign right to kill into the language of biopolitics and this is thus woven into the foundation of the governing of modern (nation) states. In his reading of Foucault, Mbembe identifies the Nazi regime as perhaps the most illustrative example of how the management, protection and optimisation of life rests on the sovereign right to kill. As such, we may see the Nazi regime not as an exception, but rather as an illustration of the function of death in biopolitics:

By biological extrapolation on the theme of the political enemy, in organising the war against its adversaries and, at the same time, exposing its own citizens to war, the Nazi state is seen as having opened the way for a formidable consolidation of the right to kill, which culminated in the project of the “final solution”. In doing so, it became the archetype of a power formation that combined the characteristics of the racist state, the murderous state, and the suicidal state. (Mbembe 2003: 17)
As Mbembe describes it, the construction of the Other (in the case of the Nazi regime, people categorised as asocial, i.e. Jews, Roma, homosexuals and others) as a real threat to my life underpins the imagined sovereignty of modern (nation) states. With the notion of necropolitics, Mbembe seeks to conceptualise how “in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead” (2003: 39). With Mbembe, we may think of racism as a technology that differentiates populations and subjects others to the status of living dead, as unworthy lives, or not really lives to begin with, and thus subjects already ascribed to the terrain of death. I want to stress that I am not saying that the Danish nation-state equates to the Nazi regime due to its rejection of applications for family reunification. Rather, I think of the process of family reunification as a part of the governing of modern nation-states through the production of worthy/unworthy subjects. We may see immigration policies as governing tools of state selection and production of liveable citizens. As such, we may see the state’s recognition of subjects as worthy and liveable lives, ascribing them rights, and targeting them as objects of state protection as a part of the biopolitical administering of life. As such, we may see the state’s recognition of subjects as worthy and liveable lives, ascribing them rights, and targeting them as objects of state protection as a part of the biopolitical administering of life (cf. Puar 2007).

In summary, the Foucauldian bio-political framework – including the necropolitical critiques and theoretical refinements – provides an insight into how the attachment requirement, and administrative management of it, can be seen as a governing mechanism in the bio-political administering of life. The attachment requirement, as a migration policy that targeted racial and ethnic minority sponsors (with migrant or

77 In the book Terrorist Assemblages: Homonationalism in Queer Times, Puar (2007) further develops the function of death in bio-politics by examining how white queer subjects, through the notion of American exceptionalism, are folded into life. Puar explains that this folding into life rests on the simultaneous folding out of life, “out toward death, of queerly racialized ‘terrorist populations’ [and that] biopolitics delineates not only which queers live and which queers die – a variable and contestable demarcation – but also how queers live and die” (ibid: xii). A bio-political framework not only takes into account which subjects are recognised as national subjects and folded into the nation-state’s administering of life, but also how this folding happens, and thus how queer subjects live or die. Although I do not investigate the state production and recognition of sexual subjects, I draw inspiration from Puar to think of the attachment requirement as a governing mechanism that folded transnational couples in or out of the administering of life, based on the demands for national attachment to Denmark.
descendant background) can thus be seen as a racializing technology that bestowed the right to family reunification, depending on their efforts and ability to culturally adapt.

**Aggregate ties: National attachment as a measuring device**

Migration research has touched upon how the attachment requirement functioned as a measuring device, but it has not explored this aspect of it as a governing mechanism in any greater depth. For instance, anthropologist and migration scholar Rytter mentions that the attachment requirement was “based on a calculation by the immigration authorities” (2010: 302). In line with Rytter, I examine how the attachment requirement made the legal notion of national attachment the basis of these calculations and made transnational couples manageable through that calculation. To conceptualize the attachment requirement as a measuring device, I turn to the work of sociologist Nikolas Rose (1999) on political numbers, a term that encapsulates biopolitics understood as the “calculated management of life” (Foucault 1978: 139). According to Rose, “Numbers have achieved an unmistakable political power within technologies of government” (1999: 197). Rose identifies three ways that numbers function as governing mechanisms. First, he connects numbers to power by arguing that numbers “are part of the mechanism of conferring legitimacy on political leaders, authorities and institutions” (ibid: 197). Numbers, Rose argues, both confer legitimacy and justify who holds power in society.

Second, he describes how numbers “operate as diagnostic instruments within liberal political reason” (ibid: 197). He mentions opinion polls as an example of this operation because they “calibrate and quantify public feelings” (ibid: 197). Numbers, for instance in the form of opinion polls and social surveys, “promise to align the exercise of ‘public’ authority with the values and beliefs of ‘private’ citizens” (ibid: 197). In other words, as governing mechanisms, numbers not only quantify, for example, public feelings in the case of opinion polls, but work through a promise of aligning – and thus legitimising and justifying – public authority with the values and beliefs of the citizens.

Third, Rose argues that numbers “make modern modes of government both possible and judgeable” (ibid: 197). Numbers make bio-political governing possible, because they outline and “map the boundaries and the internal characteristics of the spaces of
population, economy and society” (ibid: 197). In addition, they make these modes judgeable, because quantifying the optimisation of life facilitates numerical comparisons, which “have become essential to the critical scrutiny of authority in contemporary society” (ibid: 197–98). In short, Rose understands numbers as a pillar of biopolitics. Building on Rose, the attachment requirement may be viewed as a policy example of how numbers function as diagnostic and problematising instruments that make it possible to calibrate and quantify affective orientations and investments in the nation-state.

An important point that Rose brings up is how calculations and numbers may be seen tools that discipline and produce subjects. In his reading of Foucault, Rose identifies the beginning of the era of biopolitics as “a reversal of the axis of political individualization” from the sovereign (i.e. the lord) to the political and scientific concern with the criminal, the patient and other subjects (ibid: 213). These subjects may be seen as the production of individualising and normalising (state) apparatuses such as the prison and the asylum to name two; places “where individuals were gathered together and their conduct made visible by being judged against institutional norms” (ibid: 213–14). As such, the prison serves as an example of an apparatus that establishes norms and determines average values through an imperative to calculate. In other words, the disciplining through calculation can be seen as subject-producing. Rose does not mention migration; nonetheless, we may think of apparatuses of migration management, for example the Danish Immigration Service, as administrative institutions that govern migration and produce (legal) subjects through calculative evaluation against notions of national attachment.

Political numbers, as Rose argues, operate as biopolitical instruments that make it possible to produce subjects through calculation and quantification, making them governable. Drawing on Rose, I conceptualise and examine the attachment requirement as a policy tool that served as a measuring device by quantifying the integration potential of transnational couples, especially sponsors, by making them an object of administrative calculation. More precisely, I view the attachment requirement as a measuring device, a calculator that translated imagined affective ties and orientations to the nation-state into quantitative units of language, stays in the country, work experience and so on (see also Chapter 2).
The attachment requirement as a biopolitical governing mechanism

To sum up, my study of the administrative management of the attachment requirement as an affective biopolitical governing mechanism builds on a theoretical framework of biopolitics. As a biopolitical governing mechanism, the attachment requirement can be said to aim to regulate the population (through immigration) and discipline transnational couples to norms of national belonging and ideals of integration.

The dissertation also draws on bio- and necropolitical conceptualisations of the nation-state and racism as a part of the biopolitical governing of the life of the population. I understand a nation-state as an assumed overlap between a nation, populated by an ethnic group with a shared kinship, history, language and culture, and a state, as a juridical formation that governs a certain geographical territory (Yuval-Davis 1997; see also Agamben 2000). To clarify, the dissertation does not investigate the production of citizens, but instead, how the assessment of national attachment can be seen as an assessment of transnational couples’ efforts to integrate and (potential for) national belonging, i.e. the basis upon which the right to family reunification is bestowed on the sponsor. In this sense, I analyse how, for example, decision letters measure quantify national belonging – and the lovability of couples – and produce them as citizens in of the nation. Here, I rely on a Foucauldian framework on racism (Foucault 2003) and a later necropolitical rethinking of it (Mbembe 2003, 2019; see also Puar 2007), to conceptualise how notions of national belonging connects with norms of whiteness.

A bio-political framework also contributes to a conceptualisation of the attachment requirement as an example of a migration policy tool that links the optimisation of the life of the population with quantifying techniques. My analysis of the attachment requirement as a calculative measuring device rests and builds on the concept of political numbers (Rose 1999) to show how the production of numbers – and, I might add, calculations – produces subjects and makes them manageable.
“Thinking about these qualities of love can tell us something else more general, more neutral or impersonal, about intimacy – this is why some psychologists begin with “attachment.” 78 Romantic love is the environment in which we can know what we know about attachment.” (Lauren Berlant 2001: 439)

78 In a footnote, Berlant refers, first and foremost, to developmental psychologist John Bowlby and his work on attachment theory (see Berlant 2011: 449, note 5).
In addition to biopolitical thinking, the dissertation is also rooted in affect theory. More precisely, affect theory opens the way for analytical insights into how, for example, biopolitical disciplining of the body can take shape through (expected or encouraged) affective orientations. The dissertation thus positions itself within what has been dubbed the affective turn within feminist scholarship, critical theory and cultural studies (Hemmings 2005; Koivunen 2010). In the introduction to the anthology Affective Methodologies, media scholars Britta Timm Knudsen and Carsten Stage argue that: “[t]he ‘affective turn’ represents the urge to understand how, for example, bodies are targeted and strategically modulated affectively” (2015: 4). From the perspective of the nation-state, I investigate how the administrative documents aimed to make it possible to target the bodies of transnational couples and modulate them affectively. In drawing on affect theory to unpack the affective underpinnings and investments of the attachment requirement, I do not seek to uncover the essence of the legal concept of attachment – and what it really was or meant. Instead, my analysis offers ways of reading and understanding attachment as an affective concept.

This part of the chapter introduces the affect theory framework I employ and build on to conceptualise and examine the attachment requirement as a biopolitical governing mechanism with affective components. I refer mainly to the work of feminist thinker Sara Ahmed (2004a, 2004b, 2006, 2010) and I supplement this with the work on cruel optimism by the English professor and queer theoretical and citizenship scholar Lauren Berlant (2006, 2011). Both affect theoretical scholars offer crucial insights into how migration, citizenship and national belonging can be seen as structured by affect. In the following, I outline Ahmed’s affect theoretical framework that sees affect as an economy and orientation towards the national ideal. I reflect on how Ahmed’s analytical gaze paves the way for an analysis of, for example, the attachment requirement as an affective orientation to the nation-state. I also reflect on an interpretation of attachment as love. I discuss the attachment requirement as both an affective concept in its own right and a condition for other emotions such as love and happiness. Here, Ahmed provides an analytical gaze on the attachment requirement as a promise of happiness.
with cruel implications. I begin the discussion of the theoretical implications by not distinguishing between *affect* and *emotions* and by theorising emotions as doing.

**Love, love is a verb/Love is a doing word**

The affect theoretical framework I employ in the dissertation rejects the notion that emotions are a strictly private matter; a state of being or a phenomenon residing within subjects (Ahmed 2004a, 2004b, 2010; Berlant 2006, 2011; Cvetovish 2007). As Ahmed argues, emotions can be understood as social or cultural practices rather than merely psychological states (2004b: 9). In this sense, she offers "an analysis of affective economies, where feelings do not reside in subjects or objects, but are produced as effects of circulation" (ibid: 8). Drawing on Ahmed's economic model of emotion, I move away from an ontological understanding of emotions and what they essentially are and turn towards an investigation of what emotions do. In this sense, emotions encompass movement, direction and orientation, which I attend to in more detail later. The understanding of emotions as a doing, to which I subscribe, also has implications for how I conceptualise the subject. In this context, I draw on Ahmed, who rejects the notion of the subject as the originator of emotions. Similar to discourse theory's rejection of the subject as the founder of discourses, Ahmed approaches the subject "as simply one nodal point in the economy, rather than its origin and destination" (2004a: 121). Following on from Ahmed's point, the subject is one nodal point in affective economies.

This leads me to another key – and theoretically dividing – aspect within affect theoretical studies, namely the question of the realm of affect. Regarding this discussion, I align myself theoretically with Ahmed to distinguish between affect and the pre-discursive. Therefore, I use the terms *emotions* and *affect* interchangeably throughout the dissertation. However, some affect scholars approach affect rather differently in their studies. For example, affect scholar and philosopher Brian Massumi (2002) distinguishes between *emotions* as discursive interpretations of the pre-discursive *affect* that escapes discursive categorisations and identifications. Thus, Massumi's

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79 Quoted from the song "Teardrops" by Massive Attack from the album *Mezzanine* (1998).

80 I elaborate on this reading in chapter 5.
understanding of affect differs from Ahmed’s, because he views affect as
undifferentiated, directionless and unpredictable intensity potential that comes before
discursive interpretations and definitions converted into discursive emotion:

An emotion is a subjective content, the sociolinguistic fixing of the quality of an
experience which is from that point onward defined as personal. Emotion is
qualified intensity, the conventional, consensual point of insertion of intensity
into semantically and semiotically formed progressions, into narrativizable
action-reaction circuits, into function and meaning. It is intensity owned and
recognized. It is crucial to theorize the difference between affect and emotion.
(Massumi 2002: 27–28)

Massumi’s distinction between pre-discursive affect and discursive emotion paves the
way for an understanding of affect as easily identifiable and merely cultural
inscriptions. Indeed, it could be argued that attachment is an unstable and ambivalent
analytical concept of not yet identified and therefore pre-discursive affect. Love, on the
other hand, can be seen as the emotional and therefore discursive interpretation of
attachment. Thus, Massumi offers a different reading of affect than Ahmed, a reading
that emphasises the undefinable and not yet ascribed meaning to concept of attachment
as a pre-discursive affective potential. However, this categorisation raises several
methodological questions. If I were to distinguish between the two, how would I ascribe
concepts to the domain of either the pre-discursive or the discursive? How would I
recognise one from the other? Where would I draw the line between the two? Emotions,
I suggest, draw on cultural scripts and histories, and why certain expressions become
cultural recognisable and readable as particular emotions. As Ahmed critically remarks:
“Emotions are not “after-thoughts” but shape how bodies are moved by the worlds they
inhabit” (2010: 230). In this view, affect is not seen as neutral, but rather rests on
histories that point us towards certain objects and ideals, and away from others. As
such, the aim of the dissertation is not to determine whether attachment is inherently
good or bad, right or wrong, fair or not. Rather, I explore how the administrative
documents interpret, negotiate and ascribe meaning to the concept of attachment.
Attachment, an object of affective study

Although attachment is a recurring concept in work on affect by both Ahmed and Berlant, the two theorists do not reflect much upon attachment or make it an object of further theorisation and scrutiny. Their use of attachment, however, indicates an understanding of the concept as a sort of connecting link of contact that binds subjects and objects together. As such, their use of attachment seems similar to popular scientific definitions of attachment as a condition for (or often used interchangeably with) other affects, namely love. Similarly, conceptualising the attachment requirement as a technology of love, political scientist D’Aoust (2013) uses and interprets attachment as love. I want to stress that I do not aim to uncover the truth of the attachment requirement (what attachment really means). Instead, I take attachment as my analytical prism through which to illustrate the operationalisation of affect in the biopolitical regulation of (marriage) migration. I view attachment as less fixed, as an affective investment or orientation towards certain objects, e.g. the nation-state. Similar to Ahmed and Berlant, I think of attachment as a condition for emotional bonds. While I view attachment as an affective concept, I do not think of it in strong predefined terms. Although attachment is often understood as a placeholder for other affects (often love), I want to keep the meaning of attachment open. The dissertation therefore offers an affective reading of attachment and does not claim to reveal the essential truth of the concept. A key framework for developing a way to understand attachment is the work of Ahmed. On the relationship of attachment and emotions, Ahmed writes:

Of course, emotions are not only about movement, they are also about attachments or about what connects us to this or that. The relationship between movement and attachment is instructive. What moves us, what makes us feel, is also that which holds us in place, or gives us a dwelling place. Hence movement does not cut the body off from the ‘where’ of its inhabitance, but connects bodies

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81 Attachment is, for example, a key concept and diagnostic tool in child development psychology, informed by the literature on attachment theory, introduced by medical doctor John Bowlby and later developed by child development psychologist Mary Ainsworth. For critical analyses of the governing of the psychological attachment concept, see e.g. Myong & Bissenbakker (2014) and Stryker (2010).

82 I owe Professor Anne-Marie D’Aoust (Department of Political Science, Université du Quebec à Montréal, Canada) a big thank you for helping me develop this point during my research visit to UQAM in spring, 2018.
to other bodies: attachment takes place through movement, through being moved by the proximity of others. (Ahmed 2004b: 11)

In this quote, Ahmed connects emotions to both movement (emotions move us) and attachment (they hold us in place and keep us in contact with others). I delve into greater detail about the movement of emotions as well as attachment in the next few pages. To conclude this section, as per Ahmed and Berlant, I unpack how the attachment requirement functioned as an orientation device that aimed to direct transnational couples towards the Danish nation-state and away from other nation-states. I also investigate the work that transnational couples were expected to perform as signs (or proof) of exclusive national attachment to Denmark as the ideal object of attachment.

**Affective economies, circulation and sticky emotions**

This dissertation draws on and develops Ahmed’s (2004a, 2004b) work on emotions as economies. Drawing on Marxian economic theory, Ahmed analyse how emotions circulate between subjects and objects. Through this circulation, they accumulate and create value. Ahmed explains: “(...) emotions work as a form of capital: affect does not reside positively in the sign or commodity, but is produced only as an effect of its circulation” (2004a: 120). I draw inspiration from Ahmed’s economic approach to the study of affect. For instance, when I discuss the criteria of national attachment, I do not presume that attachment is inherent in these signs. Rather, I am interested in how the administrative documents understand the criteria as signs of national attachment.

Affect is thus an important component in the construction of subjects and objects, for example the national subject and the nation-state, because they: “(...) create the very effect of the surfaces or boundaries of bodies and worlds” (Ahmed 2004a: 117). In this sense, affects work as nation-building technologies in that their effect shapes the boundaries of bodies and worlds. In this optic, affects may be understood as performative speech acts. They do something; they bind subjects together in (national) communities. For Ahmed, emotions can be seen as the foundational glue of communities as they work to bind subjects together. In this sense, emotions function as vital building blocks in the construction of the nation: “the circulation of signs of affect shapes the materialization of collective bodies, for example “the body of the nation” (Ahmed 2004a:
121). Regarding the binding effect of emotions, Ahmed suggests that they may be seen as *sticky*. In addition to accumulating value and meaning over time through circulation, affect also has sticky effects. They can then stick subjects together in a national community. The stickiness of emotions is an effect of them moving *sideways*. However, as Ahmed points out, affects also draws on histories. In this sense, they move *backwards* in time: “This is what I would call the rippling effect of emotions; they move sideways (through “sticky” associations between signs, figures, and objects) as well as backward (repression always leaves its trace in the present – hence “what sticks” is also bound up with the “absent presence” of historicity)” (Ahmed 2004a: 120). The study of emotions must pertain to their movement; “they involve speech acts which depend on past histories at the same time as they generate effects” (2004b: 13). As Ahmed pinpoints, affects work performatively by orientating subjects towards objects and sticking them together through by means of their shared orientation. Ahmed (2004a, 2004b) shows how, for example, a shared affective orientation towards the nation-state can stick bind (national) subjects together in a national community. Taking love as an analytical point of departure, Ahmed reflects on love “as a sticky emotion that sticks people together, for example, in discourses of fraternity and patriotism” (2004b: 125). However, love not only rests on a shared orientation towards an ideal object, e.g. the nation-state. Love also involve “relations of ‘towardness’ or ‘awayness’” from certain objects (ibid: 8). As I describe in more detail in the next section, an affective orientation towards one nation-state entails an orientation away from other nation-states.

With Ahmed in mind, I reflect on the attachment requirement as an affective economy. I am interested in how attachment circulates in the empirical material, and how documents understand national attachment as the orientation of subjects towards the Danish nation-state as the ideal object of attachment. In the administrative documents, the orientation towards the Danish nation-state rests on subjects turning away from other nation-states.

**Affective orientations, happy objects and promises of happiness**

My analysis of the attachment requirement as an orientation device draws on Ahmed’s analytical reflections on affect as orientations. Emotions, in the words of Ahmed, entail
“affective forms of (re)orientations” (2006: 2). Affective orientations are not only a question of direction (towards or away from objects) but are also about following certain paths (to find our way or follow the path set by others). With Ahmed, we may see marriage migration and family reunification as “a process of disorientation and reorientation: as bodies “move away” as well as “arrive,” as they reinhabit spaces” (ibid: 9). In this way, migration becomes a process of (re)orientation, a way that subjects orientate themselves and (re)inhabit space. In this light, we may see the attachment requirement as a policy tool aimed at orientating transnational couples, especially racial and ethnic minority sponsors, towards the Danish nation-state. This orientation rested on the criteria of attachment, which laid out a (working) path towards the Danish nation-state as ideal object of attachment.

As Ahmed emphasises, orientations do not happen towards insignificant objects. Rather, we orientate ourselves towards objects that we expect will bring about something for us. In the book *The Promise of Happiness* (2010), Ahmed reflects on happiness as an imperative that drives and directs people towards certain objects, such as the (nuclear) family. As Ahmed writes, happiness “puts us into intimate contact with things” (ibid: 23). Happy objects, as objects we are directed towards in the pursuit of happiness, can be ideas or abstract objects such as values, practices and aspirations, as well as *concrete* objects. Any kind of object can be a happy object, if we can imagine it as something that will bring us happiness. It is important to note that these objects are not inherently happy. As mentioned, Ahmed refuses the notion of affect as essential and inherent to subjects and/or objects. Rather, she shows how certain objects become culturally recognisable as happy objects; objects that we expect will bring us happiness, if we are able to reach them. In this sense, we might think of happiness as a destination or endpoint that we can strive for and might achieve

Building on Ahmed’s framework, I analyse how happy objects such as the application packet and the residence permit make the (imagined) ultimate happy object – the nation-state – reachable. The imperative of happiness directs us towards certain objects that we perceive will bring us happiness once we reach or get in contact with them – the family, a residence permit, and the nation-state and so on. I draw inspiration from Ahmed to conceptualise and explore the attachment requirement as an orientation device that aimed to orientate transnational couples towards the Danish nation-state as
a happy object, and away from other nation-states. The analytical path laid out by Ahmed has led me to ask: If the attachment requirement is to be understood as a policy demand to orientate towards Denmark as a happy object, how is the couple expected to accomplish this orientation? What kind of work does the attachment requirement as a national orientation require? Who is able to embody the nation-state this orientation, and who can only hope to try? Certainly, transnational couples were expected to orientate themselves towards the Danish nation-state (and away from other nation-states). However, they were not all able to embody the nation. Indeed, racial and ethnic minority subjects (immigrants and descendants of immigrants) could only approximate the norms of national belonging and could never fully embody the national ideal.

“Hopelessly Devoted to You:” Cruel optimisms of attachment

Thinking of the attachment requirement as a promise of happiness also sparks the question of what happens if this promise is never fulfilled. The attachment requirement can be said to have directed couples towards the Danish nation-state as a happy object, waiting on the horizon. No matter how hard a person worked on their national attachment to Denmark, however, they might never have been able to reach the expected happy object of the Danish nation-state. My reflections on the attachment requirement as an affective economy of happiness have drawn on the theoretical observations of Lauren Berlant (2006, 2011), especially her work on cruel optimisms. Where Ahmed offers a lens through which to view how the promise of happiness governs and disciplines subjects, Berlant offers a gaze into how that governing might be in vain and unreachable, and how, for example, promises of happiness, like the attachment requirement, have potentially cruel implications.

Berlant defines cruel optimisms in the following terms: “Cruel optimism is the condition of maintaining an attachment to a significantly problematic object” (2011: 24). Within this framework, the term cruel optimism refers to and encapsulates the relationship between a subject and a desirable object, which becomes a hindrance to the wellbeing of the subject (ibid: 1). For Berlant, attachments are all optimistic (2006: 20; 2011: 2, 23). However, this does not mean that all attachments are inherently cruel. Rather, they
become cruel when the desired object becomes obstructive for subjects and/or communities. According to Berlant, some scenarios are definitely crueller than others:

[...] where cruel optimism operates, the very vitalizing or animating potency of an object/scene of desire contributes to the attrition of the very thriving that is supposed to be made possible in the work of attachment in the first place. This might point to something as banal as a scouring love, but it also opens out to obsessive appetites, working for a living, patriotism, all kinds of things. One makes affective bargains about the costliness of one’s attachments, usually unconscious ones, most of which keep one in proximity to the scene of desire/attrition. (Berlant 2011: 25)

As hinted in the quote, attachment – and the work that this concept entails – may be seen as a key part of the problem: although attachment promises to make the pursued optimism or happiness possible, attachment is also the glue that binds the subject to striving for the desired object in the first place. Optimism – similarly to Ahmed’s reflection on happiness as an orientational promise – can be described as “the force that moves you out of yourself and into the world in order to bring closer the satisfying something that you cannot generate on your own in the wake of (...) a way of life, an object, project, concept” (Berlant 2011: 2). Berlant elaborates that a desirable object can be viewed as “cluster of promises” that can be “embedded in (...) a thing, an institution, a text, a norm” (ibid: 23). From this perspective, we might see the attachment requirement as a governing mechanism that aimed to direct couples towards certain desirable objects. These objects might be tangible like a residence permit, but they can also be abstract like the nation-state, and the work it requires, trying to embody it.

Thinking of happiness as a promise “ahead of itself” (Ahmed 2010: 181), we may see the attachment requirement to the Danish nation-state as a future project. In other words, happiness always waits on the horizon, pointing to the future as an end goal for which transnational couples are expected to strive, but they might never be able to reach. As such, the attachment requirement can be seen as a policy example of a cruel optimism.
The attachment requirement as an affective governing mechanism

In summary, the dissertation places itself within affect-theoretical studies to shed light on the attachment requirement as an affective (biopolitical) governing mechanism. I build on Ahmed (2004a, 2004b) and Berlant’s (2006, 2011) use of attachment as a condition for other affects, especially love and happiness, to theoretically encapsulate and examine the attachment requirement as a governing mechanism. Drawing on Ahmed’s conceptualisation of emotions has directed my analytical gaze away from a discussion of what emotions essentially are, to what they do; for instance, the circulation of emotions in cultural contexts, how, through that circulation, they accumulate, and how they bind subjects together in (national) communities through shared orientations (Ahmed 2004a, 2004b). Keeping this in mind, I investigate the attachment requirement as an affective orientation device that orientated transnational couples towards Denmark as the ideal object of attachment and away from what the administrative documents deem as a home country. Thinking of the attachment requirement as an affective orientation also leads me to think about the requirement as a promise of happiness (cf. Ahmed 2010). A promise of happiness that is dependent on an orientation that in turn depends on the work of couples towards integration and national belonging in their aspirations towards the Danish nation-state as an (imagined) happy object. These aspirations, as I show, can have cruel implications for transnational couples because there is no guarantee that they will ever be able to reach the happy object of the Danish nation-state.
Towards an affective biopolitical reading strategy

This chapter has outlined the theoretical inspirations and contributions of biopolitical framework and affect theory that I draw on in my study of the administrative management of the attachment requirement. In what follows, I attempt to combine the theoretical threads I have introduced in this chapter, and weave them into a reading strategy that I term affective biopolitics. As my LOVA colleagues, critical adoption scholar Lene Myong and scholar in gender studies Mons Bissenbakker describe it, affective biopolitics is a concept that encapsulates “the construction, policing and maintenance of borders [that] increasingly occur through the structuring and production of emotion or ‘affects’” (2019: 418). They go on to point out that affect should not be seen as a replacement for racism as a caesura between life and death in biopolitics. Rather, affective bio-politics can be understood as an analytical invitation to examine the connections between affect and racism, “which allow for bio- and necropower (Mbembe 2003) to expose some populations to death while other populations are afforded mobility and access to rights and resources” (Bissenbakker & Myong 2019: 148). As such, affective biopolitics seeks to investigate how affect can be instrumentalised as governing mechanisms that expose some populations to (symbolic and/or literal) death while others are folded into the management of life.

Keeping this analytical lens in mind, I approach the empirical material by asking questions about how the documents understand, conceptualise and negotiate national attachment. The theoretical foundation directs my gaze away from an essentialist understanding of attachment as an emotion inherently residing within transnational couples. Rather, the reading strategy I employ finds its inspiration in queer theoretical analytical approaches, on which I draw to open up the documents via critical investigation (deconstruction) of their naturalised and common-sense discursive configurations of attachment. In A Critical Introduction to Queer Theory, researcher in cultural studies Nikki Sullivan discusses queering as a strategy in the analysis of popular

83 I here owe thanks to anthropologist Dr. Silvia Posocco (Birkbeck University of London, England) for insightful comments and input during the internal LOVA seminar hosted by the now Centre for Gender, Sexuality and Difference (University of Copenhagen, Denmark), 14 December 2017, which have helped me to develop my reading strategy.
culture and cultural products: “Queering popular culture, then, involves critically engaging with cultural artefacts in order to explore the ways in which meaning and identity is (inter)textually (re)produced” (2003: 190). Although I do not analyse popular culture, I do approach the administrative texts as cultural products that provide me with insights into the way attachment and national belonging are understood, managed and evaluated in a contemporary Danish context. Inspired by queer theoretical approaches, I am interested in how the administrative texts discursively construct and evaluate national attachment. I am interested in how the documents evaluate – or how they suggest evaluating – national attachment, including how the documents expect transnational couples to document and prove (in an Austinian sense, performatively establish) national attachment, or at least, attempt to do so.

Further, I analyse how the attachment requirement as configured in the administrative documents functioned as a selection mechanism, based on assessments, measurements and calculations of national attachment. Viewing the attachment requirement as a disciplinary tool, I analyse and discuss the norms and idealised understandings of national belonging in the image of which the requirement aimed to discipline transnational couples. Keeping the affect theoretical framework of Ahmed in mind, I understand and examine the attachment requirement as an affective orientation device that orientated transnational couples towards Denmark. Following this, I ask the texts how they expect transnational couples to orientate themselves towards the national ideal and align themselves with the national community through the demands of national attachment. If we think of affective orientation as a matter of direction towards certain objects and away from others, as Ahmed suggests, how does the administrative documents expect couples to orientate themselves towards Denmark and away from other nation-states with which they might identify with or to which they might have ties to?

I thus conceptualise and explore the attachment requirement as a governing mechanism that made the integration efforts and national belonging of transnational couples measurable and calculable and, in turn, made couples manageable through these calculations. I follow Somerville’s call to investigate how, through immigration and integration policy, the (nation) state sets the terms of the imagined affective relationship between the (future) citizen and the (nation) state. Somerville directs
attention towards how the (nation) state selects immigrants and produces them as citizens through naturalisation, based on their lovability. Although I do not explore naturalisation policy, I derive inspiration from Somerville’s analysis of the production of citizenship. Somerville invites us to think of family reunification, not as the production of citizens in the state, but as the selection of lovable transnational couples. If they were found lovable, the applicant was produced as a temporary resident in Denmark, and the sponsor could claim the right to family reunification in the Danish nation-state. With this in mind, I investigate and ask how the administrative documents chose subjects who were recognisable as appropriate objects of the love of the Danish nation-state through calculations of attachment. Thinking of the attachment requirement as a measuring scale, upon which the degree of transnational couples’ integration potential and efforts towards national belonging were weighed, allows me to address the requirement as an administrative tool that measured the lovability of transnational couples. More precisely, the degree of integration potential can be said to have determined the degree of lovability of the Danish nation-state.

In the next chapter, I elaborate on the methodological inspirations and concepts from which I draw inspiration and that have guided me in the analysis of the empirical material. Before that, to round off this chapter and as a prelude to the next, I introduce an essay in which I unfold and concretise the theoretical optics and reflections I have outlined in this chapter. The essay can, therefore, be read as a tangible example of the affective bio-political reading strategy at work in parts of the empirical material.
Essay

Vows of Love? Declarations of Integration and Assessments of National Attachment

Preface

This essay serves as a concrete example of an affective biopolitical reading strategy based on selected examples from my collection of empirical material (see Chapter 3). Note that I categorise this text as an essay because it adopts a more theoretical approach than the more conventional discursive analysis of the empirical material I present in the article collection in Chapter 6. The essay takes its theoretical starting point in two types of empirical material and uses them to reflect on how administrative configurations of integration and national belonging connect with notions of affect. In doing so, I am following Somerville's (2005) call to examine how the (nation) state sets the affective premises for the relationship between future citizens and the (nation) state. The essay thus presents a theoretically based interpretative key to the affective and biopolitical analysis of the administrative documents.

The essay sheds light on how the imagined love relationship between the future citizen and the nation-state takes shape. Inspired by Somerville's analysis of early American naturalisation as being similar in language, structure and effect to a vow of marriage, I analyse and discuss declarations as affective speech acts. I shed light on the administrative configurations of the attachment requirement in relation to integration goals and on how the application packets for family reunification configured integration as a set of declarations that the sponsor and applicant had to sign. In contrast to integration, national attachment entailed an administrative assessment and, as such, could not simply be declared by signing a contract. I take as my point of departure two rejection letters in which the Danish Immigration Service paraphrases a declaration of national attachment made by the sponsor. In both cases, the basis of the decision shows that the sponsor could not simply declare feelings of national attachment to Denmark. As noted in Chapter 2, the administrative management of the attachment requirement rested on an administrative assessment and estimation of transnational couples’ combined national attachment to Denmark compared to another country. Therefore, as
the two rejection letters highlight, couples could not simple declare their feelings to Denmark but had to document them and through this documentation performatively establish national attachment (see also Article 1).

This essay invites readers to think of ideals of integration as declarations of love that applicants are encouraged to make. In the case of the integration declarations, I reflect on how signing such declarations and obligating yourself and your partner can be seen as a declaration of love to Denmark; an act that subjects the immigrant to the imagined terms of the imagined affective relationship to the Danish nation-state. The essay also invites us to think of the integration and national belonging as an (demanded) labour of love imposed on transnational couples. Although national attachment was configured in relation to integration in the 2005 memorandum, for instance, national attachment rested on a calculation of couples’ efforts to integrate, to belong in Denmark. As such, in order to be considered a loveable subject in the eyes of the Danish nation-state, the sponsor could not just declare feelings of attachment but had to document their efforts towards integration and national belonging in Denmark.

Both the integration declarations and the two rejection letters, albeit in different ways, show how national belonging and citizenship can be seen as structured by affect. As such, they point beyond an understanding of the relationship between citizen and nation-state as merely a formal and legal relationship, to a relationship that can also be seen as obligating in affective terms.
I want to return to the construction of the immigrant “as someone who desires America” [cf. Berlant] and linger on it in the light of these provocative insights about the mutually constitutive relationship between sexuality and state form and practice. To what extent, for instance, does the construction of a desiring immigrant obscure the ways that the state itself, through immigration and naturalization policy, sets the terms of this imagined love, actively distinguishing between which immigrants’ desire will be returned and which will be left unrequited? To what extent does the presumed lovability of the United States distract us from, among other things, the state’s own construction of certain immigrants and citizens as “loveable,” and others as inappropriate objects for the nation’s love? (Somerville 2005: 660–61)

In the above quote, queer theoretical legal scholar Siobhan B. Somerville reflects on how queer theoretical contributions to migration research have constructed and examined how national belonging and citizenship can be seen as imbricated with affect and desire, and informed constructions of the migrant subject as – in the words of affect and migration scholar Lauren Berlant – someone who desires America. However, as Somerville points out, queer theoretical migration research may benefit from thinking about the role of the state in this affective economy of desire. Rather than thinking of the migrant as a subject who desires another nation-state, Somerville shifts analytical focus to how the (nation) state in itself sets the terms of the imagined love relationship between future citizens and the (nation) state. Moreover, Somerville points to how the (nation) state selects desirable immigrants through naturalisation and produces them as citizens, based on their lovability.

In this essay, I build on Somerville’s analysis, by reflecting on and examining how administrative configurations of integration and national belonging can be said to rest on affective economies. Although I turn my analytical gaze towards family reunification more than naturalisation as the production of citizens of the state, family reunification may be seen as an area of migration in which immigrants are produced as temporary residents (and possibly future citizens) and claims to the right to family life are bestowed, based on lovability in the eyes of the nation-state. The Danish integration
declarations that transnational couples had to sign when applying for family reunification opened up the possibility of viewing the goals of integration as culturally binding contracts, obligating transnational couples to the norms of Danishness. Keeping Somerville’s call in mind, we may think of the integration declarations as required declarations of love to the Danish nation-state. In this case, to become recognisable as lovable, transnational couples were obligated to accept (and live up to) notions of national belonging in Denmark. However, as the rejection letters in the two cases of family reunification show, it is not always enough simply to declare that you feel a strong sense of attachment to the nation-state. The attachment requirement for family reunification in Denmark required documentation of transnational couples’ integration efforts, cultural adaptability and potential to belong. I therefore invite readers to think of the attachment requirement as an administrative tool that made quantifiable the integration efforts of transnational couples – and through it their lovability. Reflecting on these two empirical examples as declarations of national love opens up the possibility of viewing the relationship between the future citizen and the nation-state as not only a formal and legally binding relationship but also an investment and affectively binding relationship.

“Let’s Talk about Love:” Attachment and economies of love

As Somerville points out, questions of “citizenship and national belonging have long been understood to be embedded within structures of desire and affect” (2005: 659). Taking the integration declarations and cases of self-declarations of attachment as entry points, I attempt to shed light on how these affective structures take shape and can be understood as demands for lovability made possible through declarations of love and labours of love in the name of the Danish nation-state. To grasp the empirical examples as vows of love, I turn to feminist scholar Sara Ahmed (2004a, 2004b, 2010). In her queer-phenomenological and postcolonial work on affect, Ahmed suggests that emotions are not merely “psychological dispositions” (2004a:119) or psychological states of individuals. Rather, by introducing an economic model of emotions, Ahmed (2004a, 2004b) highlights how “emotions work as a form of capital: affect does not reside positively in the sign or commodity, but is produced only as an effect of its circulation” (2004a: 120). Drawing on Marx, Ahmed argues that affect can be seen as an
effect of the circulation of signs. Following on from this point, Ahmed offers a perspective into how, for instance, declarations of love can bind subjects together in a national community. In this case, it is the national ideal as a shared object of love that aligns subjects and binds them together (cf. Ahmed 2004a, 2004b). In this sense, emotions do things; they act performatively, as Ahmed states: “In such affective economies, emotions do things, and they align individuals with communities – or bodily space with social space – through the very intensity of their attachments” (2004a: 120).

Following Ahmed’s affective analysis, I attempt to examine the work of emotions and attachments in the empirical examples.

Noticeably, Ahmed touches upon the concept of attachment (2004a, 2004b, 2006, 2010), but leaves the doing of the concept unfolded. In the quote above, Ahmed seems to conceptualise attachment as a condition for other affects, which lets subjects come into contact with certain objects, for example the nation-state. Nonetheless, her use of the concept points towards an understanding of attachment that serves as an important component within affective economies, as it assists other affects in the work of orienting subjects towards shared (love) objects and binding subjects together in a community through this shared affective orientation. Building on Ahmed (2004a: 117 et seq., 2004b: 123 et seq.), I am interested in what the language of love, especially declarations of national love, does in the context of family reunification in Denmark. I thus conceptualise attachment as a demand for love – or more precisely, for lovability in the eyes of the nation-state. I want to stress that I do not find this to be the final interpretation or true meaning of the attachment requirement. Rather, I interpret love as an analytical entry point to reflect on how national belonging and citizenship hinge on affective orientations and ideals. In particular, I draw on Ahmed’s analysis of the affective work that declarations of national love does performatively – or what they might not succeed in doing. Although a declaration of love might not be successful in doing what it says, this does not mean that the same declaration does not succeed in doing something else (cf. Ahmed 2004c).

Taking two empirical examples as entry points, I reflect on required national attachment and mandatory declarations of integration as conditions to obtain the right to family reunification in Denmark. What does it mean to sign a declaration of integration as an ideal and goal? How may we understand this when it is seen through a
lens of love? How do these declarations establish or serve affective relations between transnational couples and the Danish nation-state? What does it tell us about national belonging in affective terms that the right to family reunification depends on a presumed ability to attach?

“I pledge allegiance to the heavens above / Tonight to you baby I make my declaration of love:”

On declarative speech acts of love

To grasp the affective dimensions of ideals of national belonging, I investigate declarations of integration and cases of self-disclosure of national attachment as declarative speech acts. I particularly touch upon the attachment requirement as a legal demand for love. In this sense, I propose that the requirement can be understood as a required documentable declaration of love to the Danish nation-state. The attachment requirement did not take the shape of an oath of allegiance but, as I will demonstrate, it functioned as performative speech acts declared via work toward cultural adaptation. As I touched upon in the previous section, I view speech acts as performative utterances that establish a fact in the world that was not there before the utterances were vocalised (cf. Faber et al. 1998: 13, paraphrasing Austin). For example, in a legal context, a residence permit constitutes a document of speech acts that performatively changes the legal status of the applicant (Bak Jørgensen 2012: 73). In this way, we may see declarations of love as speech acts that performatively constitute an affective relation between the speaker and the addressed object of the utterance rather than an expression of that affection in simple terms.

Building on Somerville’s analysis, I direct analytical attention towards the “specific textual aspects of [immigration] laws, including metaphorical language and narrative logic, [through which] we may see the ways that the state itself functions as a site of affective power” (2005: 662). In my case, I investigate the administrative interpretations and management of the Danish Aliens Act, namely mandatory declarations of integration and assessments of attachment. Methodologically, I draw on Somerville’s reading of the nation-state as a “site of affective power” and the state’s selection and production of (future) citizens as “embedded in affective structures”

84 Quoted from the song “Declaration of Love” by Celine Dion from the album Falling Into You (1996).
In an analysis of the American oath of allegiance in the early days of its nationhood, Somerville shows how the production (or naturalisation) of US citizens works through affective components. In other words, Somerville notes that the oath “enacts a contractual relationship, a voluntary allegiance based on mutual consent between the immigrant and the state” (ibid: 662). This contractual relationship, Somerville argues, seems to work in a similar way to marriage vows:

> Perhaps not coincidentally, in form, language, and effect, the oath of allegiance has similarities to traditional vows of marriage: both are speech acts that transform the speaker’s legal status; both use the language of “fidelity” and “obligation”; and both establish an exclusive – one might even say “monogamous” – relationship to the other party. (Somerville 2005: 662)

Somerville compares the oath of allegiance to traditional American vows of marriage because both are declarative speech acts of love that transform the legal status of the speaker. In the case of the oath of allegiance, the speaker is transformed from an immigrant into someone who has the legal status of a citizen of the state, while the speakers in the ritual of marriage are transformed into the legally and affectively obligating subject positions of spouses. As such, the cultural construction of the institution of marriage as both legally and affective binding can, for example, be seen in the marriage vows. In the case of American marriage vows, for instance, couples declare that one takes the other as a spouse “to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, till death do us part” (Warner 2006: 25, 29). We may see marriage as a legally and affectively binding contract that obligates the spouses affectively to each other (e.g. “to love and to cherish”).

In their analysis of American naturalisation, Somerville invites us to think of the oath of allegiance through the same lens: as a legally but also emotionally binding contract between the citizen and the state. As stated in the quote, Somerville notes how the oath of allegiance in language, structure and effect is similar to traditional American vows of marriage. In addition to transforming the legal status of the speaker, the oath of allegiance can thus by read as a declaration, drawing on the language of loyalty and fidelity, similar to vows of marriage. For instance, the oath of allegiance begins with the
following statement: “I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potenti, state or sovereignty, of whom or which I have heretofore been a subject of citizen” (the oath of allegiance, quoted from Somerville 2005: 662). The oath of allegiance thus served as a public oath that transformed an immigrant into a citizen of the state by them declaring exclusive allegiance, loyalty and fidelity to the US. As such, the oath of allegiance may be read as a legally and affectively binding contract that, like marriage vows, established an exclusive, or monogamous as Somerville notes, relationship to the other party.

Although I do not examine naturalisation, but family reunification in a Danish context, Somerville’s analysis offers important insights into how the relationship between the (future) citizen and the nation-state can be seen as both a legally and affectively obligating contractual relationship in terms set by the nation-state. Family reunification, being a juridical-administrative process of marriage migration, can be described as love migration; a type of migration that involves love relationships and thus invites us to think of migration management in an affective light. This might be through studies of how European, including Nordic, migration management understands and deals with the authenticity and voluntariness of marriages (and co-habituating relationships) in a way that hinges on cultural Western notions of romantic love (see e.g. Eggebø 2012, 2013a; Pellander 2015, 2016; D’Aoust 2018; Wemyss, Yuval-Davis & Cassidy 2018).

However, this also calls for a rethink of how migration and integration policies set the terms of – and migration management administratively processes – the relationship between the immigrant as future citizen and the nation-state as a legally, culturally and affectively binding relationship. While the naturalisation of US citizenship rests on the ritual of a public oath, declarations of integration alongside the attachment requirement took affective form in other ways. Although not entirely similar to the oath of allegiance,

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85 It is relevant to mention that applicants for naturalisation in Denmark have to sign a declaration of faithfulness and loyalty to Denmark as a condition of being granted Danish citizenship. According to the website of the Danish Ministry of Immigration and Integration, as part of the digital application, applicants have to sign the declaration promising faithfulness and loyalty towards Denmark and Danish society. They also have to declare that they will comply with Danish legislation, including the Danish constitution, and will respect Danish values and legal principles, including Danish democracy (ibid.). Although not a public oath, the declaration of faithfulness and loyalty echoes the monogamous marriage logic also seen in the American Oath of Allegiance.

I suggest that the Danish declarations of integration might be seen as declarative speech acts of love, while the attachment requirement served as a governing mechanism that could not simply be declared, but entailed integration efforts to be recognisable as lovable in the eyes of the Danish nation-state. Both the declarations of integration and the work of documenting national attachment, as I will show in the following, can be seen as structured by affective logics of exclusive obligation and fidelity to the Danish nation-state.

**Loving declarations of integration into Danish society**

With the first empirical example, I analyse how the Danish Immigration Service configured the ideals and goals of integration into Danish society into a contract that transnational couples had to sign as part of the application process of family reunification in Denmark. Thus, the declarations of integration can be read as a culturally binding contract that demanded that transnational couples declare efforts to integrate into Danish society exclusively. Keeping Somerville’s analysis in mind, we may similarly view the declarations of integration as obligating contracts (in an affective sense as well) that determined the lovability of transnational couples based on their declared obligation to integrate. As a condition for family reunification, the declarations functioned as administratively determining factors in whether transnational couples had earned the right to family reunification.

I have sampled the declarations from the application packets for family reunification (FA1, FA10, 2018) from the website of the Danish Immigration Service. The application packets were divided into two sections: one for the applicant and one for the sponsor to complete. The applicant had to sign a declaration titled “Declaration of active participation in Danish language learning and integration into Danish society, in accordance with section 9(2) of the Aliens Act” (FA1: 9-10; FA10: 9). By signing, the applicant declared in several statements that they would “make active efforts” to both

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86 See Chapter 3 for a description of the application packets. In Article 1, I analyse (in collaboration with Bissenbakker) how the application packets constructs and manages national attachment.
“acquire an understanding of the fundamental norms and values of Danish society” and to “participate in the life of the community” (FA1: 9; FA10: 9).87

The sponsor had to sign an almost identical declaration: "Declaration of my spouse/cohabitating partner’s active participation in Danish language learning and integration into Danish society, in accordance with section 9(2) of the Aliens Act” (FA1: 25; FA10: 25). Here, the sponsor declared that they would “endeavor to help my spouse/cohabiting partner to acquire an understanding of the fundamental values and norms of Danish society” and would “help my spouse/cohabiting partner to become an active member of Danish society” (FA1: 25; FA10: 25), among other statements. The sponsor thus had to assume the responsibility for the integration of their spouse (or cohabitating partner). We might see this as a part of a broader tendency within Danish migration management to impose responsibility for the integration of the applicant on the sponsor. As such, the sponsor became an accomplice in the administrative bordering practices because their will or effort to govern the applicant could determine whether the application would be approved.88 As sites of affective power, the integration declarations offer insights into how the biopolitical governing of marriage migration took place through required declarations of love to the Danish nation-state; I will elaborate on this in the following.

A description follows the heading on both declarations, stating the purpose of that declaration. The descriptions state:

This declaration is intended to stress the importance of a good knowledge of the Danish language, Danish culture, and Danish society for new immigrants. The declaration is formulated especially for applicants who do not have prior knowledge of (FA1: 9; FA10: 9): or particular qualifications for being familiar with the Danish language, culture and society / (FA1: 25; FA10: 25): the Danish language, culture and society, or who do not have a foundation for understanding them.

87 Notably, the versions of the declarations in the most recent application packets (last accessed 28-9-2020) are almost identical to the former version I sampled in 2018. One noticeable difference is that there is an option to tick a box declaring that the applicant refuse to sign the declaration, knowing that it might affect the outcome of the application.

88 In terms of the attachment requirement, the sponsor also had a heavier workload ahead of them because their integration efforts weighed the heaviest in the assessment of national attachment (see articles 1 and 2). In Article 2, I discuss how this turned the sponsor into an accomplished border guard in rejection letters for family reunification.
According to the declarations themselves, their purpose is to inform transnational couples about the importance of immigrants achieving good knowledge of Danish language, culture and society. However, the form of a declarative contract that couples had to sign not only makes the declarations informative of what constitutes national belonging in Denmark, but also obligate transnational couples to do the work of integration. However, the informative purpose of the declaration has also been by legal scholars. This scholarship has placed emphasis on the declarations’ juridical basis and function, and the fact that the declarations were not legally binding. As legal scholar Eva Ersbøll points out: “Its purpose is to render Danish values visible and signal that the society expects foreigners to make an effort to integrate as participating and contributing citizens, equal to other citizens” (2010a: 114). In line with Ersbøll, legal scholars Dilou Jacobsen and Vedsted-Hansen explain in a legal textbook on Danish immigration law that the declarations were implemented in 2005 because the government wanted to “highlight the importance of in-depth knowledge of Danish language, culture and social conditions” (2017: 548, my translation). Although the declarations were not legally binding, it was obligatory to sign them. The couples only had to sign the integration declarations the first-time they applied, and were not required to sign new declarations when they reapplied to extend the residence permit. If one or both parties refused to sign the declaration, the immigration administration would reject the application and deny them a residence permit (cf. Dilou Jacobsen & Vedsted-Hansen 2017: 548–49). As legal scholars have stressed, the declarations were not binding in a legal sense. More precisely, they were not legally binding in the sense that the Danish nation-state could prosecute transnational couples for not doing the work they were obligated to do. Rather, the integration declarations can be seen as culturally binding contracts that obligated transnational couples to do the stated work of national belonging that good citizenship was expected to entail. As a condition for family reunification, it may be argued that the declarations made the contract-based relationship between (future) citizen and the nation-state visible.

Although, in the words of Dilou Jacobsen and Vedsted-Hansen, the integration declarations had "extremely limited legal significance and must be considered primarily as a means of clearly informing applicants of the expectations placed on aliens and
residents granted family reunification to integrate and take a Danish education” (2017: 548–49, my translation), they could still be viewed as culturally binding contracts. While the legal scholarship reads the integration declarations as non-declarative and only informative in function, I propose a different reading of them. Taking the declarations seriously as performative speech acts, with their own affective economy, I attempt to demonstrate how the declarations served as love declarations to the Danish nation-state. While declarative speech acts might not always do what they set out to do, this does not mean that they will not succeed in doing other things (cf. Ahmed 2004c). Ahmed, for example, has observed how declarations of whiteness “even as a part of a project of social critique, can reproduce white privilege in ways that are ‘unforeseen’” (ibid). What is of interest to me here is not whether the declarations were legally binding; rather, I am interested in the work they perform as declarative speech acts. Despite not being legally binding, I argue that the integration declarations still configured ideals of integration into a cultural contract between transnational couples and the Danish nation-state. In other words, they turned national belonging through cultural adaptability into a culturally binding contract. By signing, the applicant pledged to do the required work to be recognisable as integrated into Danish society, while the sponsor assumed responsibility for the applicant.89

Notably, the integration declarations, in contrast to the oath of allegiance, did not (at least explicitly) draw on similar language to marriage vows. Rather, they seem structured by logics of exclusive devotion and obligation to the Danish nation-state. How may we understand obligations to the norms of national belonging and integration in an affective light? To unpack the declarations of integration as declarative speech acts of national love, I turn to Ahmed’s analysis of British debates on migration. Within these debates, Ahmed analyses how “the nation is imagined as an ideal through the discourse of multiculturalism”, which can be described “as a form of conditional love, as well [as] hospitality” (2004b: 133). Ahmed also points out how British immigration debates, in the wake of September 11 2011, centres around new conditions and requirements for immigrants: “The new conditions require that migrants ‘must learn to be British’; that is, migrants must identify themselves as British by taking ‘the nation’ as their object of

89 Noticeably, this division of labour was similar to fulfilling the attachment requirement, where the sponsor had the heaviest workload in terms of questions in the application packets (see Article 1).
Ahmed elaborates that to pass as British in the national community can be seen as “a form of ‘assimilation’ that is reimagined as the conditions for love. (...) The over-valuation of the nation as a love object – as an object that can reciprocate one’s love – hence demands that migrants ‘take on’ the character of the national ideal: becoming British is indeed a labour of love for the migrant, whose reward is the ‘promise’ of being loved in return” (ibid: 134). Ahmed thus invites us to think of the administrative demands and goals of integration – in practice, assimilation – as a conditional love. Ahmed’s analysis thus offers a lens through which to conceptualise how the work of integration is imagined as a labour of love, to return the love of and, as promised, to be loved in return by, the Danish nation-state.

Although the Danish declarations of integration does not invoke a multicultural national ideal, Ahmed offers a lens through which to grasp how the declarations understands the Danish nation-state as an monocultural ideal, a form of conditional love in contract form. Keeping Somerville in mind, we may think of how the nation-state sets the terms of the imagined conditional love relationship between the immigrant, the potential future citizen and the nation-state, through declarations of integration.

Although the declarations does not echo traditional vows of marriage as the oath of allegiance does, we may still think of them as required declarative speech acts of national love. In structure and logic, the declarations exclusively orientate transnational couples towards Denmark. By signing, couples can be said to have take Denmark as their exclusive object of love, obligating themselves to do the required work of integration and cultural adaptability to the norms of Danish language and values. Thinking of cultural adaptability as a form of conditional love on the premises of the nation-state, we may see the integration declarations as culturally binding contracts that set the terms for this conditional love: couples were thus obligated to achieve the goals of integration and to self-discipline themselves to take on the image of good (affective) citizens. In conclusion, we may see the declarations of integration as culturally binding contracts that aimed to obligate transnational couples to meet the ideals of integration, understood as taking Denmark as their exclusive object of love, with the work of integration understood as a labour of love – or lovability, in the words

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90 For an analysis of the work of love in the Danish national ideal in media cases of family reunification of children, see Myong and Smedegaard Nielsen (2019).
of Somerville – that was required in order for them to earn the promised love of the nation-state in return. Within this love economy, we may understand the right to family reunification as the promised reward of the conditional love of the Danish nation-state.

“Saving All My Love for You:” National attachment as declarations of love?

The integration declarations turned cultural adaptability and national belonging into a culturally and affectively binding contract aimed to obligate transnational couples to achieve the goals of integration as a labour of lovability in the eyes of the Danish nation-state. This section builds on these affective insights into how migration policy sets the terms for the imagined conditional love between the future citizen and the nation-state. I use two rejection letters from family reunification cases in Denmark to examine how the attachment requirement functioned as a condition for the right to family reunification. National attachment could not be declared simply by signing a culturally binding contract or a self-declaration of feelings of attachment to Denmark. Instead, the attachment requirement entailed an administrative assessment, on the basis of which the administration determined whether the degree and strength of the transnational couple’s national attachment to Denmark compared to another country was sufficient to approve their application for family reunification. As the two rejection letters show, couples had to be able to document their efforts towards and potential for national belonging – their lovability – through the demands for attachment. While transnational couples were expected to make active efforts to achieve national attachment (to adapt culturally), they could not negotiate the conditions or the premises of this work. Only the immigration administration could decide what counted as sufficient attachment.

This part of the essay engages with two rejection letters in cases of family reunification, one from 2011 and one from 2013. I have picked these letters from a pool of decision letters collected from the Danish Immigration Service, the administrative authority that handles applications for family reunification. These are the only two out of 18 rejection letters in which the administration refers to self-disclosure of attachment to Denmark.91

In short, a rejection letter is a letter from the Danish Immigration Service (the “we” of

91 See Chapter 3 for an in-depth description of the rejection letters.
the text) to the applicant (the “you” of the text) declaring that their application has been rejected. The two letters are similar in structure, and each contains a section on the decision that announces that the application has been rejected based on an evaluation of the attachment requirement. This is followed by a section on the consequences of the rejection: that the temporary right to stay while the application was being processed has now been revoked. The applicant is given seven days to leave the country from the date they receive the letter. The letters then summarise the case, outlining the most important information and dates, including the date when the sponsor was granted residency in Denmark, as well as information regarding the country where the applicant was brought up and so on.

The letters then reference the legal rules stated in the Danish Aliens Act, upon which the administration has processed the application. Here, the letters intertextually reference the 2005 memorandum as a central document according to which the application has been processed. Under the heading “The basis for the decision,” the letters then provide an evaluation of the national attachment of the couple to Denmark compared to another country. The letters conclude with information about how the applicant can report a complaint. The letters are signed by the particular caseworker, presumably the person who evaluated the application on behalf of the Danish Immigration Service as the official institutional sender.

The legal rules, based on the Danish Aliens Act, are attached to the decision letter. While the rejection letters are in Danish, the rejection letter from 2013 begins with a summary of the decision in English, addressed to The Royal Danish Embassy, Ankara, asking the embassy to inform the applicant of the rejection (Rejection letter 2013, 2: 1). The legal rules that follow are an English version of excerpts from the Danish Aliens Act. The summarised English version of the decision suggests that this application was sent from a Danish embassy abroad. An application for family reunification can be submitted at the Danish Immigration Service’s Citizen Service Centre or, if the applicant lives outside Copenhagen, they can submit their application at the local police station (e.g. application packet FA10, 2018:1). Alternatively, applicants who live abroad can submit their application to a Danish embassy if they have had residency in the country for the previous three months (Dilou Jacobsen & Vedsted-Hansen 2017: 565).
Notably, the year 2011 marked a shift in the discursive tone of rejection letters. Previously, they had been more formal in tone and used legally convoluted language. Now, they used a tone and language that was closer to everyday Danish. However, this does not mean that the verbal relationship between the “you” of the text (the applicant) and the institutional "we" was on equal terms. It was still the administration that set the terms and conditions of the evaluation, despite the discursive shift suggesting otherwise.

In both rejection letters, the case summary and the basis of the decision refer to the fact that the sponsor had posted a letter during the processing of the application in which they declare their attachment to Denmark. The rejection letter from 2011 states that the sponsor was born and raised in Afghanistan. In 2000, at the age of 14, she was granted residency as a child of a refugee residing in Denmark by the age of 14 and later the same year, she was granted residency as a refugee in Denmark. The letter further states that the applicant was also born and raised in Afghanistan. In 2010, the couple married in Afghanistan and applied for family reunification at the end of the year. The other case is similar in that the sponsor also had residency as a refugee in Denmark. The rejection letter from 2013 (no. 2) does not offer much information about the couple. However, I have deduced from spatial information that the sponsor, presumably an Iraqi citizen, fled from Iraq and had resided in Denmark since 1998, because reference is made to the Danish Aliens Act § 7, section 2. This grants an individual a residence permit in Denmark, with reference to the Refugee Convention, so we must presume that the sponsor has refugee status. In 2012, the applicant, also presumably an Iraqi citizen although this is not stated, resided in Turkey.

The rejection letter from 2011 states that the administration (the institutional “we” of the text) has found that neither the sponsor nor the applicant meets the attachment requirement and that both parties have a significant attachment to Afghanistan. In the rejection letter from 2013 (no. 2), the administrative voice states that the sponsor, on the grounds of his employment history in Denmark, has achieved a strong attachment to Denmark, while the applicant, because they have never been in Denmark, has not achieved an independent attachment.

In the 2011 rejection letter, the case summary states that the sponsor sent an additional letter to the Danish Immigration Service after submitting her application. As the
rejection letter describes, the sponsor declared in this letter that – in addition to believing that she are able to fulfil other requirements – she “feels more attached to Denmark than Afghanistan” (2011: 2, my translation); Afghanistan is stated as the applicant’s country of residence and citizenship. In both cases, the immigration administration included the additional information in the evaluation. Similarly, the rejection letter from 2013 (no. 2) states that the sponsor sent a letter eight months after the submission of the application, in which he declares among other things that “he has [a] strong attachment to Denmark, namely through his work, and moreover that he has never received state [financial] benefits, that he has appropriate accommodation, and that he can provide financial stability” (ibid: 4, my translation). Although the sponsors’ statements in these letters were reviewed in the evaluation, the self-disclosure of attachment to Denmark did not in itself count as a sign of sufficient attachment. This is illustrated in the following excerpts from the “The basis of the decision” section of the two letters:

In the light of the other circumstances in the case, the fact that your spouse has pointed out that she feels greater attachment to Denmark than Afghanistan, that she has passed the immigration test, and that she believes she can fulfil the accommodation requirement, the financial self-sufficiency requirement and the financial capital requirement, does not lead to any change to the assessment that your combined attachment to Denmark is not greater than your attachment to Afghanistan. (Rejection letter 2011: 5, my translation)

The sponsors reference several other conditions governing the right to family reunification in Denmark. In addition to the attachment requirement, additional conditions included financial independence, for example that the sponsor is able to support the applicant financially (Dilou Jacobsen & Vedsted-Hansen 2017: 536). Another financial condition was the requirement for financial self-sufficiency. This stipulated that the sponsor must not have received state benefits for three years before applying for, and being granted, a temporary residence permit for the applicant (ibid: 537). There was also a financial capital condition, which dictated that the sponsor had to put up a deposit of DKK 50,000 to support the applicant (ibid: 544–45). Another condition referenced by this sponsor was the accommodation requirement, which stated that the sponsor had to have their own accommodation of a certain size (ibid: 546). For more information about the conditions governing family reunification at this time, see Dilou Jacobsen & Vedsted-Hansen 2017.

According to the Danish Ministry of Immigration and Integration’s website, the immigration test is an oral exam in two parts: first, a language exam that tests the immigrant’s proficiency in Danish, and second, an exam that tests the immigrant’s knowledge of Denmark and Danish society. To pass the immigration test, applicants must pass both exams. Direct link: https://uim.dk/arbeidsomrader/danskundervisning-og-prover-for-udlændinge/prover/indvandringsproven (last accessed 28-9-2020). See also Dilou Jacobsen & Vedsted-Hansen (2017: 550–52).
The circumstance that your spouse has a residence permit under § 7, section 2, in Denmark, that he does not feel safe in Iraq, that he cannot read or write Kurdish, that he may not be able to find a job in Iraq, that his parents and siblings live in Denmark, and that he has great attachment to Denmark, cannot change the assessment. (Rejection letter 2013, 2: 6, my translation)

What does it mean to self-declare feelings of attachment to Denmark? Which possibilities/impossibilities for recognisability as a good affective citizen (Fortier 2010) and showing a will to integration are opened up by these speech acts? If we read the self-declarations of attachment I have described as declarations of national love, what can they tell us about the relationship between transnational couples as potential future citizens of the state and the nation-state as an affectively obligating relationship? In addition, what can they tell us about assimilation understood as a demand for the reciprocation of the imagined love of the nation-state, a promise of the right to family reunification as a reward earned in exchange for this work?

As the above quotes indicate, the immigration administration did take the self-proclamations of attachment into consideration during its processing of the applications. However, the administration ultimately dismissed the self-declarations as valid signs of attachment to Denmark. As stated in “The basis of the decision” section of the letters, a self-declaration of attachment could not change the decision when weighed against a couple’s generally insufficient attachment to Denmark. In the rejection letter from 2013 (no. 2), the administration states that it had finds that the applicant has not achieved an independent attachment to Denmark on the grounds that they had not visited the country. As such, the administration did find that the sponsor had achieved a strong attachment to Denmark, but the fact that the applicant did not have an attachment subtracted from their combined attachment to Denmark. In this case, the self-disclosure of national attachment was taken into account in the evaluation, but was dismissed as not being a strong enough sign to tip the decision. On the other hand, the rejection letter from 2011 states that the administration, based on an evaluation of the couple’s attachment, does not find that the couple fulfil the attachment requirement.

94 For an elaboration on the administration’s assessment of the attachment requirement and the criteria for attachment, see Chapter 2.
In this case, the letter concludes that the couple’s combined attachment to Afghanistan is greater than to Denmark, with the letter stating that the sponsor and applicant has a significant attachment to Afghanistan. The sponsor’s self-declaration of feelings of attachment to Denmark (among other things) was taken into consideration but was dismissed as not being sufficient to change the decision.

Notably, the administration did take the self-declarations of attachment to Denmark into account in the evaluation of the couple’s attachment, but dismissed these as not being a sign that could change the outcome of the evaluation: the couples’ combined attachment to Denmark was still evaluated as being less than their attachment to another country. However, we might read the inclusion of the self-declarations in the assessment of the attachment requirement as a partial acknowledgment of the sponsor’s will or efforts to prove attachment (and other conditions governing the right to family reunification), although the administration did not consider the self-declaration a weighty enough sign on the scale of national attachment to Denmark. While transnational couples were expected to make active efforts to achieve national attachment (or adapt culturally), they could not negotiate the conditions or the premises for this work or efforts to integrate. Only the immigration administration could decide what counted as sufficient attachment.

In an affective light, the self-declarations of national attachment are interesting speech acts that – in addition to trying to performatively establish attachment to Denmark – can be read as declarations of love to the Danish nation-state. This is perhaps most evident in the case from 2011, where the sponsor declares feelings of attachment to Denmark. The same can be said of the letter from 2013 (no. 2) but in the letter from 2011, we might read the described self-declaration of attachment in addition to the listed conditions of integration that the sponsor says she has accomplished, or will be able to accomplish in the future, as a way of speaking the language of love: to declare subjection and self-sacrifice in the name of the Danish nation-state. In other words, we

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95 I owe associate professor Ingvil Førland Hellstrand (Centre for Gender Studies University of Stavanger, Norway) a special thanks for pointing me towards a reading of the attachment declaration as a declaration of love at the Centre for Gender Studies’ reading seminar on 14 May 2019. This has been an invaluable help to me in developing this part of the analysis.
may read the self-declaration as an attempt to establish attachment and belonging to
the nation-state by speaking the language of love. The declarative speech act may be
read as an attempt by the sponsor to demonstrate and obligate herself to the self-
sacrificing love required by the Danish nation-state by listing the assimilatory work she
has accomplished or has obligated herself to accomplish in the future. Keeping
Somerville’s analysis in mind, we may see the self-declaration as an attempt by the
sponsor to position herself as a lovable subject who deserves to be loved by the nation-
state in return. In this affective economy, the right to family reunification can be seen as
an earned gift in exchange for the obligation to assimilate.

Thus, it can be argued that the sponsor attempts to make a declaration of love to
Denmark, which the administration rejects as a valid form of attachment (and as efforts
towards integration). As the case examples show, national attachment entailed an
administrative estimation and assessment and could not simply be declared by the
sponsor. Thus, the sponsor themselves might have thought or felt they had (or did not
have) an attachment; however, the administration did not accept self-declarations as
signs that the couple had fulfilled the attachment requirement. The self-declarations can
be said to provide an analysis of and pinpoint what it actually is that the nation-state
demands of transnational couples. More precisely, we might say that the sponsor saw
through what the attachment requirement was about, namely a demand, based on the
expectation of national belonging as loving the nation-state and being lovable in its eyes.

In this way, we might read the self-declarations as negotiations of attachment, which the
administration rejected. Thus, the sponsor did not set the same terms for their
relationship to Denmark. It is the Danish Immigration Service that administers Danish
immigration law. Here, it becomes relevant to turn to queer feminist philosopher Judith
Butler (1997) and her reading of philosopher of language J.L. Austin on speech acts.
According to Austin, the success of speech acts depends on the whole speech situation.
In other words, for a speech act to be happy depends on who speaks, what is spoken,
how it is said and to whom it is addressed, as well as the context of the speech act. If we
think back to the traditional marriage vows, these affective speech acts require the right
kind of authority figure (a priest or mayor) and witnesses, as well as follow-up
administration and paperwork to document the marriage. In the case of family
reunification, the declarations of integration and the declarative speech acts of attachment also rely on the full speech situation.

Extrapolating on Butler’s reading of Austin, the declarations of integration can be read as declarative speech acts, declared when the couple signed the application. In one way, these can be characterised as illocutionary speech acts, in other words a speech act that in itself “is the deed that it effects” (Butler 1997: 3), because both parties obligated themselves to integration by signing the document. On the other hand, they can also be seen as perlocutionary speech acts, in other words “speech acts that produce certain effects as their consequence; by saying something, a certain effect follows” (ibid: 3), because they encouraged and aimed to direct the behaviour of couples to pursue integration goals. By signing, the couples commit to active participation in Danish society, to acquiring Danish language skills and so on. In this case, the couples did the declarative speech acts of integration, the terms of which the administration had set on behalf of the nation-state. The only room for negotiation here was whether or not the couples signed the declarations, although the consequence of not signing was rejection of the application. As such, couples were left in a position where they had limited room for negotiation. In the case of the declarations of integration, these declarative speech acts can be said to have been happy in the eyes of the administration when couples signed (and submitted) them and, by signing, were culturally obligated to fulfil the content of the declarations. As the declarations of integration show, and what is important to consider in regard to the self-declarations of national attachment, is that it was the administrative bodies of the state that administered its laws and therefore set the terms and decided whether the declarative speech acts were happy or not.

To sum up, it is the situation in which the speech acts are spoken that determines whether they are successful in what they set out to do. In the case of the declarations of integration, the administration had set the terms for the specific declarative speech acts, the language and format of the declarations. In the case of the self-declarative speech acts of national attachment, these were sent by letter to the administration on the particular sponsors’ own initiative, as a form of extra credit work in addition to the application and enclosed documentation. Like the declarations of integration, we might characterise the self-declarations as illocutionary speech acts that set out to do what they said: to establish the national attachment of the sponsor. Although the
administration included the declarations in the evaluation, the administration rejected them as signs that the couples had sufficient attachment. As such, it can be argued that they did not succeed in what they set out to do: they did not establish sufficient attachment. In one way, the rejection of the declarative speech acts can be read as an administrative reluctance to accept the sponsor taking matters into their own hands. On the other hand, we might say that the rejection was a sign of an administrative reluctance to accept the sponsor revealing the attachment requirement as a demand for loving investment in the Danish nation-state by the couple. Understood this way, it could be argued that national attachment cannot be declared (in contrast to integration, for example), because it might be viewed as unreliable. In this way, the administration might view the declarative speech acts of attachment as lip service on the part of the sponsor, which is why the administration favoured assessment based on documentation.

The administration did partly acknowledge the declarative speech acts as efforts towards national attachment by including them in the evaluation of the attachment requirement. However, the immigration authorities did not view the self-declarations as valid proof of attachment in themselves. As such, it was not enough that the sponsor felt an attachment to Denmark and told the administration this; couples had to be able to document their attachment, and this had to be assessed according to criteria determined by the administration. Although the sponsors tried to state their case by speaking the language of love by subjecting themselves to the premises of lovability set by the nation-state, these declarative speech acts were not enough – or were not the right way – to do attachment in the eyes of the administration.

Finally, I would like to return to Ahmed's (2004b) analysis of the national demand for immigrants to become British by assimilation, understood as a conditional labour of love imposed upon the immigrant subject. Thinking of the attachment requirement in the light of this, it could be argued that the attachment requirement rested on similar logic, making cultural assimilation a condition, a labour of love, that promised family reunification in return. From the perspective of the immigrant sponsor, we might read the self-declarative speech acts as saying: “I have done and aim to do all the culturally adaptive work as a sign of the loving investment that you, the Danish nation-state, have
asked of me. Now I expect you to love me in return, as you have promised, by giving me the right to family reunification as an earned reward in return for my loving investment in your name” (cf. Ahmed 2004b). However, it was the administration that set the premise for the relationship; attachment had to be documentable and not simply declared. National attachment was not something you could simply declare by letter, but rather, the concept served to make assimilation a labour of love – in Ahmed’s words – to make the character of the national ideal documentable and measurable. Keeping Somerville in mind, to become as a lovable subject in the eyes of the nation-state, and therefore deserving of the right to family reunification as a reward, depended on couples being able to document that they were working to adapt culturally.

In conclusion, we might say that the sponsor partly succeeded in establishing themselves as a lovable subject via the declarative speech act of national attachment. Although the self-declarative speech acts did not tip the scales in the assessment of the couples’ attachment to Denmark, the administration did include them in its assessment of the couples’ attachment, thereby acknowledging them as at least indications of the will to fulfil the attachment requirement (along with other conditions governing family reunification in Denmark). However, as the two rejection letters illustrate, the sponsor could not establish attachment to Denmark by declaring it. In other words, they could not simply swear an oath of allegiance or sign a declaration as part of the application process, committing them to do attachment in the name of Denmark. Rather, couples had to try to achieve attachment by doing documentable integration, in practice, assimilation as a labour of love. In this way, the attachment requirement can be said to have obligated transnational couples to do the required work – and be able to document and prove attachment through this labour of love.

“Tell It to My Heart:” Assimilation as a labour of love

Following Somerville’s call to think of the (nation) state as a site of affective power that chooses immigrants as appropriate objects of love, I have examined how the Danish immigration administration can be said to have evaluated the lovability of transnational couples, and granted them the right of family reunification, on the basis of the sponsors’ lovability in the eyes of the Danish nation-state. In the case of the declarations of
integration, couples had to sign a culturally binding contract that committed them to do integration work. On the other hand, the sponsor could not simply declare attachment, as the two rejection letters illustrate. Rather, the attachment requirement entailed an administrative assessment of transnational couples’ combined attachment to Denmark as compared with another country. Although neither the declarations of integration nor the attachment requirement can be characterised as similar in language and form to vows of love, as in the case of the American oath of allegiance, they can be said to draw on similar logic, requesting exclusive obligation and commitment. In the case of the declarations of integration, couples obligated and subjected themselves to integration by signing the declaration. In the case of the attachment requirement, the sponsor could not declare attachment to Denmark. Instead, the administration assessed, measured and decided whether couples had achieved sufficient attachment to Denmark on the basis of documentation. Thinking of the conditions in line with Ahmed’s analysis of assimilation as a labour of love, we might view the declarations of integration and the attachment requirement, albeit in different ways, as affective economies. Following on from Ahmed’s analysis of integration as a conditional love, as “a labour of love for the migrant, whose reward is the ‘promise’ of being loved in return” (Ahmed 2004b: 134), we may see the right of family reunification as the reward for transnational couples in exchange for their integration efforts. As the empirical examples indicate, the relationship between the future citizen and the nation-state might be seen not simply as a legal relationship, but also an affective one.
“Documents are among the primary paraphernalia of modern states and legal systems: they are its material culture.” (Navaro-Yashin 2007: 84)
Chapter 5

Methodological approaches and reflections on the study of administrative documents

This chapter outlines and discusses the methodological approaches I take inspiration from in the analysis of the administrative documents. I use administrative documents, primarily application packets and decision letters related to cases of family reunification, as an empirical vantage point from which to look into the administrative management of the attachment requirement. To unpack the empirical material, I employ different approaches and analytical instruments from several different methods. I have chosen these perspectives and analytical concepts to concretise the methodological implications of the theoretical foundation of affective biopolitics.

Examining documents, as philosopher and scholar in management and organisational technologies Lise Justesen (2005: 219) describes, raises several vital methodological questions regarding how to approach the material. In approaching the empirical material, I use and draw inspiration from discourse analysis, namely discourse theory (Foucault 2003; Laclau & Mouffe 2001 [1985]), document analysis, performativity and speech act theory (Austin 1962; Posocco 2011; Somerville 2005), and cultural studies and affect theory (Ahmed 2004a, 2004b, 2006, 2010; Berlant 2006, 2011; Posocco 2011; Somerville 2005). Some methods focus on analysing how documents circle in a bureaucratic context, while others provide concepts for unpacking documents on a textual level. For example, as a social science method, document analysis has helped me examine and situate the documents in an administrative context; while I use the tools provided by discourse theory as a methodological backdrop to examine the textual content of those documents.

In the following section, I introduce analytical approaches and orientations that the theoretical foundation of biopolitical thinking and affect theory entails. I present the concepts and tools of discourse theory that constitute the methodological backdrop to my analysis. Subsequently, I elaborate on the methodological considerations and discussions that an analysis of administrative documents as an object of study raises. I
conclude the chapter with a reflection on the epistemological possibilities and analytical benefits that taking documents as an empirical point of departure affords. I describe the overarching analytical strategy of the dissertation as a scavenger methodology, which I set out in detail below.

**A scavenger methodology**

Drawing inspiration from and combining different methods, I aim to foreground the complexities of the empirical material. I unpack how the administrative documents discursively negotiate and ascribe meaning to the legal concept of attachment, as well as investigating how the documents act performatively. Therefore, I employ the previously methods listed to examine different facets of the material, from the documents themselves to their function within the administrative system. In doing so, I draw inspiration from Halberstam’s conceptualisation of a *(queer)* scavenger methodology: “The queer methodology attempts to combine methods that are often cast as being at odds with each other, and it refuses the academic compulsion toward disciplinary coherence” (1998: 13). Although the methods I draw from are not at odds with each other, they nonetheless offer different perspectives and analytical gateways into the empirical material. Building on Halberstam’s queer scavenger methodology allows me critically to examine conventionalised and naturalised concepts such as attachment. Thus, I do not seek to investigate representations of gender or sexualities that fall outside of the norm. Rather I use the term *queer* as methodology, to question and deconstruct the common sense understanding of attachment and the manner in which the documents understand and discursively naturalise attachment as a pre-existing fact. In doing so, I am attuned to how the documents discursively produce subjectivities through conceptualisations and evaluations of attachment. The empirical material itself has both required and encouraged me to use different methodological perspectives, concepts and strategies in the unpacking of these materials and their discursive constructions of attachment.
“Following in Foucault’s Footsteps:” Biopolitical perspectives on documents

In what follows, I sketch out the methodological implications of biopolitical thinking – or more precisely, the analytical journey on which the theoretical foundation in affective biopolitical invites me to embark. Biopolitical thinking prompts me to consider administrative documents as discursive products that can inform us how concepts of national attachment and belonging have been discursively constituted. Biopolitical thinking influences how I view and analyse the documents and the author of the particular documents.

In the article “Following in Foucault’s Footsteps,” sociologist Lindsay Prior (1997) translates and converts Foucault’s analytical apparatus into a text-based qualitative method. Prior introduces an anti-essentialist approach to administrative documents. In line with discourse theory and constructivist document analysis, biopolitical thinking offers a lens through which to view administrative actions and the governing of documents. Rather than seeking to uncover the essence of administrative documents, I aim to show how legal documents have governed family reunification through the concept of attachment. In this sense, legal documents can be seen as what Prior (1997: 67) describes as textually ordered knowledge packages that the researcher may discursively unpack:

Indeed, a text instructs us how to see the world, how to differentiate the parts within it, and thereby provides the means by which we can engage with the world. One might even argue that in many spheres of human practice one can only know the world through the representational orders contained within text. (Prior 1997: 367)

Drawing on Prior, the aim of my investigation is not to decode any perceived intentions or motivations of the authors or particular caseworkers in the material. Instead, I approach the documents as discursive knowledge packages to unpack. In line with Prior, I argue that the administrative documents presented here, not only instruct us in how to understand the concept of attachment but also have the performative capacity to

96 I borrow here from the title of Lindsay Prior’s (1997) article “Following in Foucault’s Footsteps: Text and Context in Qualitative Research.”
grant entry or server the mobility and migration trajectory of applicants. The empirical material can be viewed as knowledge packages that offer insights into the administrative machinery, from application to decision.\footnote{One noticeable example of a biopolitical investigation of documents is Danish gender scholar Sølve M. Holm’s (2015) historical analysis of the medical diagnostic interventions, classificatory practices and treatment of trans individuals in Denmark.}

However, as a researcher, conducting a biopolitical study not only shapes how I view the administrative documents, but also how I perceive the author or sender of the texts. Although I analyse legal decisions, I turn my analytical gaze away from the possible intentions and motivations of the bureaucrats involved in particular cases. This is not because I feel an analysis of their intentions is uninteresting, but rather as an effect of how I view the empirical material. I explore the documents in their own right because the discursive and performative force of them cannot be solely reduced to a question of the intentions of their author. Rather, documents act performatively in their own right. I am therefore interested in particular immigration administrative institutions as the senders of the documents. In other words, I view the documents as being both produced by and part of the institution (Mik-Meyer 2005: 200). Although specific caseworkers, working at the Danish Immigration Service at the time, may have signed the decision letters, it is the bureaucratic institution, the official author figure, which piques my curiosity. Drawing on Prior, Peter Dahler-Larsen argues that it might be more useful to think of an \textit{author function} in relation to institutional documents:

\begin{quote}
Many documents actually have an institution as author. (…) A downplaying of the relevance of the personal is characteristic of bureaucratic organisations and is also an important analytical sign that the institution is invested in the document. This means that the meaning of the document does not reasonably lend itself to a decoding of some kind of »deep« and »authentic« meaning on the part of the author, as a personal and subjective actor, and therefore, it is perhaps more beneficial to speak of an \textit{author function} rather than an author. (Dahler-Larsen 2005: 242, italics in original, my translation)
\end{quote}

In terms of the empirical material, as specific caseworkers have signed the decision letters, they could be identified as the authors of the individual decision letters. However, despite their signatures, I choose to identify the Danish Immigration Service
as the author (function) of the decisions. Although I am interested in the decisions as examples of the administrative practices of attachment, I analyse the documents as examples of the practice of the Danish Immigration Service as an (state) institution, not as examples of the individual work of particular bureaucrats.

In conclusion, my biopolitical analytical strategy has guided my view of legal-administrative documents as knowledge packets (cf. Prior 1997). Understood as discursive knowledge packets, I am interested in how the documents discursively constitute and evaluate national attachment, and categorise transnational couples accordingly. In the following section, I introduce analytical concepts from discourse theory to concretise the biopolitical approach to studying documents. Thus, this section is meant as a catalogue of analytical concepts demonstrating how close textual readings might take shape.

A discourse theoretical backdrop: Unpacking instruments from the toolbox

This section introduces analytical concepts of discourse theory, which I employ as a methodological backdrop to the theoretical analysis of the empirical material. In the articles, I do not present a discourse theoretical analysis of the administrative discourses on national attachment per se. Rather I employ discourse theory as a preparatory element or what I will describe as intermediate results to the analysis presented in the articles. In this section, I will elaborate on discourse theory to ensure that the preparatory work, which has shaped, structured and guided my analysis, is clearly visible. The section also offers a glimpse in to the analytical concepts that serve backdrop to the descriptive analysis that precedes the articles.

I draw methodological inspiration from discourse theory as introduced and developed by the post-Marxist and poststructuralist thinkers Ernesto Laclau and Chantal Mouffe. I do not intend to create an exhaustive list or catalogue of concepts of discourse theory. Instead, I introduce and deploy the concepts I believe significant for my analysis. Although Foucault (1978, 2003) conducted and developed discourse analysis, his approach differs from that of Laclau and Mouffe. Nonetheless, I do not see their differing

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98 For an in-depth introduction to discourse theory as a method (compared to other discourse analytical methods), see Winther Jørgensen & Philips (2011 [1999]).
discursive approaches as incompatible. Foucault conducts discourse analysis in order to chart larger discursive shifts in European history, whereas Laclau and Mouffe introduce specific analytical concepts to support and supplement discourse analysis. Therefore, I view discourse theory as an elaboration and refinement of Foucault.

In their book *Hegemony and Socialist Strategy* (2001 [1985]), they unfold an analytical apparatus to show how signs are ascribed meaning in social contexts. In and of themselves, signs do not carry an inherent meaning (an essence); discursive practices give them meaning. Due to this lack of inherent meaning in signs meaning is never completed or total, as cultural studies scholar Marianne Winther Jørgensen and professor in communications Louise Philips (2011 [1999]: 34) note in an introduction to discourse theory. I should mention that I introduce and discuss discourse theory in relation to Winther Jørgensen and Philips here, because their book stands as a central introduction and interpretation of discourse analysis as theory and method text, in a Danish context.

Discourse theory offers insights into how administrative documents understand, negotiate and give meaning to concepts such as *attachment, integration, Denmark* and *home country*. For instance, as discussed in Chapter 2, the administrative documents do not discuss the meaning of attachment. Consequently, attachment has a common-sense status in the empirical material, which is why the analysis of the administrative documents is less concerned with antagonistic discourses battling to ascribe meaning to the concept. Instead, it is the observation of the lack of antagonistic discourses, i.e. the common sense status of the concept in the administrative interpretations and management of the law that has shaped the discourse analysis.

**Discourse and articulation**

Laclau and Mouffe define a *discourse* as the result of what they dub an *articulatory practice*: “(... a discursive structure is not a merely 'cognitive' and 'contemplative' entity; rather, it is an *articulatory practice* which constitutes and organizes social relations” (2001 [1985]: 96). In other words, a discourse is not a pre-determined entity, but the product of articulatory practices. According to Laclau and Mouffe, a discourse is an (only temporary stable) *structured totality* that results from articulation.
Articulation, on the other hand, is a practice that establishes a particular relation between, what they call elements (i.e. “any difference that is not discursively articulated”), turning them into moments (ibid: 105). However, as meaning is never entirely fulfilled, the transition from elements into moments is never completed (ibid: 106-7, 110). In the initial analysis, I noted how the documents discursively create equivalence (i.e. discursively establish a connection) between attachment and other signs, (linguistic skills, employment and family, for instance), which can be characterised as moments in the articulation of the documents. In other words, the documents ascribe meaning to the concept of attachment by connecting it with other signs in what Laclau and Mouffe call a chain of equivalence. I return to this concept later, but first, I will describe and discuss the concepts of floating signifiers.

**Discourse formation, nodal points and floating signifiers**

In relation to the concept of discourse, Laclau and Mouffe also introduce the concept of discourse formation. Drawing on Foucault’s work on discourse formation, they attempt to develop their own account of the concept. As Winther Jørgensen and Philips (2011:69) note, it is unclear if Laclau and Mouffe are using the concepts in the same way as Foucault. In a Foucauldian perspective, discourse formation refers to different (and possibly contradictory) discourses working in the same terrain (ibid: 69). In line with Winther Jørgensen and Philips, I find their version of discourse formation somewhat unclear, but note that Laclau and Mouffe seem to use it almost synonymously with the concept of discourse.

A discourse formation does not simply consist of moments, but in some cases also of certain privileged signifiers, i.e. nodal points (Laclau & Mouffe 2001 [1985]: 112). Anodal point is a partially fixed centre of a discourse. On the other hand, elements that are not articulated in a discursive chain, they describe as floating signifiers (ibid: 113). These floating signifiers are elements that have not been ascribed a fixed meaning. For instance, similar to the concept of attachment, the concept of integration had commonsense status in the administrative documents, which to some extent explains the lack of attempts to define it. It could be argued that the concept of attachment is a floating signifier because its definition and meaning is not up for discussion in the
administrative documents. On the other hand, in the 2005-memorandum and the rejection letters, the concept occupies a position as a nodal point, a partially fixed centre in the texts. In these documents, attachment occupies a position as a privileged signifier relating to other signs such as upbringing, linguistic skills, education and employment.

**Discursive chain of equivalence and differentiation**

As part of the initial reading, I noted how the documents ascribed meaning to attachment by linking it with other signs in chains of equivalence, i.e. the discursive linking of a nodal point with other signs (ibid: 127). For Laclau and Mouffe, articulating and ascribing meaning to a sign occur via differentiation from other signs. For example, nodal points) are ascribed meaning by being linked with other signs in a chain of equivalence, and equally, by being differentiated from other signs. One way of analysing the structure of a discourse is to identify nodal points and by being attentive to other signs, they become either linked together with and/or differentiated from. For instance, the administrative documents discursively differentiate attachment to Denmark from attachment to the homeland. The rejection letters link attachment to Denmark with employment in Denmark, while attachment to the homeland is differentiated here from, and linked to, long-term stays. These initial observations have guided the analysis of how the administrative documents understand and manage national attachment.

**On the limits of discourse**

Conducting discourse analysis raises the question of possible boundaries between the discursive and non-discursive: What are the limits of the discursive, and where does the discursive domain end? In opposition to late Foucault, Laclau and Mouffe reject a clear distinction between discursive and non-discursive practices (ibid: 107). Here Laclau and Mouffe are in theoretical agreement with Ahmed's (2004b) rejection of a clear distinction between discursive emotion and pre-discursive affect. In line with Ahmed's analysis, they argue that a discourse analysis does not presuppose (or is object-specific) regarding the object of study that can be analysed as a discourse. Discourse theory is a lens through which to view how objects are ascribed meaning; however, the method does not aim to uncover the essence of a given object. Although they argue that many
different forms of material, not merely linguistic practices can be analysed as discourse, they do no suggest that all materials are equivalent with or reducible to language and culture (ibid: 108). My analysis is exclusively text-based although discourse theory as a method in general is not limited exclusively to the analysis of texts.

The discursive production of subject positions

The analysis of the administrative documents focuses on the administrative production of (legal) subjects through an assessment of national attachment to Denmark. In this endeavour, Laclau and Mouffe's conceptualisation of the subject as a discursive position has informed the discourse analysis of the empirical material. Contrary to an everyday understanding of discourse as a product of the subject, Laclau and Mouffe turn this notion on its head. With regard to the relation between discourse and subject, they argue that “the material character of discourse cannot be unified in the experience or consciousness of a founding subject; on the contrary, diverse subject positions appear dispersed within a discursive formation” (2001 [1985]: 109). In this way, discourses establish and position subjects, and the subject is less the driving force or founder behind the articulatory practices than the by-product of discursive practices (ibid: 115). To sum up, Laclau and Mouffe see discourses and subjects as reciprocally constitutive. With this in mind, I explore how the administrative documents establish and position (legal) subjects in the assessment of the attachment requirement.

Affective analysis of administrative documents

In this section, I reflect on the methodological implications that affect theory offers to my study of the administrative documents. To analyse the affective aspects of the attachment requirement, I turn to the affect theoretical work of Ahmed. It should be noted that Ahmed does not present a method per se, but rather her readings centre on what affect does in different cultural contexts. Therefore, I turn to other methodological approaches to assist me in the analysis of how the administrative documents. Although a recent object of study and analytical perspective within migration studies, few examples of affective migration studies exist. These include studies that mention or centre on legal and/or administrative documents. These studies have inspired my
affective analysis of the administrative documents in different ways. For example, migration scholar Tina Gudrun Jensen (2014) has conducted qualitative interviews with transnational couples who have chosen to move from Denmark to Sweden. In the study, Jensen examine how couples lost their sense of attachment to Denmark over time (ibid: 216). Jensen’s study opens up important insights in citizenship as not only a legal relationship but also an affective relation between citizens and the nation-state. However, the study tends to presuppose attachment as an emotional phenomenon, i.e. an emotion that transnational couples have or can lose, based on their migration histories.

Another example is an ethnographic study of hope conducted by professor in transnational studies Heike Drotbohm (2017). Through qualitative interviews with young Cape Verdeans, Drotbohm investigate how they emotionally negotiate and tackle the visa application process. Hope, she argues, is not only a social resource for applicants, but an institutional matter as the visa administration “foster and distribute hope as a crucial resource” (ibid: 35). Drotbohm’s study is an example of an analysis where emotions, structure migrants’ experiences of the visa application process. Nonetheless, the administrative documents as a central part of the application process disappear from analytical view in her study.

However, there are other examples of affective migration studies that include or focus on legal and administrative documents. One noteworthy example is a study conducted by professor in social anthropology Yael Navaro-Yashin (2007) on the interaction of counterfeit legal documents (make-believe papers), people and affect. Navaro-Yashin’s study opens up several points regarding affect and documents. For example, she describes documents as “affectively charged phenomenon” that “produce and effect affect” (ibid: 95). Her point that documents produce affect inspires my analysis. For instance, I analyse how the application packets performatively establish the phenomenon they seek to able to document, namely national attachment.

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99 Jensen (2014) investigates what migration scholars call the Swedish model. This term refers to a migration strategy used by transnational couples, where the sponsor is a Danish resident and moves to Sweden. By moving to Sweden, the sponsor could use the EU-granted right to freedom of movement, which entailed the right to be accompanied by a family member (Lund Pedersen 2012; Staver 2014). Alternatively, the couple could apply for family reunification in Sweden, where the legislation was less strict than in Denmark (Jensen 2014; see also Liversage & Rytter 2014; Rytter 2012; Wagner 2014).
As a final example, I would like to draw attention to professor in social anthropology Silvia Posocco’s (2011) ethnographic study of adoption papers (expedientes) in a Guatemalan context. Drawing speech acts theory, Posocco investigates these paper files as identity establishing documents that have the agential capacity to be at “once severing and instantiating relations between the birth mother, the adoptee and the adoptive parent or parents” (ibid: 11). Posocco conducts a close reading of the agential capacities legal documents from an affective perspective.

Taken as a whole, these studies offer crucial insights into the intersection of affect and migration. Taking inspiration from these studies, I conduct close readings of administrative documents. When analysing decision letters and other administrative documents, I do not attempt to analyse if the documents represent transnational couples’ feelings of attachment to Denmark. Instead, my research interest is guided by how the documents evaluate (or presume to evaluate) and thereby discursively constitute the very same phenomenon, namely national attachment. The administrative documents offer a glimpse into the administrative management of attachment, understood as an affective concept.

**Empirical material: Texts or documents?**

It is important to note that I use the terms *text* and *document* interchangeably throughout the dissertation. Inspired by Prior I have chosen to do so because I only analyses text material, and therefore I believe it unnecessary to distinguish between the two. Although it is worth noting that documents, as Prior (2011 [2004]) argues, do not only are equal to texts in all contexts. Similar to Laclau and Mouffe’s (2001 [1985]) argument that all materials can be analysed as discourse, Prior emphasises that all kind of materials can be considered documents. Prior argues that: “(...) architectural drawings, books, paintings, X-rays images, film and sequences of DNA can all be considered as ‘documents’ – depending on the use that is made of such artefacts in specific circumstances” (2011 [2004]: 94). As Prior (2011 [2004]) points out, documents can, depending on the use of the term, include non-textual material. In a similar vein, sociologist and researcher in governance and bureaucracy Nanna Mik-Meyer (2005) further states: “Document material can vary greatly. It includes pure text
productions, for example, journals, political speeches, case files and shopping lists, and it includes material that contains both text and graphics such as websites and newspaper articles” (ibid: 193, my translation). Although I agree with Prior that the umbrella term *document* cannot be reduced to encompass texts alone, I apply the two interchangeably throughout the dissertation in order to highlight the texts as documents. This is because I find that the term *document* offers an analytical perspective on the performative capacities and administrative function of the textual material.

**Epistemological benefits, or why study administrative documents?**

I have chosen to conduct a text-based analysis of administrative documents to examine the administrative management of the attachment requirement. I find that the administrate documents offer crucial insights into how the requirement governed migration in a Danish context. In other words, the different types of documents offer insights into how the administration interpreted the law and converted it into practice. Although the administrative practice and the experiences of transnational couples are intertwined, and not necessarily easily distinguishable, I chose early on in the research process to avoid conducting qualitative interviews with transnational couples about their experiences with the application process. I do not wish to suggest that transnational couples’ experiences are irrelevant, but extensive migration scholarship on how couples’ experience, cope and navigate immigration bureaucracy has already been carried out (see e.g. Liversage & Rytter 2014; Jensen 2014; Rytter 2010, 2012; Schmidt 2011; Schultz-Nielsen & Tranæs 2009; Stokes-DuPass 2015; Wagner 2014). Less attention has been paid to the actual administrative practice in and of itself. Conducting qualitative interviews with transnational couples would have unduly shifted the analytical gaze from the administrative practice to transnational couples’ lived experiences and emotional consequences of Danish immigration policies. The different types of documents allow me to look inside the cockpit of the administration. As pointed out by Navaro-Yashin (2007: 84), documents can be seen as the “primary paraphernalia” as well as the material culture modern of states and legal systems. In this light, they offer crucial insights into the administrative functioning of both. As, Dahler-Larsen (2005) puts it: “A seemingly trivial document can say a lot about how an
institution functions” (ibid: 235, my translation). Trivial or important, administrative documents offer crucial insights into the operation of a given institution.\footnote{100\textsuperscript{100} Documents have been a central empirical material within social sciences such as anthropology and sociology (cf. Hull 2012). For an overview and review of the extensive literature on documents, see Hull (2012).}

During my studies, I considered conducting interviews with caseworkers and bureaucrats working at the Danish Immigration Service to supplement and contextualise the administrative documents. Here, I derived inspiration from the migration scholars Helga Eggebø (2013b) and Saara Pellander (2015), who have conducted both ethnographic fieldwork and qualitative interviews with bureaucrats. Although these types of studies offer crucial insights into caseworkers’ reflections on their understanding and management of the attachment requirement, as Eggebø (2013b) and Pellander (2015) shown, this approach would not necessarily provide insights into how the attachment requirement was actually implemented and managed. As I analyse and cover almost the entire lifespan of the attachment requirement, it would be difficult to locate caseworkers who were involved in the practice over such a long and continuous period. Although interviews with caseworkers would undoubtedly add to the study, I have chosen to concentrate on the administrative documents because they provide me with a snapshot, frozen in time, of the management of the attachment requirement. Documents have, as Dahler-Larsen points out, “an institutional power that makes them interesting in themselves” (2005: 235, my translation). Mik-Meyer (2005) adds to the discussion by stressing the epistemological gains of documents:

\textit{Documents are thus defined by having a materiality that both reflects the institutional setting/context that formed the framework for their production, and that generates different meanings depending on the institutional circumstances/the-specific social context in which the particular document material is subsequently used. Documents are, therefore, an obvious empirical material if the aim is to gain knowledge of the different institutional circumstances and contexts of which it forms part. This makes it possible both to investigate different social context using the same document as a vantage point and to conduct an analysis that, for example, investigates how central – and textually-based – concepts such as »fibromyalgia« impact on how different organisations act. (Mik Meyer 2005: 198-9, italics in original, my translation)}
As Mik Meyer argues, documents offer crucial insights into how bureaucratic organisations operate, and how they understand a concept, such as attachment, textually. Furthermore, legal documents such as law proposals and bills – and I might add, the administrative interpretations and translations thereof in the form of memoranda – offer a glimpse into the definitions and boundaries of national identity, as well as the construction of national borders (Dudziak & Volpp 2005: 594). In conclusion, I have chosen legal documents as empirical material, because they – in different ways, depending on the types of documents – offer crucial insights into the administrative management of the attachment requirement.

Two types of text? On descriptive and performative documents

My study of administrative documents is in conversation with bureaucratic studies regarding whether we view documents as descriptive or performative, thus shaping how we might analyse documents as empirical material. It is important to note that I do not definitively categorise the administrative documents as being either descriptive or performative. Rather I use the distinction to analyse how the different administrative documents act performatively. In my study, I have included different administrative documents that could be categorised as descriptive and/or performative texts, depending on the context. Although I employ this distinction, I want to stress that both types of documents act, but in different ways. According to Dahler-Larsen (2005: 244), descriptive texts describe phenomenon or problems, and in this understanding, they establish and underpin these concepts, national attachment being an example.

Descriptive text can be characterised as instructive guides that demonstrate and provide incentives to act in certain ways. On the other hand, Dahler-Larsen defines performative texts in line with Austin's speech act theory, as the particular act happening when certain documents are issued (ibid: 244). In my own case, the application packets and decision letters can be seen as performative texts, because they performatively establish the concept they set out to describe, namely, attachment. Decision letters also act through either the granting or denial of residence to the applicants in Denmark. Memorandums, on the other hand, can be seen as examples of descriptive texts in that they describe the administrative conduct of attachment. They act as instructive guides both for caseworkers.
In my analysis, I do not intend to categorise the empirical documents as either descriptive or performative texts. Rather by introducing and addressing the distinction, I hope to shed light on the different functions of these documents; how they act, in different ways. For example, memoranda, for example the 2005-memorandum, are both instructive documents in that they state the administrative practice of how to evaluate attachment, and are also discursive replies about how to conceptualise attachment (through said evaluation instruction). In this way, they affect and shape how caseworkers act. Here, I concur with Dahler-Larsen's (2005: 245) observation that the researcher needs to be attentive to, and understand, the interaction of the dual ways in which documents can act. I thus find the distinction useful in analysing and discussing the different empirical material – and in the unpacking of how particular documents act.

The agential capacities of administrative documents

Documents, in the words of Justesen, are not simply “neutral and passively descriptive” (2005: 222, my translation). Rather they act performatively in different ways: “Documents’ actions can, for example, consist of categorising, legitimising, problematising as well as an infinite number of other possible actions that will always only be identifiable in specific empirical analyses”(ibid: 222, my translation). In my study, I am interested in how the administrative documents legitimise and problematis transnational couples in the evaluation of national attachment. Here, I draw on speech act theory, originally set out by philosopher of language J. L. Austin (1962). This section does not offer an extensive introduction to speech act theory; rather, I tease out and discuss central aspects and analytical points that have shaped my study of the administrative documents.

The term speech acts refers to Austin’s critique of the notion that language only functions to simply represent affairs in the world; introducing the concept, he aims to show how language often acts (Justesen 2005: 222). As such, Austin distinguishes between descriptive utterances that describe facts in the world and performative utterances that change circumstances in the world when vocalised (Austin 1962: 94 et. seq; Butler 1997: 17 et. seq; Faber et al. 1998: 13-15). However, feminist philosopher Judith Butler has, among others, critiqued this clear-cut distinction, arguing that even
descriptive utterances must be seen as performative: for example, to (legally) name or state someone as, for example, a foreigner is also a performative and identity-constituting act through categorisation (Justesen 2005: 222). Following Butler’s point, I analyse how the administrative documents descriptively assess national attachment – and through this descriptive assessment construct national attachment.

The analysis of the performativity of administrative documents has led me to consider what makes speech acts successful in doing what they say. Austin calls speech acts that succeed in their doing happy performatives (Austin 1962: 47; Posocco 2011: 12). According to Austin, whether a speech act can be considered happy depends on the total speech situation (Austin 1962: 52; Butler 1997: 2-3). As such, we must consider not only the utterance but also the context within which the particular utterance is vocalised. Although there is “no easy way to decide on how best to delimit that totality” (1997: 2), as Butler remarks, it is nonetheless important to consider the context of particular speech acts.

To conclude, I, therefore, draw inspiration from speech act theory in analysing what administrative documents do, e.g. how application packets and decision letters evaluate national attachment – and through said evaluation discursively constitute the concept of national attachment. Thus, I focus on how the documents through legitimisation and problematisation select and constitute subjects with either a sufficient or an insufficient attachment to Denmark. For example, I analyse how the application packets expect couples to be able to document a national attachment to Denmark. Depending on the documentation of attachment, the application packets, as argued by migration scholar Martin Bak Jørgensen (2012) can “change the status for a migrant marrying a Danish permanent resident” (ibid: 73). As such, speech act theory offers an analytical gaze into the agential capacities of legal and administrative documents.

**Concluding remarks**

In this chapter, I have sketched out the methodological approaches and analytical tools that have assisted me in the discourse analysis of the administrative documents. Since I rely on several (but not incompatible) methodological approaches, I denote the overall method of the dissertation as a scavenger methodology (Halberstam 1998): a
methodology that combines diverse methods and reading strategies to critically examine how the administrative documents discursively ascribe meaning to the concept of national attachment. As such, I view the documents as *textually ordered knowledge packages* (Prior 1997), which I seek to unpack. More precisely, I analyse the documents as examples of the administrative management of the attachment requirement.

My analysis draws inspiration from discourse theory (Laclau & Mouffe 2001 [1985]), which I use as a methodological backdrop. For example, discourse theory has enabled me to observe discursive tendencies and patterns in the empirical material. The analysis is also guided by an interest in the agential capacities (Posocco 2011) of administrative documents. I analyse how documents such as application packets and decision letters can be understood as performative acts. Inspired by speech act theory (Austin 1962), I look at how these documents transform the legal status of the applicant into a temporary resident, and how they discursively construct the very phenomenon they seek to evaluate, namely national attachment. The scavenger methodological approach has guided and assisted me in analysing the complexities of the administrative documents – and to unpack the affective biopolitical aspects of the governing of the attachment requirement to which the administrative documents afford a glimpse.
Chapter 6

Affective weights on the scale of national attachment: Analysis and discussion of the administrative management of the attachment requirement

In this chapter, I conduct a discourse analysis of the administrative documents to examine how the documents understand, conceptualise and evaluate the national attachment of transnational couples. As the analysis demonstrates, the administrative documents discursively configured national attachment as calculable ties to the Danish nation-state compared with what the administration deemed a home country. More precisely, the documents seek to measure attachment through three vectors: to achieve, maintain or disrupt national attachment.

This chapter is in two interrelated parts. The first serves as an analytical backdrop to the collection of articles, which makes up the second part. In the first part, I conduct a descriptive discourse analysis of, primarily, the rejection letters selected from the Danish Immigration Service. However, I also map discursive tendencies across the empirical material to situate the analytical findings within the broader administrative context. In this way, the first part can be read as a prelude to the theoretically grounded analysis that I present in the articles. Thus, I have chosen to dedicate a section of the dissertation to the descriptive discourse analysis, because I find it requires more space than is possible within the article format.

The second part consists of the article collection (articles 1–3). In the articles, especially article 2, I build and reflect on the analytical findings of the descriptive discourse analysis. Each article focuses on a different kind of administrative document from the application packets (article 1) that couples had to fill out and submit to apply for family reunification, and decision letters (articles 2 and 3) in family reunification cases. By using different administrative documents, I explore the administrative management of the attachment requirement as an affective biopolitical governing mechanism within the area of migration. Together, the two parts of the chapter show how the attachment
requirement functioned as a migration policy tool that made national attachment – the lovability – of transnational couples measurable and calculable and, in doing so, made transnational couples in particular and migration in general, governable.
This section presents the discourse analysis that serves as a backdrop to the theoretically grounded analysis of the empirical material presented in the articles. This analysis maps discursive tendencies, patterns and key words that I have identified across the empirical material.\(^{101}\) In the analysis, I focus on how the rejection letters discursively construct attachment, while I map out the other administrative documents to contextualise the rejection letters in broader discursive tendencies within and across the administrative documents and system. The discursive tendencies that I have mapped out centre on constructions of the evaluation of attachment. Some documents address and discuss how to evaluate attachment (e.g. memorandums and legal textbooks) while others include real-life examples (e.g. decision letters and practice examples). The first discursive tendency I want to highlight is the discursive construction of attachment as a calculation. The construction of attachment as a calculation also has implications for the administrative assessment, which can be seen as a weighing up process or measuring of attachment, expected to result in a weightier attachment to Denmark than to another country. The next section builds on attachment as a calculation and focuses on the discursive construction of attachment as ties to the nation-state that transnational couples, especially the sponsors, are expected to (make efforts to) achieve. I also show how the rejection letters worries about whether the sponsor had maintained an attachment to what the documents deemed to be their home country. In a few instances, the administration found that the sponsor had chosen to disrupt their strong attachment to Denmark by maintaining an attachment to the home country. Here, the documents articulated an implicitly affective understanding of attachment as ties to a nation-state, which the article collection further unpacks and discusses. Notably, the documents discursively constructed Denmark as the ideal and expected object of couples’ attachment, which they had to achieve to obtain the right to

\(^{101}\) I here draw methodological inspiration from ground theory and situational analysis, see Clarke (2005) and Strauss & Corbin (2008).
family reunification. I begin the mapping with an analysis of the discursive construction of attachment as a calculation.

**Attachment as a calculation**

The administrative documents discursively construct attachment as quantitative in nature and understand the assessment of attachment as a calculation. First and foremost, this is seen in the legal definition of the attachment requirement that stated that couples’ attachment to Denmark had to be *greater than* to another country.\(^{102}\) The articulation of the law establish attachment as a quantitative entity and implies (mathematical) measurement (attachment to Denmark must be greater than). This is also reflected in the administrative documents\(^{103}\) that therefore can be said to convert the mathematical implications of the law into administrative practice concerning the attachment requirement. It should be noted that the documents subtly shift between an understanding of attachment as an entity to weigh and a question of strength. However, the documents articulate criteria of attachment as signifiers that can be added up to determine whether a couple’s attachment to Denmark ideally is greater than to another country. One examples of this is a rejection letter from 2014 (no. 2). The following is an excerpt from the basis of the decision:

> In the decision, we have stressed [the fact] that your spouse [the sponsor] was born and raised in Vietnam, where she also went to school and has lived for most of her adult life. We must, therefore, presume that your spouse has a greater attachment to Vietnam than to Denmark, where she was not granted a residence permit until 1998, when she was 38 years old. (Rejection letter 2014, 2: 4, my translation)

The rejection letter from 2014 (no. 2) states that the sponsor immigrated to Denmark through family reunification with a Danish citizen resident in the country in 1998. In 2011, the sponsor was granted a permanent residence permit in Denmark. Referencing

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\(^{102}\) Cf. Danish Aliens Act § 9, section 7.

\(^{103}\) I have traced this discourse across the empirical material, most importantly in both the rejection letters and the practice examples from the Danish Immigration Appeals Board website.
the application form, the letter states that the couple is both Vietnamese citizens and born and raised in Vietnam. As this rejection letter illustrates, attachment is understood as a quantitative phenomenon. In the quote, the rejection letter (more precisely, the administrative “we” in the text) evaluate the upbringing of the sponsor as a sign that indicates attachment to Vietnam. In general, the letters evaluate the attachment of sponsor and applicant individually, and then add together their individual attachment to consider whether combined their attachment to Denmark is greater than a shared home country. As reflected in the law, the administrative documents, including the rejection letters, understand Denmark as the ideal object of couples’ attachment. However, I have also traced this discourse in other of the administrative documents. For example, in the legal textbook from 2017, Dilou Jacobsen and Vedsted-Hansen argue that the legislative documents only contain "modest guidelines for the weighing of the spouses' combined attachment to Denmark and to other countries, namely the spouses' home country" (ibid: 524, my translation, italics in original). The authors' use of the sign *weighing* attachment speaks to the discourse on attachment as being quantitative in nature, and indicates that the assessment of attachment as a question of weighing the degree or strength of the quantitative phenomenon of attachment. In conclusion, the administrative documents discursive construct attachment as a quantitative phenomenon, calculated by four main criteria as signs of national attachment to Denmark compared with a (most often) shared home country.

**Attachment as ties to the nation-state**\(^1\)\(^0\)\(^4\)

Building on attachment as a calculation, the administrative documents also evaluate and establish attachment as ties to a nation-state. This discursive construction rests on the three signifiers that figure most regularly in the rejection letters.\(^1\)\(^0\)\(^5\) The empirical material thus discursively constructs attachment as ties to the nation-state that transnational couples can achieve, maintain or disrupt. In what follows, I have divided the analysis into subsections, each of which focuses on one of the discursive signifiers.

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\(^1\)\(^0\)\(^4\) It should be noted that this part of the discourse analysis serves as an analytical backdrop to the theoretically based analysis in Article 2.

\(^1\)\(^0\)\(^5\) I have traced this discourse across the empirical material in the practice examples from the Danish Immigration Appeals Board website, the 2005 memorandum and the 2017 textbook.
Notably, the empirical material, especially the rejection letters, presents attachment as calculable ties to Denmark that a couple, especially the sponsor, had to work on, achieve or maintain to Denmark. As such, the rejection letters construct attachment to Denmark as an ideal achievement.

**Achieving attachment to Denmark**

From a quantitative angle, achieving attachment to Denmark may be seen as the most prominent of the three signifiers. In the rejection letters, the signifier to achieve [opnå] appears in eight out of the 18 rejection letters\(^\text{106}\) and it also appears in many of the practice examples from the Danish Immigration Appeals Board.\(^\text{107}\) It also appears in instructive administrative documents: the 2005-memorandum and the legal textbook from 2017. To articulate attachment as an achievement is thus a tendency seen across the empirical material. As such, several of the rejection letters focus on whether the couple – and in some cases, the children of the couple – have achieved attachment to Denmark. Therefore, I have divided the analysis of attachment as an achievement into three subsections focusing on: 1) the sponsor; 2) the applicant; and 3) the child/children of the couple.

**The sponsor**

Several of the rejection letters centre on whether the sponsor has achieved an attachment to Denmark.\(^\text{108}\) This is also the case in other of the administrative

\(^{106}\) Rejection letters 2006; 2007; 2010; 2013, 1; 2013, 2; 2014, 1; 2015, 2.

\(^{107}\) The signifier *achieving attachment* appears in 31 out of 46 of the Danish Appeal Board’s practice examples: Decision of 2 March 2017; decision of 19 December 2016; decision of 12 September 2016; decision of 25 July 2016; decision of 19 July 2016; decision of 11 January 2016; decision of 9 July 2015; decision of 24 June 2015; decision of 24 April 2015; decision of 20 April 2015; decision of 13 April 2015; decision of 8 April 2015; decision of 26 March 2015; decision of 17 March 2015; decision of 26 August 2014; decision of 21 August 2014; decision of 15 May 2014; decision of 13 May 2014; decision of 7 May 2014; decision of 29 April 2014; decision of 24 April 2014; decision of 23 April 2014; decision of 17 March 2014; decision of 18 December 2013; decision of 10 September 2013; decision of 15 August 2013; decision of 15 August 2013; decision of 14 August 2013; decision of 7 August 2013; decision of 5 February 2013.

\(^{108}\) Rejection letters 2006; 2010; 2011; 2013, 1.
documents,\textsuperscript{109} including the practice examples from the Danish Immigrant Appeals Board.\textsuperscript{110} As such, it is a discursive tendency that cuts across several of the empirical texts. Several rejection letters state that the sponsor has not achieved an attachment to Denmark as the reason for the administration deciding to reject the application. This is perhaps most evident in the following excerpt from the basis of the decision from a rejection letter from 2010:

We have also stressed [the fact] that your spouse has never been attached to the Danish labour market and has no professional qualifying education in Denmark, why we find that your spouse has not achieved a significant and permanent attachment to the Danish labour market to an extent that it might lead to a different assessment of your combined attachment to Denmark as not being greater than your combined attachment to Somalia or Ethiopia. (Rejection letter 2010: 4, my translation)

This letter states that the sponsor is a Somali citizen, born and raised in Somalia and Ethiopia, who later immigrated to Denmark where he obtained permanent residency, while the applicant is a Somali citizen who spent their childhood and adult life in Somalia and Ethiopia. As this letter illustrates, it is the education and employment history of the sponsor that the administration (the “we”) includes in its evaluation of whether the sponsor has achieved a sufficient attachment to Denmark. In other words, the administration evaluates the completion of a profession qualifying education in Denmark, in addition to the number and duration of jobs in Denmark, as signs of that determine the degree or strength of attachment to Denmark. The evaluation here follows a mathematical logic in which the length of an uninterrupted employment equals the degree of attachment to Denmark that the sponsor has achieved. It could be

\textsuperscript{109} These include in the 2005 memorandum, the 2017 textbook.

\textsuperscript{110} The practice examples of the Danish Appeal Board’s website that focus on whether the sponsor has achieved an attachment to Denmark include the following: Decision of 12 September 2016; decision of 19 July 2016; decision of 11 January 2016; decision of 9 July 2015; decision of 24 June 2015; decision of 24 April 2015; decision of 20 April 2015; decision of 13 April 2015; decision of 26 March 2015; decision 17 March 2015; decision of 21 August 2014; decision of 13 May 2014; decision of 29 April 2014; decision of 17 March 2014; decision 15 August 2013; decision of 15 August 2013; decision 14 August 2013; decision 5 February 2013.
argued that the relationship between employment and education and the perceived outcome of attachment is a correlation. Thus, the assessment of achievement of attachment rests on the discourse on attachment as a calculation.

The applicant

It is not only the sponsor who was subjected to administrative review. Several of the rejection letters focus on whether the applicant has achieved an independent, i.e. closer attachment to Denmark.\textsuperscript{111} This pertains to letters that state that the sponsor has achieved a sufficient attachment to Denmark. In these rejection letters, the administration evaluates lack of stays in Denmark, evaluated as a signs that applicant does not have an independent attachment to Denmark. The same discourse pattern also cuts across the empirical material, including the practice examples from the Danish Immigration Appeal Board.\textsuperscript{112} One example of this discourse is a rejection letter from 2007:

Please be advised that you may submit a new application for a residence permit if you [the applicant] and your spouse [the sponsor] later fulfil the attachment requirement, for example if you achieve a closer attachment to Denmark through a visit in Denmark or residence in your own right, for example due to work or study in the country. Acquiring Danish language skills can also in the assessment of the attachment requirement. (Rejection letter 2007: 3, my translation)

The letter states that both sponsor and applicant were born and raised in Vietnam. It also states that the sponsor later immigrated to Denmark and was granted permanent residency here. In the basis of the decision, the letter states that the applicant does not have an independent attachment to Denmark beyond the marriage (ibid: 3), why the applicant is encouraged to achieve a closer attachment to Denmark. As the letter

\textsuperscript{111} Rejection letters 2007; 2010; 2013, 2; 2014, 1.

\textsuperscript{112} The following case examples from the Danish Appeal Board include whether the applicant has achieved an attachment to Denmark: Decision of 2 March 2017; decision of 12 September 2016; decision of 19 July 2016; decision of 11 January 2016; decision of 24 April 2015; decision of 20 April 2015; decision of 13 April 2015; decision of 8 April 2015; decision of 26 March 2015; decision of 17 March 2015; decision of 26 August 2014; decision of 15 May 2014; decision of 13 May 2014; decision of 7 May, 2014; decision of 29 April 29, 2014; decision of 24 April 2014; decision of 23 April 2014; decision of 17 March 2014; decision of 18 December 2013; decision of 10 September 2013; decision of 15 August 2013; decision of 15 August 2013; decision of 5 February 2013.
illustrates, the administration reviewed the number of stays in Denmark as signs of attachment. In the case of the applicant, the letter constructs attachment as a question of both literal and metaphorical closeness to Denmark. In a literal sense, the letter encourages the applicant to stay inside the geographical territory of the Danish nation-state. In a metaphorical sense, the applicant is encouraged to achieve a symbolic closeness to Denmark, for instance by acquiring Danish language skills.

The evaluation of the attachment of the application follows the same logic as of the sponsor: the letters discursively construct attachment to Denmark as an expected achievement. Overall, the letters attachment as an expected goal for both parties, mostly the sponsor, but also the applicant must achieve an independent attachment. In relation to the applicant, the letters thus frame the achievement of attachment as being both physical (by visiting the geographically territory of the nation-state) and metaphorical (for example, by acquiring Danish language skills).

**Child/children**

Several rejection letters are also concerned with the child/children of the couple.\(^{113}\) These rejection letters evaluate whether the couple’s child/children have achieved an independent attachment to Denmark. In these cases, the administration evaluates the degree or strength of the attachment of the child/children, to determine whether the application should be approved, despite the couple’s combined attachment to Denmark not being greater than their attachment to another country. As such, the attachment of the child or children could potentially outweigh the lesser attachment of the couple in the evaluation. However, in the letters, the administration found that the child/children have not achieved a significant independent attachment to Denmark to the extent that the application could be approved.\(^{114}\)

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\(^{113}\) Rejection letters 2003; 2010; 2013, 1; 2015, 2; 2016, 1; 2017, 1; 2017, 2.

\(^{114}\) For more information about the legal rules and administrative assessment of attachment of the children, see Dilou Jacobsen & Vedsted Hansen (2017).
In both the practice from the Danish Immigration Appeals Board website\textsuperscript{115} and the rejection letters, it is their upbringing and elementary schooling in Denmark that the administration evaluated as signs determining whether the child or children had achieved an attachment to Denmark. This is can be seen in a rejection letter from 2013 (no. 1):

We have taken into consideration [the fact] that you [the applicant] and your spouse [the sponsor] have two children together who are Danish citizens, but we do not find that this is sufficient ground to alter the assessment.

We have stressed [the fact] that, since the children have spent much of their lives in Pakistan and only took up residency in Denmark again in June 2009, they have not achieved sufficient independent attachment to Denmark that for you to be granted residency on these grounds. (Rejection letter 2013, 1: 6, my translation)

As illustrated by the quoted letter, the administration (the “we”) reviews the duration of stay and upbringing in Denmark as signs of whether a child/children have achieved an independent attachment to Denmark. Similar to the assessment of sponsor and applicant, the letters understand the relation between the duration of stay and upbringing on the one hand, and the degree or strength of attachment on the other, according to mathematical principles. In other words, the relationship between the duration of stay and achievement of attachment to Denmark can be characterised as correlative. As such, the letters expect child/children to achieve a significant attachment to Denmark by growing up inside the geographical territory of the Danish nation-state.

In addition, a rejection letter from 2017 (no. 1) also took the Danish language skills of the child/children into account as a sign of attachment to Denmark. While the quoted letter evaluates whether the applicant can be granted a residence permit on the basis of the attachment of the children, other rejection letters review whether it would against the child/children’s best interest to reject the application (and deny entry to the applicant). Similar to the evaluation of attachment of adults, the evaluation of children hinges on whether they can be considered well integrated. As such, the evaluation in the

\textsuperscript{115} The following case examples from the Danish Appeal Board include an assessment of whether the child/children have achieved an independent attachment: Decision of 2 March 2017; decision of 12 September 2016; decision of 9 July 2016; decision of 20 April 2015; decision of 21 August 2014; decision of 7 May 2014; decision of 29 April 2014; decision of 18 December 2013; decision of 15 August 2013; decision of 14 August 2013; decision of 7 August 2013.
letters follows an integration logic where the well-integrated-ness of the child/children determines their attachment to Denmark. In other words, whether a child/children are well integrated determines whether they have achieved a significant attachment to Denmark.

Overall, the rejection letters articulated the attachment of children to Denmark similarly to the way they frame the evaluation of couples as an expected achievement. In these cases, the attachment of the child or children could tip the outcome of the application towards approval. According to the 2005-memorandum, also referenced in the rejection letters, a child had to have at least between six and seven years of residence in Denmark to be considered to have achieved a strong independent attachment to Denmark. As reflected in the rejection letters, the duration of stay correlates to the degree of attachment to Denmark in the eyes of the administration.

Summary of achieving attachment to Denmark

As the analysis shows, several of the rejection letters are concerned with whether the sponsor, the applicant and in some instances the couple’s child or children, had achieved a strong attachment to Denmark as the ideal attachment object. Thus, the letters understand the Danish nation-state as the expected and ideal object of the attachment of transnational couples and their child or children. In the case of the sponsor, the administration assessed whether they had achieved an attachment through length of employment in Denmark; in the case of the applicant, the administration evaluated the number and length of stays in Denmark as signs of whether they had achieved a strong independent attachment to Denmark. In the cases of the children, the number of years of their childhood and of their elementary schooling in Denmark were evaluated to determine whether the children had achieved a strong independent attachment to Denmark. Based on the evaluation of children’s attachment, the administration decided whether the applicants should be granted temporary residency even though the couple's combined attachment was not greater to Denmark than to

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116 The evaluation of attachment follows a reverse logic to the requirement of successful integration governing family reunification of children. Here attachment is evaluated as a condition for integration. See Dilou Jacobsen & Vedsted-Hansen (2017) and Adamo (2016).

117 Ibid: 5-6.
another country. In general, the evaluation of attachment could be characterised as a correlative relationship between the length of, for example, employment, and the degree or strength of attachment to Denmark.

Maintaining attachment to another country

Several of the administrative texts are also concerned about whether the sponsor has maintained an attachment to what the administration has deemed to be the couple’s shared home country.118 These texts are predominantly the rejection letters from the Danish Immigration Service and the practice examples from the Danish Immigration Appeals Board,119 but can also be traced to the 2005- memorandum and the 2017-textbook. As such, we can trace this discourse across the empirical material. As the rejection letters show, the administration viewed long-term stays by the sponsor, during which they lived a family life in a shared country of origin with the applicant, as a sign that the sponsor has maintained a strong attachment to that country. With

118 Almost all the rejection letters assess the couple’s combined attachment to Denmark compared with a shared homeland. In other words, the rejection letters mostly evaluate cases where the administration has found that the sponsor had the same country of origin as the applicant. As Dilou Jacobsen and Vedsted-Hansen discuss in the legal textbook (2017: 529–30), in cases where the sponsor did not have the same country of origin as the applicant, the sponsor’s attachment to Denmark would often be enough to determine that the attachment requirement has been fulfilled. However, referencing two ministerial comments on the bill, Dilou Jacobsen and Vedsted-Hansen mention two possible exceptions to this rule: where the administration found that sponsor had a "personal and/or cultural attachment to the country to which the applicant is »predominantly attached«; and where the resident spouse [the sponsor] has only been living in Denmark for relatively few years” (ibid: 530, quoting the Comments to the law proposal no. L 152/2001-02, 2. Collection, p. 55 & the Comments to § 1, no. 11 in law proposal no. L 104/2011-2, p. 34-35, my translation). The two authors discuss the fact that the range was administratively unclear, especially regarding the first exception. However, they conclude that exceptions from the main rule had to rely on a concrete evaluation (ibid: 530, note 202). This is also evident in two cases from my collection of empirical material. For instance, the rejection letter from 2013 (no. 2) evaluates a case where the sponsor (presumably an Iraqi citizen) and the applicant (residing in Turkey), according to the information in the letter, do not share the same country of origin. The administration still found that the couple did not fulfil the attachment requirement. This is also the case in one of the practice examples on the website of the Danish Appeal Board (decision of 19 December 2016), in which the board decided to uphold the initial decision because they found that the sponsor (a Somali citizen with permanent residency in Denmark) and the applicant (a Somali citizen, born and raised in Ethiopia) did not have a greater attachment to Denmark than to Somalia or Ethiopia. The decision stated that the board emphasised the fact that there was a cultural and geographical closeness to Somalia and Ethiopia, meaning the couple’s attachment had to be greater to them than to Denmark (ibid.). The board added together the attachment to Somalia and Ethiopia (and equated the two because of their perceived cultural closeness), and concluded that the couple's attachment to them was greater than to Denmark.

119 These include the following decisions made by the Danish Immigration Appeals Board: Decision of 11 January 2016; decision of 18 August 2015; decision of 5 April 2015; decision of 21 August 2014; decision of 13 May 2014; decision of 7 May 2014; decision of 26 March 2014; decision of 14 August 2013; decision of 8 August 2013; decision of 7 August 2013.
reference to the 2005-memorandum, the administration also counts remarriage in Denmark as a sign that the sponsor had maintained an attachment to the applicant and to the home country.

Overall, the term to maintain [bevare, bibeholde and fastholde] appears in several of the rejection letters\textsuperscript{120} in relation to the evaluation of the sponsor’s attachment and the conclusion that the sponsor has maintained an attachment to another country. The letters are predominantly concerned with the location of upbringing and travel history as signs of whether the sponsor has maintained an attachment to the home country. A rejection letter from 2017 (no. 2) illustrates this:

\begin{quote}
Despite your spouse [the sponsor] being born in Denmark, we have stressed [the fact] that your spouse has chosen to disrupt her strong attachment to Denmark by staying in Lebanon for almost 3 years in total, and that the frequent and long-term visits to the home country are factors that count against fulfilment of the attachment requirement because these kind of visits indicate that she has maintained a significant attachment to your [the applicant's] home country.
\end{quote}

(Rejection letter 2017, 2: 6, my translation)

The letter states the sponsor was born in Denmark, and she later became a Danish citizen. As such, the sponsor can be characterised as a descendant, while the applicant is a Lebanese citizen. In this case, it is the sponsor’s long-term stays in Lebanon that the administration evaluates as a sign that the sponsor has maintained an attachment to the applicant’s home country. As illustrated by the rejection letter, it is duration of stay in a country they sponsor has a family genealogy to that the administration views as signs of attachment to that country.

In addition, a rejection letter from 2016 (no. 1) takes this evaluation one step further by evaluating the location and timing of marriage and the language that the couple speak together as signs of attachment to the home country. This letter states that the sponsor emigrated from China to Denmark and originally was granted a residence permit on the grounds of a former marriage with a Danish citizen. He later became a Danish citizen. The applicant is a Chinese citizen. The basis of the decision states that the couple “has

\textsuperscript{120} Rejection letters 2003; 2005; 2011; 2014, 2; 2015, 2; 2017; 1; 2017, 2.
maintained a significant linguistic, cultural and family-based attachment to China” (ibid: 8, my translation), because of the sponsor’s long-term stays in China and that the couple speak Chinese together among other things.

As the rejection letters show, the administration assess information about long term stays, the location where the couple settled and lived as a family, the language they spoke together and so on, as signs that the couple, especially the sponsor, maintained an attachment to a home country. In the rejection letters, the evaluation follows mathematical logic. As such, the number of signs of attachment and the relative weight of each sign amounts to the degree of attachment to a home country. Taken together, the administrative documents thus expect transnational couples, especially where the sponsor is an immigrant or a descendant of immigrants, to be attached solely to Denmark, rather than maintaining an attachment to a home country.

**Disrupting attachment to Denmark**

In a few rejection letters, the administration concludes that the sponsor has chosen to disrupt their strong attachment to Denmark. This is also seen in a few of the practice examples from the Danish Immigration Appeals Board and other administrative documents. Like the other signifiers of achieving and maintaining attachment, this discourse on attachment is used across the empirical material, although disruption is the one of the three vectors that is invoked on the smallest number of cases. This signifier is used in cases where the sponsor has maintained such a strong attachment to a home country that the administration interprets this as a choice made by the sponsor to disrupt their attachment to Denmark. Therefore, we might say that the administration only used this signifier in the most glaring examples of the sponsor maintaining an attachment to a home country.

In general, the practice examples from the Danish Immigration Appeals Board follow the same discursive pattern as the rejection letters. Both types of texts primarily direct

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121 The practice examples from the Danish Immigration Appeals Board that are concerned with disrupted attachment to Denmark are: Decision of 25 July 2016; decision of 24 June 2015; decision of 26 August 2014; decision of 18 December 2013.

122 The 2005 memorandum and the 2017 textbook.
a gaze towards the sponsor, and review whether they have chosen to disrupt
attachment to Denmark via long-term stays and a long employment history in the home
country. In the rejection letters, the signifier of disruption [afbryde] only appears in
three of the 18 rejection letters. These letters review the sponsor’s travel history and
in some cases add it together with the employment history abroad to determine
whether the sponsor has chosen to disrupt attachment to Denmark. A rejection letter
from 2016 (no. 1) illustrates this:

In reaching this decision, we have taken into account [the fact] that your spouse
[the sponsor] immigrated to Denmark on [--] October 1990, that he was granted
residency on [---] August 1994 and has been a resident of Denmark for
approximately 10½ years, during which he has been employed full-time for
around 9 years in total, studied briefly, and is a Danish citizen.

Nonetheless, the decision stresses [the fact] that your spouse has chosen to
disrupt his strong attachment to Denmark by spending about 10 years in China
before returning to Denmark again on [---] May 2015. (Rejection letter 2016, 1: 8, my translation and anonymisation of the specific dates)

The letter states that the sponsor emigrated from China and later became a Danish
citizen, while the applicant is a Chinese citizen. As this letter illustrates, the
administration viewed long-term stays in a country of origin as a sign of choice of the
sponsor to disrupt attachment to Denmark. As such, a sponsor could not maintain and
attachment to a country of origin together with achieving an attachment to Denmark.
Thus, a sponsor could not both maintain an attachment to a country of origin while
working on achieving an attachment to Denmark. Rather, maintaining a strong
attachment to another country would disrupt the sponsor’s attachment to Denmark in
the eyes of the administration. I also want to draw attention to that the letter presents
the disruption of attachment as a choice, which ascribes agency and awareness to the
sponsor. In other words, the letter establish the disruption as an active and conscious
decision made by the sponsor. In this sense, the letter is not only concerned with the

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123 One noticeable decision from the Danish Immigration Appeals Board website is a case where the board
find that the children of a couple had their attachment to Denmark disrupted because they had spent a
prolonged time abroad (cf. decision of 26 August 2014).

124 Rejection letters 2015, 2; 2016, 1; 2017, 2.
achievement of national attachment, but rather, the intention and willingness of the sponsor to make active efforts to achieve attachment to Denmark.

However, the administrative documents not only review long-term stays abroad, but also reviewed the location and timing of marriage as a sign of whether the couple has disrupted their attachment to the home country as implicitly expected. Both the 2017 textbook and the 2005 memorandum, for example, discuss a scenario in which a sponsor has formerly been married to or lived with an applicant in a shared home country. The 2005 memorandum interprets re-entering a marriage in Denmark as a sign that “indicates that the resident [spouse] has maintained a significant attachment to the applicant and the home country” (ibid: 6, my translation). The legal textbook (2017) takes the interpretation a step further by discussing this scenario as a sign that “attachment to the home country has thus never actually been disrupted” (ibid: 527, my translation). As the 2005 memorandum indicates, and the legal textbook (2007) explicitly states, attachment to Denmark can only be achieved if attachment to the home country is disrupted. This interpretation is further cemented by the legal textbook’s articulation of attachment as something that has never actually been disrupted. The use of the word actually establishes attachment as a factual phenomenon, and views re-entering a marriage as proof that the attachment to the home country has not been disrupted.

In summary, the rejection letters consider long-term stays abroad and a lack of work or only short-lived jobs in Denmark as signs that the sponsor has maintained such a strong attachment to their home country that they has chosen to disrupt attachment to Denmark. In other cases, as illustrated by the 2005 memorandum and the legal textbook (2017), the administration understood re-entering a marriage in Denmark as a sign that the sponsor's attachment to the home country has not been disrupted. Taken together, the administrative documents understand attachment to Denmark as an achievement that could only happen by disrupting any attachment to a home country. As such, the sponsor cannot both maintain an attachment to their home country and work on achieving an attachment to Denmark. The achievement of attachment to Denmark rests, in part, on disrupting attachment to the home country. The rejection letters concern with the sponsor’s choice to disrupt attachment to Denmark indicates that the
evaluation was as much concerned with whether attachment to Denmark has been achieved as with the attachment potential and suitability of the sponsor.

**Summary of attachment as ties to the nation-state**

As the discourse analysis of the administrative material shows, the documents, especially the rejection letters, expected transnational couples, especially the sponsor, to (make efforts to) achieve attachment to Denmark. The achievement of attachment rested in part on the disruption of attachment to a home. In a worst-case scenario, the sponsor could not both work on achieving an attachment to Denmark and maintain a strong attachment to their home country. In these cases, the rejection letters found that the sponsor has chosen to disrupt their attachment to Denmark. As the documents suggest, attachment to Denmark required an exclusive investment in Denmark.

**Concluding remarks**

In this section, I have mapped out the discursive patterns in the administrative documents, especially the rejection letters collected from the Danish Immigration Service. As the analysis shows, the documents understood attachment as a measurable, calculable and comparable mathematical quantity. As such, the documents evaluate – or instruct in how to evaluate – attachment as a calculation, but also (calculable) ties to the nation-state, ties that could be achieved, maintained or disrupted. As such, we might view the three signifiers as vectors – mathematical (geometrical) objects conventionally defined by length and direction. In the case of the attachment requirement, the rejection letters can be said to evaluate attachment by means of these three vectors in order to determine the degree and/or strength, as well as the direction, of couples’ combined attachment.

As the rejection letters show, the administration expect couples, especially sponsors, to make efforts to achieve an attachment to Denmark as the ideal object of attachment. Several of the letters are also concerned with whether the sponsor had maintained an attachment to a home country. In a few cases, the letters find that the sponsor, by maintaining a strong attachment to the home country, has chosen to disrupt their
attachment to Denmark. Overall, the administrative documents expect transnational couples, especially immigrant or descendant sponsors, to achieve an exclusive attachment to Denmark.
The dissertation centres around three case-based articles. Together, the articles make up the analytical backbone of the dissertation by shedding light on the administrative management of the attachment requirement understood as an affective biopolitical governing mechanism. The collection of articles consists of the following:


- **Article 2**: “Ties That Bind: Intimate bordering and affective biopolitics in rejection letters in cases of family reunification to Denmark.” I plan to submit this article to *Law, Culture and the Humanities*.

- **Article 3**: “In the Administrative Gaze: Letters of approval as disciplinary devices in cases of family reunification to Denmark.” I plan to submit this article to *Retfærd: Nordic Journal of Law and Justice*.

Article 1 is co-written with my supervisor Mons Bissenbakker and was originally published in the *Nordic Journal of Migration Research*. This is the only of the three articles that had been published at the time the dissertation was completed. My plan is to submit the two other articles for publication after I have submitted the dissertation. Although two of the articles have yet to be published, I have written them with a particular journal in mind, and my choice of journal has shaped the form and content of each of the articles. I have written Article 2 for publication in *Law, Culture and the Humanities*, an American journal publishing articles on cultural studies of legal matters for an international audience. In this article, I present and make Danish legislation and jurisprudence relevant to international readers by, for example, situating the requirement within international legislation on national attachment. Article 3 I have, however, written for publication in the journal *Retfærd: Nordic Journal of Law and Justice*, a Nordic journal that publishes scholarship on law, justice and jurisprudence within a broad variety of disciplines, including the humanities. In this article, I bring the Foucauldian analysis of letters of approval to the forefront.
Together, the articles offer an analytical span in theory and empirical material, as I accord priority to different aspects of the theoretical analytical strategy and the empirical material in each article. For instance, articles 1 and 2 concentrate on affective perspectives in the analysis of administrative documents, while in article 3 I give priority to the disciplinary aspects of the empirical material. Each article also takes its analytical point of departure from different empirical material. As such, Article 1 analyses the application packets that transnational couples had to fill out and submit to apply for family reunification in Denmark, while Article 2 focuses on rejection letters in cases of family reunification and Article 3 takes on letters of approval as its empirical point of analytical departure. As such, I do not conduct an analysis of all of the collected empirical material in the articles but, rather, I give priority to a certain type of administrative text while using the supplementary documents as an empirical backdrop to contextualise analysed the analysed documents.

I have placed the articles in the dissertation chronologically, according to their place in the application process (from application packets to decision letters) and in the order, they were written. Together the articles can be read as a narrative of the cruel optimism that structured the application trajectory from application to decision. Article 1 offers an analysis of the application packets as orientation devices that directed transnational couples towards a chain of happy objects from the application to the residence permit and finally, the Danish nation-state as the ultimate happy object. However, as Article 3 shows, a letter of approval might not have been the happy end point to the application process as promised, but instead opened up the need for further self-governing of attachment by the couple. Together, the articles highlight the narrative of cruel optimism that runs through them. However, the positioning of the articles has not been without its concerns because it finishes with Article 3 although Article 2 is perhaps the most empirically substantial of the two, providing insights into how the attachment requirement was evaluated in specific cases. Rather than a grand finale, therefore, Article 3 can be read as an epilogue to the application process.

Together, through different empirical examples of the application process of family reunification to Denmark, the articles provide insights into the administrative management of the attachment requirement.
Article 1

Documenting Attachment: Affective border control in applications for family reunification

This article is co-written with gender and sexuality scholar Mons Bissenbakker (Centre for Gender, Sexuality and Difference, University of Copenhagen, Denmark) before the attachment was abolished.\textsuperscript{125} The article was previously published in the special issue \textit{The Affective Biopolitics of Migration} in \textit{Nordic Journal of Migration Research} (volume 9, issue 4, 2019). This is a slightly edited version of the original. Most of the changes are meant to streamline the article in line with the rest of this dissertation. For example, I have changed the endnotes to footnotes have also made corrections to clarify particular points. I have also done minor English revisions such as changed the spelling of certain words and corrected grammatical mistakes and misspellings. I have corrected our terminology from “Danish nation” to “Danish nation-state” in several instances, to stress that Denmark is also a state. Finally, I have made factual corrections to some of the legal background information about the attachment requirement (in the section “A brief history of attachment in Danish migration law”). In the published version, we wrote that couples were required to fulfill the attachment requirement if the sponsor had been a resident of Denmark for fewer than 24 years (later 26 years). However, this conflated two different legal rules, namely the 24-year requirement and the 28-year rule (later the 26-year rule),\textsuperscript{126} so I have corrected this information.

\textsuperscript{125} For an overview of my contribution to the article, see the enclosed co-author statement (Appendix 2).

\textsuperscript{126} According to Dilou Jacobsen and Vedsted-Hansen (2017), the 24-year requirement is a basic condition of family reunification, implemented in 2002 along with the tightening of the attachment requirement. The 24-year requirement stated that a residence permit could only be issued if both parties were at least 24 years of age at the time of applying for family reunification (ibid: 470). The 28-year rule (later the 26-year rule) was implemented in 2003 as a legal exception to the condition of the attachment requirement. This stated that if the sponsor had at least 28 (later 26) years of Danish citizenship or legal residency in Denmark, the attachment requirement no longer applied (ibid: 522). See also Chapter 2.
Documenting Attachment: Affective border control in applications for family reunification

Sofie Jeholm & Mons Bissenbakker

Abstract

From 2002 to 2018, Denmark was the only country in the world to enforce a migration law demanding that couples seeking family reunification in Denmark documented their combined “attachment” to the Danish nation-state. This article investigates the practice of documenting such national attachment through the so-called “application packets”. Investigating the attachment requirement as a migration political tool with affective investments and implications, we suggest that the documentation process can be understood as a performative process in which the application packets lay out a trajectory of “happy objects” (Ahmed 2010): the application, family reunification, a residence permit and ultimately the nation-state itself. Although the applicants are urged to orient themselves towards the Danish nation as a happy object with the promise of a possible future in Denmark, this promise may have cruel implications for the applicants. Suggesting that an interdisciplinary meeting point between the fields of migration studies and cultural/discursive studies may form as fruitful, this article invites readers to think about the biopolitics of border control in affective terms.

Keywords

Migration management • Biopolitics • Denmark • Happy objects • Cruel optimism

Introduction

Migration politics often seem to presuppose national belonging as a given fact (Yuval-Davis 2011). However, as national belonging seems to denote both a strictly juridical relation and, simultaneously, less definable emotional attachments to a nation, it may be difficult to prove such belonging. How does one document national belonging when that belonging’s juridical sanction is in question? In the following, we invite the reader to think of the process of documenting national attachment as a series of performative actions, which constitute the (possible) national belonging of the subject, rather than verify a pre-existing “truth” of
belonging. In other words, we wish to investigate what the documentation of national attachment “does”. Using Danish applications for marriage reunifications as an example, we suggest that the documentation of national attachment may be understood as a demand on the subject to “do belonging” in a particular, affective way. In the case of the Danish attachment requirement, doing belonging involves orienting oneself around the Danish nation as a happy object (Ahmed 2010). This article thus explores the affective dimensions of migration management. Focusing on the affective implications of the attachment requirement, this article seeks to shed light on how we might understand the otherwise juridical notion of national attachment (as reflected in the application packets) as affective, and thus how an affect-theoretical framework can contribute to an analysis of the attachment requirement as a biopolitical tool of governmentality (Foucault 2003).127

A brief history of attachment in Danish migration law

The “attachment requirement” was introduced into Danish law, new Aliens Act of 2000, by a Social Democratic government, and tightened and reinforced in 2002 by the then Liberal-Conservative government. The requirement specifically pertained to family reunification and stated that a family could only obtain a legal right to family reunification in Denmark if “the spouses’ or cohabiting partners’ combined attachment to Denmark was stronger than the spouses’ or cohabiting partners’ combined attachment to any other country” (Ministry of Integration 2002 (L152), Section 9, Part 7, author’s translation). In effect, it meant that families in which the parties had resided in Denmark for less than 28 years (later 26 years) applying for reunification were required to prove that their attachment to the Danish nation-state was greater rather than to any other country. The law never clearly defined what precisely national attachment consistent in (Bissenbakker 2019). Instead, it stated that attachment had to be documented through an assessment of the following: (1) the duration and nature of both spouses’ stays in their respective countries, (2) the Danish resident’s familial attachment to Denmark compared to the non-resident’s home country, (3) both spouses’ Danish-language skills and (4) both spouses’ educational or employment attachment

127 This article is part of the Loving Attachment: Regulating Danish Love Migration (LOVA) research project, funded by the Danish Council for Independent Research. LOVA investigates how and to what effect the concept of attachment has been operationalised to regulate different forms of family migration in a Danish context from 2000 to 2018.
to Denmark (Ministry for Refugees, Immigrants and Integration and Danish Immigration Service 2005).

The concept of “national attachment” was related specifically to migration law and came to play a significant role in the Danish governing of marriage migration, as no major changes in marriage migration law between 2000 and 2018 were made that did not include the attachment requirement. Thus, there has been a strong political consensus around the basic idea of national attachment as a suitable tool to manage marriage migration. When a Liberal-Conservative government joined with its Social Democratic opposition in 2018 to propose that the attachment requirement be discarded, this was not because of political dissatisfaction but because of the European Court of Human Rights had ruled that it was indirectly ethnically discriminating (Bissenbakker 2019; European Court of Human Rights 2016). Although the attachment requirement was officially abandoned, it may be argued that the practice of the law continues through its two legal successors. Namely on the one hand, the “integration demands” (that consist of elements that are almost identical to the demands of the attachment requirement, namely language skills, employment and education) and on the other hand, “The Ghetto Clause” (Ministry of Foreigners and Integration 2018 [L231], 23), by which that marriage reunification cannot occur if the sponsor lives in or moves to an area of Denmark defined by the Minister of Foreigners and Integration as a “ghetto” (ibid.). In many ways, the principles and the discursive logic of national attachment as a precondition for family reunification thus still stand, albeit under a different name (Bissenbakker 2019). It, therefore, continues to be crucial to understand how the documentation of national attachment has regulated marriage migration.

Regulating immigration through family reunification legislation has become an increasingly common practice in Europe, particularly in the Nordic region (Block 2015; Bonjour & Kraler 2015; Fair 2010; Liversage & Rytter 2014; Mühleisen, Røthing & Bang Svendsen 2012; Myrdahl 2010; Rytter 2010; Staver 2014). Although it remains an exceptional case, the specific Danish attachment requirement seems to reflect wider Nordic and European tendencies, as restrictions on family reunification in other European states revolve around similar themes (Block 2015; Staver 2014), that can be understood as part of a practice of “the politics of belonging” (Yuval-Davis 2011). These practices may form as demands on the applicants to prove adherence both to the so-called “majority values” of the nation and to (bureaucrats’ preserved understandings of) the cultural values of the applicants’ country of origin. This is the case in the United Kingdom (Wray 2011), Norway (Eggebø
Although there are many similarities, the Danish attachment requirement seems to rest on a somewhat different premise: namely that the applicant promises to invest their affective interest solely in the Danish nation-state. Thus, the Danish attachment requirement does function in its own particular way, as a much different handling technique than, for example, the practice of exposing presumed “sham marriages” that has been seen in recent years in the United Kingdom (D’Aoust 2018; Wemyss, Yuval-Davis & Cassidy 2018). Rather than exposing “sham”, the attachment requirement may be understood as a policy instrument that promises to assert the applicants’ “true” belonging to the nation (Bonjour & Kraler 2015; D’Aoust 2013).

Analyzing documents as performative and orientational

The application packets concerning family reunification of spouses are a central component of the Danish Immigration Service’s migration-administrative system. As such, they constitute an interesting and relevant (if overlooked) source of empirical material for governmentality studies on love migration and family reunification, as they can help us to understand how attachment affectively regulates family reunification. The application packets that we investigate may be considered part of a general European practice of pre-entry tests that can be characterised as having “less to do with integration than with a desire to reduce the flow of marriage migrants or to raise their human capital” (Kofman, Saharso & Vacchelli 2015). Although some scholars have looked at emotional work done by bureaucrats within the marriage migration system (Eggebø 2013) or their assessment and management of the applicants’ emotions (Pellander 2015), less attention has been given to how applications in themselves may be said to do affective “work”. In addition, research on the Danish attachment requirement tends to focus on the structural and/or personal effects of the legislation (Block 2015; Bech & Mouritsen 2013; Olsen, Liisberg & Kjærum 2004; Rytter 2010; Schultz-Nielsen and Tranæs 2009; Staver 2014). Only a few researchers have made the application packets’ legal documents themselves an object of study. Notable exceptions are Moeslund and Strasser (2008), Lund Pedersen (2012) and Bak Jørgensen (2012). In their comparative study on family migration policies in nine European countries, Moeslund and Strasser analyse the processing (time) of applications for family reunification of spouses. In this study, the application packets are used as empirical material in an analysis of how the Danish authorities understand and assess “true” marriages contra “pro-forma” or forced marriages (Moeslund & Strasser 2008: 21). Lund Pedersen takes the application packets and
the legal definitions of the requirements on family reunification of spouses as examples of “how Danishness can overlap with whiteness and how race privileges may present as unarticulated and qualifying norms in the application process” (Lund Pedersen 2012: 141).

Taking the attachment requirement as an example of the policies on marriage migration, Bak Jørgensen includes one of the application packets in his analysis of how this legal document may change “the status for a migrant marrying a Danish permanent resident” (Bak Jørgensen 2012: 73).

While these investigations offer crucial perspectives on how the application packets understand “true” national attachment and sort applicants accordingly, we believe that the application packets may also offer insights into the workings of the affective biopolitics of migration. This is a perspective that tends to get lost in the research, where the packets are viewed mainly as sorting mechanisms. Instead, we seek to investigate the application packets as discursive material. This does not mean that the packets do not function as selection mechanisms. However, we seek to examine the documentation of national attachment from a discourse analytical perspective (Foucault 2003; Laclau & Mouffe 2001 [1985]). Adopting a discourse analytical approach to the study of legal documents thus means that we are interested in the documentary practices relating to family reunification “and the possibilities offered by an ethnographic approach to documents” (Posocco 2011: 1–2). This perspective has implications for how we view legal documents and application packets and how we investigate the affective logics and inner workings of the packets: As Lise Justesen suggests, legal documents are by no means just passive, dead objects. Not only do they constitute concrete material entities “because of their textuality and their concrete physical form, whether they are written on paper or as a file on a computer” (Justesen 2005: 215, authors’ translation) but they must be understood as performative (Dahler-Larsen 2005: 244–245; Justesen 2005: 222; Posocco 2011: 5) because they do something, besides documenting. Following these points, we do not seek to investigate how the application packets “represent” or “describe” applying couples’ national attachment as a pre-discursive fact. Rather, we investigate the application packets as (legal) discourses that performatively act. As Faber, Hjort-Pedersen, Madsen and Tournay argue – paraphrasing philosopher of language J.L. Austin (1962) – performative utterances “do something to something through being vocalized and therefore establish a fact in the world that was not there before the utterance was vocalized” (Faber et al. 1998: 13, authors’ translation). In this sense, the application packets can be seen as performative in different ways. Not only do they have the aforementioned
power to act by changing a subject’s legal status (Bak Jørgensen 2012: 73; Posocco 2011: 11) but also the performativity of the documents may pertain to the very thing they are thought to document. Hence, documentation of a national attachment may be thought of as one of the processes by which attachment is performed and nationhood maintained. In this case, how the documents construe the nation-state as a happy object.

The analytical strategy we employ to study the documents is inspired by anthropologist Silvia Posocco (2011). Posocco (2011: 11), also drawing on Austin, points to adoption files (expedientes) as “complex, composite, and internally differentiated documents, which at once interrupt and establish relationships”. In this case, expedientes, as Posocco (2011) demonstrates, interrupt and establish (juridical) relationships between the birth mother, adoptee and adoptive parent(s). Inspired by Posocco’s ethnographic approach to analysing legal documents, the article focuses on the performativity of application packets documenting attachment. Although Posocco offers a methodology for investigating how documents circulate in the administrative system, we sidestep the question of circulation to focus on how the affective-performative practices of the application packets function at a textual level.

Using a text-based and affect-theoretical discourse analytical approach to the application packets, our reading of the documents is inspired by Sara Ahmed’s concept of orientation (Ahmed 2006). We argue that how transnational couples must document (or establish) national attachment in the application packets is instructive for thinking about what national attachment is imagined to be. Thus, we are interested in how one may think about the performativity of attachment documentation in affective terms. In this regard, the article neither seeks to prove that national attachment is “actually” performative nor does it claim that the orientation towards Denmark as a happy object in fact makes (or fails to make) subjects “happy”. Rather we aim to illustrate how a reading of the documentation of national attachment as performative and orientational may enable us to understand some of the affective aspects of the biopolitics (Foucault 2003) of marriage migration law. In the following section, we present the theoretical framework used in the analysis and discuss how this can contribute to our analysis of the application packets.
Orientation and happy objects

To shed light on the attachment requirement “as a tool of assessment that may describe the current quality of a family unit’s ties to a nation”, as well as a governmental technology that “demands unambiguity and one-directionality” of such ties (Myong & Bissenbakker forthcoming), we turn to Sara Ahmed’s (2004, 2007, 2010) work on emotions. In particular, we suggest that the understanding of the performative practices of the attachment documentation may benefit from Ahmed’s (2010) (queer) phenomenological-performative approach to the analysis of emotions. In The Promise of Happiness (Ahmed 2010), she reflects on happiness as an imperative, a promise that drives and directs subjects. Rather than developing a definition of what happiness is, Ahmed is interested in what happiness does (Ahmed 2010: 2). Traditionally, emotions, such as happiness, are understood as autonomous and self-contained, as a state that subjects can “be in”. Ahmed, however, both critiques and builds on this specific notion of happiness, suggesting that although we may be used to thinking about happiness as “a feeling-state, or a form of consciousness that evaluates a life situation we have achieved over time”, we may also understand it as something that “turns us towards objects” (Ahmed 2010: 21). Building on the phenomenological concept of “intentionality”, Ahmed suggests that happiness can be thought of as directing us towards certain objects we imagine as “happy” and capable of making us happy. She argues that while we can certainly be happy about something – a happy object – in the present, “some things become happy for us, if we imagine they will bring happiness to us” (Ahmed 2010: 26).

Therefore, happiness is often understood as a “destination”, an endpoint one may strive for and hope to arrive at. In other words, the promise of happiness points into the future as an end we wish to achieve. As Ahmed (2010: 32) suggests, happiness can be seen as “a question of following rather than finding”:

The promise of the object is always in this specific sense ahead of us; to follow happiness is often narrated as following a path [...], such that if we follow the path we imagine we will reach its point. (Ahmed 2010: 32)

Thus the object, as the expected cause of happiness, is always ahead of us, waiting in the future, if we follow certain paths. This is why, according to Ahmed, happiness is not really something we can find, but rather a question of following. If we follow certain paths (or: so we are led to believe), happiness is what awaits us at the paths’ end: “This is why happiness is crucial to the energy or ‘forward direction’ of narrative” (Ahmed 2010: 32). The promise
of happiness functions as a narrative that orientates subjects towards objects perceived to bring happiness for the subjects in the future:

Happiness is what would come after. Given this, happiness is directed toward certain objects, which point toward that which is not yet present. When we follow things, we aim for happiness, as if happiness is what you get if you reach certain points. (Ahmed 2010: 26)

Ahmed suggests that we think of expectations of happiness as narratives that come to shape our ideas of the future (Ahmed 2010: 28–29). Happy objects, as objects we are directed towards in the pursuit of happiness, can be ideas and abstract objects (such as values, practices and aspirations) as well as concrete things. In principle, any object may become elevated to (and thus analysed as) a happy object (just as anything may be viewed as a sign, a discourse or a relation of power). It is a case in point that our ideas and ideals of happiness are seldom our “own”. Often, they constitute implicit demands put on us. Therefore, the happiness analysis does not seek to determine whether an object does indeed bring about happiness. Rather, it investigates how an object becomes invested with happiness, and what the structural effects of this investment are.

Ahmed refers to happy objects as “gap-fillers” (Ahmed 2010: 32). Imaging objects as potential causes of happiness makes them forms of “props” to us (Ahmed 2010: 32). Ahmed uses “the happy family” as an example of a happy object that not only affects us emotionally but also becomes in itself an object we are directed towards and circulate through. The happiness of the family as an object depends on yet other happy objects, such as the family photo album or the dinner table. Pictures of the happy family are not only happy objects themselves, but they also constitute the family as happy (Ahmed 2010: 45):

This orientation toward the family is what makes certain objects proximate (tables, photographs, and other objects that secure family intimacy), as the objects through which the family itself become [sic] given. (Ahmed 2010: 46)

Thus, it is the orientation towards the family, which makes other (happy) objects reachable for us.

In the following sections, we apply the concepts of orientation and happy objects to the application packets. Although it is tempting to follow Ahmed’s example and think of “the family” as the happy object in the family reunification process, as we will suggest, the
application packets seem to construct other kinds of objects as the preferred happy objects of the application process. Indeed, one may think of the application packets as central components in constructing narratives about happiness, as they promise to plot a happy course that will enable the subject to achieve family reunification in Denmark. Following Ahmed, we do not seek to investigate the emotions of applying couples – or whether or not the prospect of a residence permit will “actually” make them happy. Instead, Ahmed’s conceptualisation of happiness offers a way to understand the application packets as affectively invested legal documents that can be seen as happy objects that at the same time promise to make a series of happy objects reachable for the applicants.

**National attachment as orientation: A trajectory of happy objects**

To obtain a residence permit for the applicant, couples had to use one of what the Danish Immigration Service termed “application packets” to apply for family reunification. The application packets that comprise our empirical material were in use until the change of Danish family reunification law in June 2018, and they constituted the main basis for the Danish Immigration Service’s evaluation of a couple’s attachment, as all other documentation had to be attached to them as validation of the couples’ answers in the application. Applicants for family reunification had to obtain the application packets from the website of the Danish Immigration Service (Ny i Danmark [New to Denmark] 2018a, b), from where we also retrieved them. Couples who applied for family reunification of spouses had to choose between two application packets, depending on whether or not the sponsor was a Danish/Nordic citizen or had a residence permit in Denmark on other grounds than asylum (FA1), or had a residence permit on the grounds of asylum (FA10).

The two application packets are fairly similar, both in terms of their structure and the questions they contain. Both contain two forms: Form 1 is to be filled out by the applicant and Form 2 is for the sponsor. Generally, however, Form 2 is longer than Form 1, suggesting that there are more questions for the sponsor than for the applicant. This particularly pertains

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128 We use the terms “partner” or “sponsor” to denote both spouse and cohabitating partner, which are the two terms used in the application packets.

129 A notable difference between the two application packets is Attachment 3, which is only found in the FA1 packet. This is the only part of the application packet, which is solely in Danish, even in the English version of the application packet (FA1), which may be understood as an implicit language test.
to the documentation of attachment, which is evaluated through different criteria in the two forms. As regards the applicant, their degree of attachment is mainly evaluated through their visits to Denmark in comparison to their attachment to other countries (thus they must provide documentation for any periods of residence in other countries than their country of origin, and any residence permits they may have for Denmark or another country). For the sponsor, the documentation of their Danish attachment falls into two parts: Sections 8.A and 8.B. The questions in Section 8.A ask for information about their place of birth and upbringing, whether they have Danish citizenship (and if so when they obtained it), travels outside of Denmark, and finally, information about the partner’s family relations: their parents (names, address and birthdays) and siblings in and outside of Denmark (names, address, birthdays and marital status). Section 8.B contains questions about socioeconomic circumstances such as employment and education.¹³⁰

Although it is the couples’ combined attachment to Denmark that determines whether the application will be approved, it is worth noting that the spouses’ individual attachments are also taken into account, and that the predominant burden of documenting national attachment falls on the Danish resident. Most of the questions on the forms are standardised and only require ticking yes/no boxes. If a question is answered with a “yes”, the next section requests a brief elaboration, or the applicant is asked to attach documentation to support their answer, for example, a residence permit. Even the questions that do not ask for yes/no-responses can only be answered with short and information-based type answers. The application packets thus seem to presuppose that attachment is something both the applicant and the sponsor either have or do not have, and therefore can document in the application packets.¹³¹ The documentation may consist of visits to Denmark, proof of citizenship, family relations as well as socioeconomic criteria such as employment and education (for the sponsor).

As such, no questions explicitly address and seek to assess the applicants’ emotional belonging understood as their feelings towards Denmark. The affective component of the documentation process, we argue, must be understood differently, namely as a set of affective

¹³⁰ According to the memorandum entitled Notes on the Application of the Attachment Requirement in Spouse Family Reunification (2005), the couple’s language skills in Danish are also included in the evaluation of the couple’s attachment, though this criterion is not included in the sections on attachment in the application packets.

¹³¹ On national attachment as a pre-existing fact versus a processual ideal, see Bissenbakker (2019).
implications that underpin the idea of attachment as a social and legal fact. Following Ahmed’s (2004) conceptualisation of the nation as “a concrete effect of how some bodies have moved towards and away from other bodies, a movement that works to create boundaries and borders, and the ‘approximation’ of what we can now call ‘national character’ (what the nation is like)” (Ahmed 2004: 133), we can understand the nation as a product of such (re)orientation of bodies. With Ahmed, we can read the attachment requirement as an (affective) orientation device that directs subjects towards the nation. Specifically, we can think of attachment as a concept that orients the subjects towards the nation as an object to strive for. If “happiness” can be thought of as whatever constitutes the expected endpoint of the application process, happiness is here the object “waiting on the horizon”, directing the application process. In this case, the happy object on the horizon is obviously family reunification, but it is also the Danish nation-state, as it is proximity (attachment) to this object that will put family reunification in reach. Even when the possibility of not having attachment is mentioned in the application (to which we will return), the nation still figures as an object the applicant must be (re-)orientated towards.

The application packets can be said to performatively construe the nation as the happy object, which the couple must prove themselves to be oriented towards to obtain family reunification. This can also be seen in the definition of the attachment requirement in the Danish immigration law. As Bissenbakker (2019) argues, the implementation of the attachment requirement in 2000–2002 marked a shift in Danish immigration law, by which the applicant was now obliged to document attachment to the Danish nation as the object of attachment (rather than their spouse) to obtain a residence permit. Thus, attachment, before it was configured into a requirement in 2000, pertained to a subject’s family relations before it denoted national relations. With Ahmed in mind, we can see the implementation of the attachment requirement as an orientation away from the family to the Danish nation-state.

In terms of the application process, we may understand the application packets as laying out a trajectory of happy objects. The application packets are happy objects in the sense that they are objects that promise happiness (in the form of family reunification) for the couple if they can submit a “correct” application. The application packets put the couple on a specific path towards obtaining family reunification by demanding proof of an orientation towards the nation as the ultimate happy object. Similarly to the way in which the family photo album is both a happy object in itself simultaneously as it construes the family as a happy object (Ahmed 2010: 45–6), the application packets themselves become happy objects.
at the same time as they are devices that construct and maintain the nation as the couple’s ultimate happy object. The application packets introduce a new (happy) object: the residence permit, waiting on the horizon, once the application has been filled out and submitted to the Danish Immigration Service. The application promises the residence permit, which, in turn, promises to bring the couple (especially the applicant) closer to family reunification and to the nation as a happy object. Attachment to the nation is both the precondition for obtaining a residence permit and its end goal, as the permit promises to bring the applicants closer to the nation as their happy object.

Happiness thus circulates between different objects: the application packet, the residence permit, family reunification and the Danish nation-state. In this sense, we might think of the different happy objects like a chain of signs, where one sign seems to lead to the next in line. However, rather than constituting a “chain of equivalence” (Laclau & Mouffe 2001 [1985]: 127–134) there seem to be significant differences between these objects. As happy objects, the application packets and the residence permit are tangible objects that the applicants may reach for and hold in their hands, so to speak. The nation, on the other hand, figures as an abstract and imagined happy object (as the possible end of the chain), which the couple is directed towards through the attachment requirement.

Future attachment as future happiness: A case of cruel optimism?

National attachment can be thought of as the orientation towards the nation as a happy object: Denmark is the object that promises happiness if it is reached. Belonging to the nation is at the end of the path for couples whose national attachment can be recognised by the Danish Immigration Service. This presupposes the existence of certain other couples, for whom a future in Denmark becomes potentially unreachable.132 As mentioned, the future is central in Ahmed’s (2010) theory on happiness as orientation, as she suggests that the promise of happiness orientates subjects in a forward movement towards an imagined happy future (Ahmed 2010: 32). According to Ahmed, happiness is understood as the object that awaits on the horizon. Through this line of thinking, we can understand the attachment requirement as a happy object that directs subjects towards an imagined happy future.

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132 Many of these will be couples where the applicant does not have an ethnic Danish background; cf. Block (2015).
Time – or more precisely, the future – is not only a key component in the application packets but also in the application process as such. Temporality is not only a key factor in a Danish context. Generally, temporality and time seem to be central components in the regulation of migration to Europe. Pellander (2015: 1482) identifies temporality as “an inextricable part of the way marriages are evaluated” in a Finnish context. Pellander (2015: 1482) also emphasises that the “point at which the marriage is evaluated and the slowness of the juridical process change the assessment of marriages”. Time thus functions as a key component in the administrative management of marriage migration. In a Danish context, Bak Jørgensen (2012: 73) emphasises that an application for family reunification of spouses may be a lengthy process, as the application can be either denied or approved for further review. If the case is accepted for further processing, the Danish Immigration Service may demand more documentation or call the applicants in for a follow-up interview. The latter is only procedure if the authorities suspect the marriage or cohabitating relationship is not “credible” (Dilou Jacobsen & Vedsted-Hansen 2017: 518–519). The fact that a follow-up interview is not a common procedure in the evaluation of the attachment requirement might suggest that the attachment requirement (compared to the evaluation of couples’ relationships) is expected to be easier to document through the packets and thus does not need to be reviewed through a follow-up interview. This suggests that national attachment is understood to be more “concrete” or “quantitative” in “nature” than a marriage or cohabitating relationship. Returning to the question of temporality in relation to the application process, Lund Pedersen (2012) adds to Bak Jørgensen’s description by recounting the frustration that she experienced in relation to her own family reunification application as follows:

The intimacy I had felt with the Danish state through the application has been a stressful period. One could never be sure that you had fulfilled the right criteria and for the period of the process my partner was stripped of rights to participate in the Danish society, which left him in limbo. (Lund Pedersen 2012: 154)

When initiating the process of applying for family reunification of spouses, the process may seem to be a forward directing “path”: one fills out the application forms, securing the right documentation to go along with the forms, submits the application and then finally (and

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133 Temporality and “waitinghood” are central components in the governing of irregular migration to Europe; see e.g. the WAIT project (available from: https://www.uib.no/en/project/wait).
hopefully) gets an approved application and a residence permit for the applicant. However, both Bak Jørgensen and Lund Pedersen point to the application process as quite a different experience – a less transparent and not quite as straightforward a narrative to go through for the applicants. Indeed, the application process might be experienced as a state of “limbo”, as Lund describes her and her partner’s situation. In other words, the applicants may find themselves in a continuous state of waiting. They might be on their way towards an imagined happy future of family reunification, but may also be stuck waiting for the Danish Immigration Service’s verdict on their case. In this case, happiness becomes an imagined or promised future, which guides the couple through the application process without them knowing whether or not they will succeed. Both the application packets and the application process thus push the promise of happiness into the future as something potentially (un)reachable.

As happy national attachment becomes a possibly unreachable endpoint (which the couple is expected to strive for, but may never be able to reach), the attachment requirement reveals itself as a promise that may have cruel implications for applying couples. To unpack the limits of the promise of attachment, we turn to Laurent Berlant’s (2006, 2011) concept of “cruel optimism”. Whereas Ahmed focuses on the imperative of happiness and how it directs subjects towards certain objects, Berlant is interested in optimism as a feeling that directs subjects. Like happiness, optimism can drive us towards desired objects, but optimism may have cruel implications for the subjects involved. Berlant sees optimism as a “cluster of promises” (Berlant 2006: 20; Bruun Eriksen 2017: 117) structuring our interest and engagement with certain objects. To get near a certain object is to get near that which the object is promising us (Berlant 2006: 20). Like happiness, however, optimism drives subjects in a forward direction towards desired objects. According to Berlant, all attachments are optimistic, but fortunately, they are not all necessarily cruel. Berlant (2006: 21) thus uses the term “cruel optimism” to designate “a relation of attachment to compromised conditions of possibility”. In other words, optimism becomes cruel when an object you desire becomes “an obstacle to your flourishing” (Berlant 2011: 1; Bruun Eriksen 2017: 117).

The application packets (and the application process) may be seen as an example of such “compromised conditions of possibility,” that is, as a cruel relation to the nation-state as the desired object. This becomes apparent when looking at a peculiar question in the last part of Form 2, which stands out compared to the rest of the forms. Appearing in the section on attachment at the end of Section 8.B on employment and education, the section reads:
If you do not have a job in Denmark or have not taken/are taking an education in Denmark, you must inform if you have another connection to Denmark. If you do not have this, you must inform why not. (FA1: 22; FA10: 22)

The two-part question (which essentially takes the form of a demand) is to be answered by the partner already living in Denmark. This part of the application packet stands out from the structure of the rest of the application packets for two reasons. First, it is one of few “open” questions that are not structured around predefined and standardised answers. Instead, there is a blank space, inviting the partner to provide a (short) answer. In other words, the first part of the question indirectly invites the partner to reflect on what might constitute an acceptable obstacle for attachment. Second, the subsequent part of the question is the only question in both application packets which opens up the possibility of the partner not having – and therefore, not being able to document – national attachment. The rest of the application packets construe attachment to the nation as more of a pre-existing fact, which both the applicant and their partner are expected to already have and therefore be able to document in the application (or possible to not have and therefore not be able to document).

By allowing for the possibility that the partner in Denmark may document and establish attachment through criteria other than the predefined socioeconomic criteria of employment, education, etc., this section thus suggests an alternative understanding of attachment as a question of the partner’s ability or potentiality to gain attachment to the nation in the future. Identifying an external obstacle that has prevented attachment, the partner may point away from themselves as the “obstacle”. This suggests that the partner might not have national attachment in the present, but he or she could be able to obtain attachment in the future. Here the nation is underlined as a happy object, which may be unreachable in the present, but which promises happiness if it is reached in the future.

Depending on their answer, the partner thus gets a chance to become reoriented towards the nation. Though the partner might not be able to document attachment to the nation through the predefined criteria, these additional “questions” at least suggest an optimistic hope for the future family reunification of the spouse, as the partner is given an opportunity to either document attachment through other criteria or identify a reason for not having national attachment in the present moment. The section that suggests the possibility of not having attachment thus simultaneously functions as a promise of obtaining future attachment. The possibility of getting a residence permit for the applicant seems still to be on the horizon.
Even though the final section of Form 2 opens up the possibility of either establishing attachment through other criteria or establishing a potential to achieve national attachment in the future, this “last chance” reads as a perfect example of cruel optimism. Not only is there no guarantee that the Danish Immigration Service will recognise the self-reported criteria as attachment, or that they will recognize the potential for attachment through an identification of a reason for missing attachment to Denmark, it is not clear exactly what the applicant is being asked or what answering will do. The partner is thus given a final chance to document their potential of attachment, but at the same time, it is unclear how they are to take advantage of this chance, as there are no instructions as to what might be recognisable as a potential for attachment in the eyes of the Danish Immigration Service. For example, voluntary work could be a possible answer one might give to the two-part question as a sign of national attachment. However, as a case from 2016 from the website of the Immigration Appeals Board shows, voluntary work does not count as a sign of sufficient attachment in the eyes of the Danish Immigration Service or the Immigration Appeals Board, as the latter has decided to affirm the initial rejection. It is stated in the decision of the appeal states that the sponsor’s voluntary work of 2 years “has not been to an extent and nature that it can be equate to the attachment and integration one can achieve in relation to having an education or being employed in Denmark” (Immigration Appeals Board 2019, author’s translation). Thus, voluntary work is not recognisable as a sign of a strong national attachment to Denmark compared to employment or a Danish education, which it is “measured” against.

Returning to the two-part question in the application packets, it is unclear whether these “questions” will make its happy objects (a residence permit and the nation) come closer to the couple. Will it put the happy objects in reach? Or will it push them further out into the horizon? Indeed, the nation seems more in reach for some applying couples than others. As mentioned, Lund Pedersen (2012) has examined how “Danishness” is intertwined with “whiteness” in the application packets for family reunification. Following Lund’s analysis, the Danish nation-state seems in reach for certain white bodies than for other non-white bodies. However, whiteness is not the only “component” in the workings of the attachment requirement. As Lund Pedersen (2012: 152) also points out, “The attachment requirement hints as what normative aspiration we seem to be driven towards. Even if the sponsor already is a Danish national it would appear insufficient to merely have a formal membership of the state, some cultural bonds also need to be in place”. Similarly, Rytter (2010: 306) shows (through a case taken from Olsen, Liisberg & Kjærum 2004) “how Danish citizens with
parents originating in another country have a hard time fulfilling the requirement of national attachment, because they lack a long family history and genealogy related to Denmark”. Thus, other affiliations to the Danish nation such as family relations and a family genealogy, together with “cultural bonds”, also function as “signs” that put the happy objects in reach for certain applying couples while pushing them further out of reach for others who might “lack” these affiliations.

**Concluding remarks: Governing love migrants through the promise of happiness**

The criteria for being nationally attached were – and continue to be – related to socioeconomic features such as employment and education. As a mode of belonging, however, attachment may also be thought of as affective. As Yuval-Davis (2011) suggests, the experience and political framing of national belonging must be understood as connected to different emotional aspects, such as feelings of nostalgia or obligation; or, as Ahmed suggests (2004), of love, pride or even shame regarding the nation. What is significant about the Danish attachment requirement is that it did not simply ask the applicants to pledge allegiance to the Danish nation-state. Nor did it purport to definitively test an applicant’s emotional ties to, loyalty towards or love for Denmark. Instead, transnational couples were asked to *document* their attachment to Denmark through a series of questions and explanations in an online application packet. We argue that the practice of documentation may be understood as an orientation device. Investigating the application packets for family reunification of spouses using the affect-theoretical concepts of happiness and cruel optimism may shed light on how to understand application processes and national attachment requirements as affective. Thus, this article offers an example of how an affective analysis may contribute to new insights into how the requirement to be nationally attached functions as an (affective) governmentality instrument. Understanding the family reunification application packets as happy objects that direct the love migrants towards the nation and construct the nation-state as a happy object invites readers to conceptualise and reflect upon the biopolitical regulation of love migration in affective terms. We may indeed think of this affective practice as part of a disciplinary process (in the Foucauldian sense of the word),\(^ {134}\) in which love migrants must promise to accept the Danish nation-state as their preferred happy object. Thus, our point is not to prove that the attachment requirement and its

documentation are affective as opposed to “objective” or “fair”. Rather, the article is an invitation to think of the biopolitical process of migration management as a form of border control that works through affective components.

The Danish attachment requirement is now officially a matter of history, as the new Aliens Act of 2018 has overturned the requirement and replaced it by an “integration requirement” consisting of a set of demands of both the sponsor and the applicant (Ministry of Foreigners and Integration 2018, L231). Whether the documentation of “integration” will take place along the same lines as the documentation of “attachment” remains to be seen. In any case, understanding the recent history of the attachment requirement is crucial to investigating the ongoing history of regulating marriage migration through the documentation of belonging. We argue that an investigation of such practices will benefit from considering the affective perspectives of such documentation.

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Article 2

Ties That Bind: Intimate bordering and affective biopolitics in rejection letters in cases of family reunification to Denmark
Ties That Bind: Intimate bordering and affective biopolitics in rejection letters in cases of family reunification to Denmark

Abstract

This article examines the administrative management of the attachment requirement as an affective bio-political governing mechanism. As a condition for family reunification, the requirement stated that transnational couples could only obtain a residence permit if their combined attachment to Denmark was greater than their combined attachment to another country. Drawing on the affect theoretical work of Sara Ahmed and the migration scholarship in everyday bordering, I investigate attachment as a case study to view how administrative bordering practices take shape through the legal demands for affective orientations. The analysis shows that the rejection letters configured attachment as measurable ties that could be achieved, maintained or disrupted. In other words, the letters expected couples, especially the sponsor, to achieve a strong attachment to Denmark, and were concerned with whether the sponsor had maintained an attachment to a home country or, in some cases, had chosen to disrupt their attachment to Denmark. Understanding the attachment requirement as an orientation device, I suggest that the letters directed transnational couples towards the Danish nation-state and placed the sponsor in a bordering position, as what I call an “intimate border–guard,” by placing the responsibility for the couple’s national attachment on the shoulders of the sponsor.

Keywords

Migration management • National attachment • Affect • Everyday bordering • Family reunification • Rejection letters • Denmark
Introduction

What does the language of national attachment do? What kind of work and investment does it require? In this article, I investigate how rejection letters in cases of family reunification of spouses to Denmark conceptualised and evaluated the legal requirement of national attachment. From 2000–2018, the attachment requirement functioned as an affective biopolitical governing mechanism. Suggesting the attachment requirement as an orientation device, I examine how it directed transnational couples towards the Danish nation-state and positioned couples, especially sponsors, as “intimate border-guards.” Thus, I seek to show how national orientations can function as instances of bordering practices.

Borders as a phenomenon and obstacle for migrants have been a central object of study for migration scholars, but few studies have analysed how bordering practices can take shape, in different ways, in the migration management of family reunification. In other words, I highlight how the attachment requirement has functioned as a case of “everyday bordering.” As migration scholars Miika Tervonen, Saara Pellander and Nira Yuval-Davis have demonstrated, national borders cannot be reduced only to external barriers. Rather, borders can also take place inside the national territory, shaping migrants’ everyday lives. In a Danish contemporary context, everyday bordering practices were upheld by notions of attachment as an achievement of ties for which the sponsor, in particular, had to strive, while having to let go of ties to other nations. Not only was the maintenance of bordering practices a product of administrative practices, but transnational couples, especially sponsors, also had to take part in these practices. In this way, the rejection letters positioned the sponsor as an “intimate border-guard” with the responsibility for both their own and their migrating spouse’s attachment and integration into Danish society. In the following, I elaborate on the legal definition and political background of the implementation of the attachment requirement in the Danish Aliens Act. I then introduce the scholarship on everyday bordering and situate the attachment requirement as an example of this. I go on to outline the work of feminist scholar Sara Ahmed on affective economies and orientation devices, which serves as a theoretical backdrop to my investigation. This is followed by a presentation of the empirical material.


which primarily consists of rejection letters, and an outline of the methodological approach. My analysis is then structured into three sections, each on how the rejection letters conceptualise attachment as calculable ties to the nation-state that could be achieved, maintained or disrupted. I conclude with a discussion of how the rejection letters made transnational ties “bordering sites” and thus made transnational couples accomplices in administrative bordering practices.

Legal background: The (affective) regulation of marriage migration through the demand for national attachment

Since the turn of the twenty-first century, immigration to Europe, especially the Nordic countries, has increasingly happened through family reunification. In the words of Lund Pedersen, family reunification “has become the last legal pathway into fortress EU for so-called third country nationals to obtain their first residence permit.” Although it had previously been known for its “liberal” immigration policy, Denmark later became “the poster child for immigration restrictionism” when it introduced the attachment requirement. In 2000, the requirement was incorporated into the Danish Aliens Act as a condition for family reunification. Although it was a solely Danish invention, it could be argued that the


140 In 1983, Denmark passed legislation that gave individuals with asylum and refugee status the unconditional right to family reunification with close family, cf. Staver, Anne, From Right to Earned Privilege?, p. 72.

141 The Danish attachment requirement has to date been the only one of its kind governing family reunification. Legal concepts of attachment have had a long international history governing migration, nationhood and citizenship. For instance, in an American context, the “attachment clause” (a clause first introduced in colonial law) was used to “re-invent pro-slavery jurisprudence” after the American Revolution. As scholar Patricia A. Reid argues, the attachment clause “would effectively strengthen slaveholders’ rights and provide a new legal interpretation that sustained racial slavery.” In Reid’s view, the colonial attachment clause served as legal tool naturalising “the relation between master and slave” and “likened the petitioners as property”; cf. Reid, Patricia A., “The Legal Construction of Whiteness and Citizenship in Maryland, 1780–1820,” Law, Culture and the Humanities, vol. 15(3), 2019 (first published 2016), pp. 656–683; I quote from p. 656, 682. I do not suggest that the attachment clause is necessarily a direct ancestor of the attachment requirement but note that both have worked in a similar fashion. Legal and migration scholars criticised the attachment requirement for its racial discriminatory effects and for upholding racial privileges based on whiteness; see e.g. Lund Pedersen, Linda, “Intimacy with the Danish nation-state”; Dilou Jacobsen, Bjørn, “Kapitel 4. Tilknytningskravet og forbuddet mod racediskrimination” [Chapter 4. The attachment requirement and the prohibition against racial
requirement was an example of the general restrictive turn in European immigration policies. From 2002, the definition and reach of the attachment requirement was tightened so that it also governed individuals with Danish citizenship who had previously been excepted from the condition. In addition, where transnational couples’ combined attachment to Denmark previously had to be equal to their combined attachment to another country, their attachment to Denmark now had to be greater than their attachment to another country in order to fulfil the condition.

However, exceptions from the requirement did apply. For example, in cases where the attachment requirement clashed with the interests of the Danish society and the labour market, the requirement did not apply. Thus, where sponsors had a job that was on the positive list (a list of professions in fields with labour market shortages in Denmark), the couple did not have to fulfil the requirement. Couples were also exempted from the requirement when the sponsor had at least 26 years of Danish citizenship or legal residence (the 26-year rule). The 26-year rule had been implemented to exempt Danish expats – people who were recognised in the parliamentary debates as Danish citizens with “a strong and lasting attachment to Denmark” – from the requirement and thus give them the legal right to return to Denmark with a non-Danish spouse (or cohabitating partner). Migration scholars have previously highlighted the discriminatory effects of the attachment

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142 Other countries, for example Norway and the United Kingdom, have considered implementing similar attachment requirements; Staver, Anne, From Right to Earned Privilege?; Wray, Helena, “Regulating Spousal Migration in Denmark,” Immigration Asylum and Nationality Law, 27:2, 2013, pp. 139–161.


144 Ibid, p. 536.

145 Originally, in 2003, the rule stated that the attachment requirement did not apply after 28 years of Danish citizenship or legal residence, but was changed to 26 years in 2012. In 2016, the European Human Rights Court, declared the rule in violation of the European Human Rights in the case Biao vs. Denmark, sparking administrative changes. Cf. Dilou Jacobsen, Bjørn and Vedsted-Hansen, Jens, “Familiesammenføring,” p. 530ff.

requirement, noting how it differentiated between “real Danes” and “not-quite real Danes.”

In this way, the requirement ensured the legal position of (white) ethnic Danes, while placing refugees, migrants and descendants of migrants in a precarious legal position when applying for family reunification. Danish immigration law never clearly defined what the legal concept of national attachment denoted. The requirement, therefore, worked through its administrative function rather than its legal definition. In practice, the administrative body that handled applications for family reunification, The Danish Immigration Service, assessed couples’ combined attachment to Denmark compared to their attachment to another country through ethno-cultural and socioeconomic criteria. A memorandum on the application of the attachment requirement listed the following criteria as the main pillars of the evaluation:

1) The duration and character of the spouses’ stays in the respective countries. This includes the sponsor’s upbringing in Denmark, the duration of the sponsor’s stay in Denmark and visits to the home country, and the duration of the applicant’s stay in Denmark.

2) The spouses’ family-based attachment to Denmark and to the applicant’s home country. This includes the sponsor’s family-based attachment to Denmark, the applicant’s family-based attachment to Denmark and the spouses’ combined attachment to the applicant’s home country.

3) The language skills of both spouses. This includes whether the sponsor speaks Danish, whether the couple speak the language of the applicant’s home country, and whether the applicant speaks Danish.

4) The spouses’ educational or employment attachment to Denmark. This includes the sponsor’s employment and education history and background in Denmark.


Notably, these four criteria remained the same throughout the 18 years that the attachment requirement remained in place. At first glance, the criteria did not seem to denote a person’s emotional investment or feelings of belonging to the Danish nation-state. I argue that, in the requirement, the affective dimension of the evaluation of national attachment consisted of “a set of affective implications that underpin the idea of attachment as a social and legal fact.”

The political motivation for the implementation of the attachment requirement was threefold. First, the then Social Democratic government introduced it as an attempt to reduce general immigration to Denmark. Second, it was introduced as a policy tool to combat perceived “forced marriages” between young Danish people with an ethnic minority background (descendants of immigrant parents) and a spouse from the country of origin of the sponsor’s parents. The third reason was to secure the possible integration of marriage migrants using family reunification as an entry point to Denmark. As these motivations hint at, as the person who could potentially secure the applicant’s attachment to Denmark and their future integration, the sponsor played a central role in upholding the national ideals of integration. Thus, as I seek to demonstrate, the evaluation process positioned the sponsor as an “intimate border-guard.”

In the light of general tendencies within European policy discourses, the attachment requirement can be seen as a legal example of viewing family reunification as a (potential) integration issue. As Bonjour and Kraler argue, within broader European policy debates, the choice of marriage with a partner living abroad has been presented as a sign of both “insufficient integration or belonging” and a result of “failed integration.” This has also

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150 Although the attachment requirement in itself did not entail an evaluation of couples’ attachment to each other, the application for family reunification did include an assessment of whether the marriage (or cohabiting partnership) was entered “voluntarily” and/or whether the marriage was a “pro-forma,” cf. Dilou Jacobsen, Bjørn and Vested-Hansen, “Familiesammenføring”, p. 502ff.


152 Ibid, p. 1411.

been the case in Norway\textsuperscript{154} and Denmark.\textsuperscript{155} Myrdahl highlights how Norwegian policy discourse has shifted from a notion of family relations as a means of ensuring integration to a framing of family as a “possible hindering of integration.”\textsuperscript{156} In this view, the non-Norwegian spouse is seen as a “delay” to the sponsor’s integration. Therefore, as Myrdahl argues, “marrying someone from one’s parents’ or grandparents’ country of origin in itself evidences an incomplete process of integration or national belonging.”\textsuperscript{157} In the Danish parliamentary discussions preceding the implementation of the attachment requirement, the requirement was presented partly as a policy tool “to secure the best possible starting point for a successful integration of the spouse who wishes to be reunified with their family in Denmark.”\textsuperscript{158} In this way, the attachment requirement functioned not only as a selection mechanism but also as a policy instrument encouraging couples to work on becoming recognisable as integrated. In relation to national ideals of integration, Bak Jørgensen has pointed out how the debates on marriage migration in Denmark (and other countries) centred on ideas of how “connections to and identifications with the home country have negative effects on the social integration process.”\textsuperscript{159} In line with these findings, Staver\textsuperscript{160} argues that the attachment requirement relied “on an integration logic, as ‘attachment’ is argued to indicate ability and willingness to integrate oneself and one’s partner.” As these studies suggest, the attachment requirement functioned as a political tool to measure transnational couples’ national belonging to Denmark compared with another country, while also keeping couples on track to integrate into Danish society.\textsuperscript{161}


\textsuperscript{156} Myrdahl, Eileen Muller, “Legislating love,” pp. 112–113.

\textsuperscript{157} Ibid, p. 112–113.

\textsuperscript{158} Dilou Jacobsen, Bjørn and Vedsted-Hansen, Jens, “Familiesammenføring”, p. 523, my translation.


\textsuperscript{160} Staver, Anne, \textit{From Right to Earned Privilege?}, p. 18.

\textsuperscript{161} See e.g. Myong, Lene and Bissenbakker, Mons, “The Turn to Attachment: Analyzing Migration Regulation and Transnational Adoption in a Danish Context”, forthcoming.
Building on these studies, I am interested in how the rejection letters presented the sponsor as being responsible for their own integration as well as being a guarantor of the applicant’s integration. In this sense, the applicant’s integration potential seemed to be determined through a measurement of the sponsor’s national ties. As I argue, the potential integration of the applicant seems to have been calculable through the sponsor, thus making the sponsor an accomplice in the affective bordering process of family reunification as their attachment came under particular scrutiny and could tip the scales of the couple’s national attachment towards Denmark. This article is therefore a contribution to migration studies on everyday bordering practices, which I will introduce in the following section.

National attachment: A case of everyday bordering

With the concept of everyday bordering, scholars Tervonen, Pellander and Yuval-Davis\textsuperscript{162} develop ways to probe an understanding of borders that is broader than the physical barriers marking the external/internal territory of a nation-state, and examine how administrative practices take place inside the borders of the nation-state, affecting migrants’ everyday lives within the Nordic welfare states. In some cases, administrative bordering practices have entailed a regulation of migrants’ residence permits and access to healthcare, schooling and accommodation.\textsuperscript{163} For example, Bendixsen\textsuperscript{164} examines how migrants’ access to healthcare became part of Norwegian migration management. Similarly, Pellander\textsuperscript{165} explores how the aging body and transnational family ties have become a bordering site in the management of elderly family reunification to Finland, and how public health professionals, such as doctors and nurses, have become gatekeepers of elderly migrants’ access to healthcare. Building on Tervonen, Pellander and Yuval-Davis, Könönen\textsuperscript{166} introduces the concept of “administrative bordering,” both to “emphasise the significant role of the administrative practices and

\textsuperscript{162} Tervonen, Miika, Pellander, Saara and Yuval-Davis, Nira, “Everyday Bordering in the Nordic Countries.”

\textsuperscript{163} Ibid, p. 140.


discretionary power in migration governance” and to show how this governance “continues inside the national space.” Suggesting borders as an “institution,” Könönen writes:

In contrast to the conception of borders as places of exclusion at the territorial edges, the idea of borders as an institution enables us to capture the operation of migration governance as a complex and multilayer system, extending its tentacles to potentially all over the society.

Seeking to contribute to the literature on administrative or everyday bordering, I investigate the attachment requirement as an example of how migration governance extends its “tentacles” to the whole of Danish society. However, rather than investigating “transnational family ties,” I seek to show how “national ties” have become “bordering sites” in the administrative assessment of the attachment requirement. In this way, I do not examine how bureaucrats, NGO workers or healthcare professionals have become gatekeepers or take part in everyday bordering practices. Instead, I am interested in how the administrative system has positioned couples themselves. Indeed, it could be argued that immigration bureaucrats function as gatekeepers in that they have the administrative power to grant residence permits to marriage migrants. Rather than doing qualitative interviews with immigration bureaucrats, I conduct a text-based analysis, as I am interested in the practice and self-image of the institution. Thus, I am interested in how the language of attachment makes migrants themselves take part in bordering practices, of “what happens when a non-citizen enters into an union with a citizen, and the national border is ‘drawn down the middle of the marital

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169 I have chosen rejection letters as empirical material rather than doing qualitative interviews with transnational couples. Although qualitative interviews have provided important insights into transnational couples’ feelings of attachment and their experiences of the consequences of the immigration legislation, it has to a lesser degree highlighted the administrative practice itself and the administrative interpretation of national attachment. For an example of an analysis based on qualitative interviews that highlights how “the Swedish model” shaped transnational couples’ feelings of national attachment, see Jensen, Tina Gudrun, “Tilhørsforhold og fremtidshorisenter blandt familiesammenførte ægtefæller i Sverige” [Belonging and future horizons among family-reunified spouses in Sweden], in Anika Liversage and Mikkel Rytter (eds.), Aegteskab og Migration: Konsekvenser af de danske familiesammenforingsregler 2002–2012 [Marriage and Migration: Consequences of the Danish family reunification legislation 2002–2012] (Aarhus: Aarhus Universitetsforlag, 2014).
In this sense, I seek to highlight how goals of integration and attachment as an achievement become transnational couples’ own “personalised border” underpinned by affective logics.

**An affect theoretical backdrop: Affect, attachment and national orientations**

To unpack the affective logic of the attachment requirement as a biopolitical governing mechanism, I turn to the work of feminist scholar Sara Ahmed. Only a few studies have highlighted how the attachment requirement functioned as a biopolitical mechanism governing marriage migration and operating through affective dimensions. One noticeable exception is D’Aoust, who emphasises the attachment requirement as an example of “technologies of love” governing national belonging. Building on D’Aoust, I examine how the attachment requirement functioned as an affective orientation device and as a bordering practice that worked through affective components. I am interested in how the legal requirement of national attachment to Denmark functioned as a nation-building bordering technique that demanded transnational couples orientate themselves towards the Danish nation state. As I will show, drawing on Ahmed’s queer phenomenological work on affect, the legal requirement worked as an orientation device that directed transnational couples towards Denmark as the national ideal, while couples simultaneously had to turn away from their shared country of origin (or the country of origin of the sponsor’s parents). Suggesting that emotions work as “affective economies,” Ahmed explores how an emotion such as love can “stick” to certain objects, (e.g. the national ideal) and in this way sticks subjects

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174 D’Aoust, Anne-Marie, “In the Name of Love.”

together in the national community. Following on from Ahmed’s work on affect, I do not define what emotions or attachments essentially are, but what they do. For Ahmed, “emotions do things, and they align individuals with communities – or bodily space with social space – through the very intensity of their attachments.” An emotion such as love can “become a way of bonding with others in relation to an ideal” and it is through this bonding that the national ideal “takes shape as an effect of such bonding.” In other words, emotions can work as orientations that form groups through subjects’ “shared orientation towards an object,” such as the nation-state.

In an analysis of the film Bend It Like Beckham, Ahmed investigates how happiness structures the film as a promise in return for the migrant becoming British. In her reading of the film, Ahmed considers how the turban becomes a sign of the migrant maintaining ties to a homeland: “(...) the turban is what keeps an attachment to culture, to religion, to the homeland. The turban is what the migrant should give up in order to embrace the national ideal.” Thus, the turban becomes a disruptive element in the film’s promissory narrative of national happiness. Although Ahmed mentions the concept of attachment, she does not give it much analytical attention. In her use of the term, it seems to hold a common-sense status. In an everyday understanding, the Danish word “tilknytning” [attachment] is defined as “a connection that consists of something that belongs with or comes into contact with something else.” In line with Ahmed’s use of the term, attachment can be understood as an “intermediary” concept that – as an effect of affective investment – connects or ties subjects to objects.

Similar to Ahmed’s use of the concept, I am interested in how this connection or tie between transnational couples and the Danish nation state has functioned as a governing mechanism with affective dimensions. In the analysis that Ahmed offers, it becomes clear

179 Ibid., p. 130.
180 For an analysis of the application packets as orientations towards the Danish nation-state as a happy object, see Jeholm, Sofie and Bissenbakker, Mons, “Documenting Attachment.”
182 Ibid., p. 143.
183 Cf. Sproget.dk [Language.dk] (last accessed 18-12-2019), my translation.
that the attachment requirement can be said to have functioned an orientation device with disciplinary effects in a Foucauldian\textsuperscript{184} sense. The attachment requirement functioned as an orientation device directing couples’ affective investment towards Denmark and away from other nations. My analysis of the rejection letters is guided by the following questions: How did attachment demand a continuous orientation from transnational couples? How were transnational couples expected to take part in the affective work that makes the national ideal take shape? How can we see the work of national attachment as an affective bordering practice? Finally, what happened if the work of transnational couples failed in the eyes of the immigration administration? Following these questions, my analysis will unpack what the Danish Immigration Service interpreted and evaluated as signs of attachment to Denmark or to a homeland, and the kind of work the administration highlighted as signs that transnational couples had failed to let go of a homeland and embrace Denmark as the ideal object of attachment. In Ahmed’s optic, the orientation towards the ideal nation is what makes the migrant subject embody the nation. In the case of the attachment requirement, the national ideal was impossible to embody fully for certain transnational couples, even though they orientated themselves towards Denmark. As I will return to in the analysis of the rejection letters, we can understand this national orientation as a bordering practice that requires continuous investment to achieve and nurturing to maintain.

\textbf{Empirical vantage point: A discourse analysis of rejection letters}

This article offers an affect-theoretical analysis of national attachment in rejections of applications for family reunification to Denmark. The empirical material consists of 18 rejection letters in cases of family reunification of spouses to Denmark. The Danish Immigration Service had rejected all of these cases based on the fact that the couples had not fulfilled the attachment requirement. This article is one of few studies\textsuperscript{185} on rejections of


\textsuperscript{185} Other studies include a report and later a White Paper, both conducted by the Danish Institute for Human Rights, Olsen, Birgitte Kofod, Liisberg, Maria Ventegodt and Kjærum, Morten (eds.), \textit{Ægtefællesammenføring i Danmark. Udredning nr. 1} [Family Reunification of Spouses. Report no. 1] (Denmark: Danish Institute for Human Rights, 2004); Liisberg, Maria Ventegodt and Olsen, Birgitte Kofod (eds.), \textit{Hvidbog om ægtefællesammenføring i Danmark} [White Paper on family reunification of spouses in Denmark] (Denmark: Danish Institute for Human Rights, 2006). Based on 46 cases in addition to other case material, the 2006 White Paper aimed to “shed light on the consequences of Danish regulation and practice for couples wishing to be reunified,” Olsen et al., \textit{Ægtefællesammenføring i Danmark. Udredning nr. 1}, p. 3, my translation. The report is written from a legal science perspective, and it reveals how “in some situations [the administrative practice]
family reunification to Denmark. To my knowledge, it is the only study that includes a wide range of rejection letters covering almost the entire lifespan of the attachment requirement. It is also the only study that makes the rejection letters themselves an object of study. As part of my PhD project, I applied for access to these in late 2018, and the Danish Immigration Service retrieved and anonymised a sample of rejections from their digital and physical archives. I have chosen to focus on the rejections because (in contrast to letters of approval) they include an actual evaluation of couples’ national attachment.

In order to unpack the rejection letters, I also include and compare the letters to additional material. I draw on my analysis of the application packets for family reunification and include examples of the practice of the Danish Immigration Appeals Board, where relevant. I also include instructive legal texts: a memorandum from 2005 on the administrative evaluation of the attachment requirement and a chapter on family reunification law from a legal textbook on Danish immigration law. The 2005 memorandum forms an instructive guide to bureaucrats on how to assess transnational couples’ national attachment, and the chapter from the legal textbook serves as an introduction to the legal rules governing family reunification of spouses. The textbook was aimed at legal students (possibly future caseworkers), researchers, administrative bureaucrats

abused the right to family life stated by the human rights conventions, and the human right to protection from discrimination,” p. 3, my translation. In 2004, the Danish Institute for Human Rights analysed “situations where the practice of the law leads to insufficient protection of the individual’s human rights,” Olsen et al., *Hvidbog om ægtefællesammenføring i Danmark*, p. 8, my translation.


190 Dilou Jacobsen, Bjørn and Vedsted-Hansen, Jens, “Familiesammenføring”.

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and practitioners working within immigration law.\textsuperscript{191} These instructive texts have provided me with insights into how attachment have been and could be evaluated – and the interpretive questions and discussions that arose in the management of the requirement. To sum up, the rejection letters serve as the main empirical material of my investigation and in order to unpack the material and situate it within a legal context, I supplement the analysis with the administrative texts. The additional material therefore assists me in the analysis of the rejection letters by providing me with insights into how the immigration administration translated or converted the law into practice. In other words, the 2005 memorandum and the legal textbook, especially the chapter on family reunification law, offer an inside peek into the \textit{cockpit} of the administration, whereas the rejection letters can be considered as the \textit{output} of the administration.

It is important to note that the analysis I offer is not a quantitative study of rejections and the sum of rejected cases. Nor do I evaluate the equity of the administrative decisions and the practice of the Danish Immigration Service. Instead, I am interested in the administrative discourses on the legal concept of national attachment and the administrative interpretations and negotiations of the concept. Therefore, I do not consider it a methodological problem that the Danish Immigration Service has chosen the rejection letters on my behalf, as I am interested in what the Danish immigration administration deemed representable cases of their practice. To clarify, I analyse the \textit{administrative voice} and discourses as reflected in the rejection letters.

The rejections were mainly to first-time applications.\textsuperscript{192} The samples cover a period from 2003 to 2017,\textsuperscript{193} almost the entire time the attachment requirement was part of the Danish Aliens Act (2000-2018). In all cases, the Danish Immigration Service had found that the couples’ had a greater attachment to what the administration called the applicant’s home country,\textsuperscript{194} and this was why the application was rejected. These countries include nations

\textsuperscript{191} Cf. the back cover of the book.

\textsuperscript{192} The Danish Immigration Service was the administrative institution that primarily handled applications for family reunification. In exceptional cases, couples could appeal a rejection to the Ministry of Immigration and Integration (2017) that was the sovereign immigration authority, although the Danish Appeals Board (still) handles most appeal cases. Cf. Vedsted-Hansen, “Udlændingerettens grundbegreber, retskilder og myndighedsstruktur,” p. 35.

\textsuperscript{193} I retrieved two cases per year from 2013 to 2017 and none from the years 2004 and 2008.

\textsuperscript{194} In the rejection letter from 2010, the administration found that the couple had a stronger attachment to two countries: Somalia and Ethiopia. This case was unusual in this regard, as all the other cases involved an assessment of attachment to Denmark as compared to only one other country.
geographically located in the following regions: Africa, Asia and the Middle East (so-called third country nationals, residing outside the EU). This might be, because bilateral couples (couples consisting of a Danish citizen/residence holder and a third country national) had to apply for family reunification under the rules at the time, when EU citizens could bypass the attachment requirement (together with the 24-year requirement\(^{195}\)) by using the EU right of free movement\(^{196}\) when applying for family reunification.

Structurally, a rejection is in the form of a letter issued to the migrating spouse or cohabitating partner (the applicant). All of the letters, with different variations through the years, include a case summary (a summary of the most important information in the case, i.e. information about the life of both sponsor and applicant), a summary of the legal rules governing family reunification (the legal rules under which the particular case was administered), a section headed “the basis of the decision” (the evaluation of the national attachment of couples and the conclusion of this evaluation), and lastly, excerpts from the Danish Aliens Act. In the analysis, I focus on the case summary, which provides a recap of what the Danish immigration administration found to be the most important information in the case and an overview of the application process, as well as the “the basis of the decision.” The latter is of special interest as it contains an actual evaluation of couples’ national attachment. I have chosen to focus on these specific sections because they provide insights into how the Danish immigration administration conceptualised and assessed national attachment. To unpack the juridical-administrative discourses on national attachment, I draw methodological inspiration from discourse analysis.\(^{197}\) In doing so, I do not seek to dig behind the discourses to uncover the truth about transnational couples, how they felt about Denmark or a home country or even how they might have experienced the application process. Rather, I examine how the rejection letters construe the same object they evaluate, namely national attachment. In an affect theoretical optic, I analyse how the evaluations of national

\(^{195}\) The 24-year requirement was introduced in 2002. It stated that both sponsor and applicant had to be at least 24-years-old before they could apply for family reunification. Like the attachment requirement, this requirement was a political strategy to prevent perceived forced marriages, cf. Dilou Jacobsen, Bjørn and Vedsted-Hansen, Jens, “Familiesammenføring,” p. 470.

\(^{196}\) Lund Pedersen, Linda, “Intimacy with the Danish nation state”, p. 150.

attachment construed the Danish nation-state as the ideal “emotional anchor point”\textsuperscript{198} for transnational couples.

In a special issue of \textit{Law, Culture and the Humanities}, anthropologists Sameena Mulla\textsuperscript{199} and Silvia Posocco\textsuperscript{200} stress how legal documents – among which I would include rejection letters – can have “agential” or “performative capacities.” Drawing on philosopher of language J.L. Austin,\textsuperscript{201} Posocco\textsuperscript{202} argues that the happy performative capacities of legal documents, such as adoption files (or \textit{expedientes}), consist of their ability to legally establish and/or sever relations between adoptees, adoptive parents and birth mothers. In addition, legal scholar Siobhan B. Somerville\textsuperscript{203} has noted how economies of affect and desire have structured the naturalisation or legal production of American citizens through a public oath of allegiance. According to Somerville,\textsuperscript{204} the oath serves as an affective contract that establishes a “monogamous” and marriage-like legal relationship between the citizen and the state. In this way, the oath of allegiance “has similarities to traditional vows of marriage” as it uses “the language of “fidelity” and “obligation” as well as establishing “an exclusive […] relationship to the other party.”\textsuperscript{205}

Considering the “happy, performative capacities”\textsuperscript{206} and affective “speech acts” of legal documents, I examine how rejection letters establish or sever ties between transnational couples and the nation-state (namely Denmark) as compared with another country, in particular how the legal requirement of national attachment construed ties to Denmark as the ideal nation-state of couples’ exclusive investment and loyalty. Transnational couples, especially the sponsor, had to make an effort to achieve a strong national attachment to


\textsuperscript{200} Posocco, Silvia, “\textit{Expedientes}: Fissured Legality and Affective States in the Transnational Adoption Archives in Guatemala,” \textit{Law, Culture and the Humanities}, vol. 7 (3), 2011, pp. 1–23.

\textsuperscript{201} See Austin, J.L., \textit{How to do things with words} (London: Oxford University Press, 1962).

\textsuperscript{202} Posocco, Silvia, “\textit{Expedientes},” pp. 10–12.


\textsuperscript{204} Ibid, p. 662–63.

\textsuperscript{205} Ibid, p. 662.

\textsuperscript{206} Posocco, Silvia, “\textit{Expedientes},” p. 12.
Denmark in order to obtain the right to family reunification. In order to achieve strong ties to Denmark, couples, especially sponsors, had to allow their ties to the applicant’s homeland to die out. Thus, I aim to show how the evaluation of transnational couples’ national ties functioned as bordering sites that appointed the sponsor to be what I dub an “intimate border-guard” governing both their own and the applicant’s integration potential and allegiance to Denmark.

Goals of attachment: Achieving ties to Denmark

Overall, the rejection letters discursively configure national attachment as calculable ties to the Danish nation-state. As such, the letters conceptualise Denmark as the ideal and exclusive object of couples’ attachment. In contrast to the American oath of allegiance, transnational couples could not declare attachment to Denmark and establish their attachment through a declaration. Instead, they could only establish attachment through documentation and an administrative assessment. As I have mentioned, the assessment relied on four criteria: the place of upbringing and duration and character of stays; the geographical location of family members; Danish language skills; and whether couples had jobs in Denmark and/or a Danish education. In the rejection letters, these four criteria serve as socioeconomic and ethnocultural signifiers denoting couples’ ties either to the Danish nation-state or, in the eyes of the Danish Immigration Service, a home country. The assessment of attachment seemed to be a quantitative study or calculation that made transnational couples governable through that calculation. As the rejection letters reveal, the attachment requirement served as an orientation and nation-building device directing couples towards the national ideal of Denmark. As understood in the letters, the requirement entailed continuous work for couples, who were expected to make efforts to embody the national ideal of belonging.

A rejection letter is a letter written by the Danish Immigration Service (the institutional “we” of the text) addressed to the applicant (the “you” in the text) that rejects the application for family reunification to Denmark. It is worth noting that several of the rejection letters present attachment to Denmark as an achievement, or a goal transnational couples seek to achieve.

See e.g. Jeholm, Sofie & Bissenbakker, Mons, “Documenting Attachment.”

The same three vectors (achievement, maintenance and disruption) also structured the appeal cases and the administrative reflections on the evaluation of the attachment requirement in the chapter on family reunification.
(and in some cases, even the children of the couples\textsuperscript{209}). Four of rejection letters focus on employment as the main signifier of whether the sponsor had achieved or made an effort to achieve a strong attachment to Denmark. As stated in “the basis of the decision” in the following two cases, the letters saw unemployment or short-term employment as a sign of the sponsor failing to achieve attachment to Denmark:

In addition, we have stressed that your spouse has never had an attachment to the Danish labour market, and that he has not taken a professional qualifying education in Denmark, which is why we find that your spouse has not achieved a significant and permanent attachment to the Danish labour market to an extent that may lead to a different assessment of [the fact] that your combined attachment to Denmark is not greater than your combined attachment to Somalia or Ethiopia.\textsuperscript{210}

We have also stressed that your spouse has not achieved a significant attachment to Denmark through employment or the completion of a professional qualifying education because, according to the information provided, she has only had a few, very short-term and interrupted jobs.\textsuperscript{211}

As the above excerpts from the “basis of the decision” sections of two of the decision letters illustrate, the institutional “we” evaluate employment (in addition to citizenship status and the geographical upbringing of the sponsor) as a sign of whether the sponsor has achieved (or has made efforts to achieve) a sufficient attachment to Denmark. Thus, unemployment, as well as the length and number of jobs, seemed to denote the sponsor’s investment in the Danish nation-state. The rejection letters thus present the length and amount of employment as signs

\textsuperscript{209}Six of the rejection letters considered that the children of the applying couples did not have a strong attachment to Denmark. In these cases, the administration evaluated whether the children had “achieved such an independent attachment to Denmark that you [the applicant] can be granted a residence permit on these grounds” rejection letter 2013, 1, p. 6, my translation. If this was found to be the case, the applicant could be granted a residence permit on the grounds of the child or children’s national attachment to Denmark. As a nation-building orientation device, the attachment requirement also had disciplinary effects on children, as in some cases it relied on an assessment of the children’s integration potential and, thus, their potential to embody the national ideal. This assessment seems similar to the evaluation of the requirement of successful integration that governed the family reunification of children. See e.g. Adamo, Silvia, “What is ‘A Successful Integration’? Family Reunification and the Rights of Children in Denmark,” Retfærd: Nordisk Juridisk Tidsskrift, 152(1), pp. 38–58.

\textsuperscript{210}Rejection letter, 2010, p. 4, my translation.

\textsuperscript{211}Rejection letter, 2013, 1, p. 5, my translation.
that indicate the sponsor’s work to (or potential to) integrate into Danish society. Denmark as the ideal object of attachment seemed to be a “floating signifier” that, like attachment, was never clearly defined. For instance, the rejection letters use Denmark a geographical territorial location, a homogenous entity, a symbolic product of language and culture, and/or an entity that is equal to a labour market. Thus, the evaluation of a sponsor who had achieved a sufficient attachment to Denmark through employment could be seen as a way of measuring the sponsor’s “economic membership” to the Danish nation-state.

Although the sponsor is the main concern in the eyes of the administration, a few of the rejection letters are also concerned with whether or not the applicant has achieved an attachment to Denmark. This regards cases where the sponsor had fulfilled their share of the attachment requirement. In five of the cases, it is the applicant who lacks sufficient individual attachment to Denmark for the couple’s combined attachment to Denmark to be considered greater than to another country. Here, the rejection letter instructs the applicant in how to achieve not a sufficient, but a closer attachment to Denmark in both a symbolic and literal sense. As an example, I quote “the basis of the decision” from a rejection letter from 2007:

Please be advised that you can submit a new application for residence if you and your spouse later find that the attachment requirement is fulfilled, including if you achieve a closer attachment to Denmark, e.g. after visits in Denmark, or in the form of independent residence grounds, for example because of employment or study exchange here in the country. Acquiring Danish language skills can also be significant in the assessment of the attachment requirement.214

As the above quote shows, the administrative voice articulate attachment as a question of strength through symbolic and physical proximity to Denmark. In these letters, visits to Denmark denote a physical closeness to the country,215 but the rejection letters also present


215 One possible strategy transnational couples could employ to grow closer to Denmark was what migration scholars call “the Swedish model,” where “a Danish citizen moves to Sweden […] with the sole purpose of obtaining family reunification”. In Sweden, the Danish sponsor could use their status as a citizen of the European Union to seek family reunification or apply under the less restrictive (compared to Danish legislation) Swedish legislation. Cf. Ryter, Mikkel, “Semi-legal family life: Pakistani couples in the borderlands of Denmark and Sweden,” Global Network, 12:1, 2012, pp. 91–108, I quote from p. 94. Using Sweden as a transition country, some couples later settled in Denmark after the migrating spouse had obtained either permanent residence in Sweden or Swedish citizenship; cf. Jensen, Tina Gudrun, “Tilhørsforhold og
the acquisition of Danish language skills, in addition to past jobs or study in the country, as signifiers of the metaphoric closeness to Denmark the applicant has to achieve. In other words, the floating signifier *Denmark* slides between a definition of the nation-state as a geographical territory and a definition of it as a linguistic tradition. Thus, the attachment requirement governed family reunification, not through a fixed definition, but through its administrative function. National attachment seemed not only to be a relationship to the national community you could have in Denmark through family genealogy, but also achievable ties, as the quoted cases highlight in different ways. The rejection letters seem to mirror scholar Linda Lund Petersen’s findings, when, in an analysis of her own application process for family reunification, she argues that: “Relatedness or likeness to Danishness occurs to be a norm for other nationalities to aspire to if access to Denmark is desired.”

The letters’ discursive construction of attachment as an achievement makes attachment a product of ongoing work by transnational couples. Furthermore, as the national ideal was never clearly defined, this ideal became impossible fully to embody. In other words, as it was unclear exactly what it was that couples had to work towards, they could only make an effort but might never be able to be fully recognised as a member of the national community. In this way, the attachment requirement seemed to both measure and assure transnational couples’ commitment and loyalty to the Danish nation-state. It might be argued that the attachment requirement functioned as a measuring tool to assess the applicant’s future integration through the sponsor, as it was the latter’s attachment that weighed heaviest in the administrative assessment.

**National infidelity: Maintaining ties to another country**

As an orientation device, the attachment requirement directed transnational couples towards the national ideal of Denmark. However, the orientation towards Denmark rested on couples turning away from other nation-states where they had a family genealogy or with which they identified. The assessment of attachment entailed not only a comparison of attachment to Denmark compared with another country; it also meant that, in order for the immigration

*fremtidshorisonten blandt familiesammenførte ægtefæller i Sverige.* However, neither Rytter nor Jensen goes into detail about whether the Swedish model allowed couples to avoid the attachment requirement upon returning to Denmark, or whether the Swedish residency or citizenship itself worked as proof that the migrating spouse had obtained a sufficient Danish attachment by (geographical and metaphoric) proximity to Denmark.

216 Lund Pedersen, Linda, “Intimacy with the Danish State,” p. 144.
administration to consider couples to have achieved national attachment to Denmark, they, especially the sponsor, had to let other national ties die out. In this sense, the sponsor could not nurture a relation to both Denmark and another country, but had to let the latter go.

In seven of the rejection letters, the institutional “we” is concerned that the sponsor has maintained an attachment to a home country. Although, statistically, the notion of maintaining ties appears in fewer rejections than the achievement of attachment does, the former could be read as an underlying structure in all the rejections as they all seem concerned with the sponsor’s possible attachment to a “home country.” As the following case from 2005 illustrates, the institutional “we” articulate long-term stays abroad and the location and time of marriage as signs of the sponsor maintaining an attachment to a home country:

The [Danish Immigration] Service finds that your spouse has [a] significant attachment to Vietnam.

The [Danish Immigration] service has stressed [the fact that] that your spouse [the sponsor] migrated to Denmark in 1990 in the age of 33 and had spent his upbringing and a significant part of his adult life in Vietnam. Your spouse was also educated in his home country and has [a] family-based attachment to Vietnam because his parents live there.

The [Danish Immigration] Service has stressed [the fact] that your spouse has holidayed in Vietnam several times, that you were married in Vietnam and that you speak Vietnamese together.

Given the above, the [Danish Immigration] service finds that your spouse has maintained a significant attachment to Vietnam.

As this case illustrates, it is the duration of stays, in combination with other criteria such as family ties, employment/education and the language couples speak together that the letters evaluate as signs of the sponsor maintaining “a significant attachment” to another country. Certainly, the geographical whereabouts of the sponsor are assessed as the primary indicator that the couple has maintained an attachment to another country, in this case Vietnam. As this

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217 Although it was not defined, the letters predominantly use the term home country that seemingly denote the country where the sponsor had the longest family genealogy, for example their parents’ country of origin or their own country of upbringing and (former) citizenship.

218 This is also reflected in the appeal cases, the memorandum and the legal chapter.

case also indicates, it is not only the amount and length of time the sponsor spends outside of Danish territory and the location where the couple got married that the immigration administration views as signs that they maintain an attachment to another nation. For example, in a rejection letter from 2016, the “basis of the decision” states that the immigration administration has put emphasis on the fact that the couple have both “maintained a significant linguistic, cultural and family-based attachment to China.”

Thus, the duration of stay, the country of upbringing and former citizenship, in addition to the language the couple speak together and the country of residence of family members weighs more heavily on the scale of national attachment to another country, in this case, China.

As the cases show, the letters primarily view the duration of stay abroad as a signifier that points to the sponsor having maintained ties to a home country, instead of nurturing or making an effort to achieve ties to Denmark. According to this logic, you cannot not work on achieving ties to Denmark while also maintaining ties to a home country. Instead, you have to leave the home country behind and dedicate yourself to making efforts to achieve ties to Denmark as a performative sign of devotion and allegiance to the country. The assessment of attachment seems to have been even stricter than the legal definition of the attachment requirement pointed towards. When the attachment requirement was introduced in 2000, a couple’s combined attachment to Denmark had to be equal to that of another country. When the definition was tightened in 2002, a couple’s combined attachment to Denmark now had to be greater than to any other country.

Duration of stay and the time and place of marriage weighed heavily on the scale of attachment to another country. Regarding the time and place of marriage, the 2005 memorandum states that couples who married (or lived together) in the couple’s home country and later remarried in Denmark “indicates that the resident [sponsor] has maintained a significant attachment to the applicant and the home country.” Although you might think that a couple remarrying in Denmark would count as a sign of a strong attachment to Denmark, the opposite was actually the case. In this sense, remarrying seemed to be read as a parody, a performance of Danishness so exaggerated that it lacked credibility as an actual

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220 Rejection letter, 2016, 1, p. 8, my translation.


222 2005 memorandum, p. 6, my translation.
sign of attachment to Denmark in the eyes of the administration. Thus, living on Danish territory but not remarrying became a way for couples performatively to establish attachment to Denmark, which also relied on the sponsor letting ties to another nation die out. Following this (monogamous) logic, you can only show sufficient attachment by cutting ties to a home country. According to this logic, nurturing ties to another nation figured as signs of the sponsor being unfaithful to the Danish nation-state.

**Disorderly attachments: Disrupting ties to Denmark**

As an orientation device, the attachment requirement thus directed transnational couples, in particular the sponsor, towards the national ideal of Denmark; an orientation that required couples to turn away from other countries. However, the administration not only considered it a problem if the sponsor was found to nurture relations to a home country rather than exclusively making an effort to achieve an attachment to Denmark. In a few of the rejection letters, nurturing ties to another country was even seen to cancel out the sponsor’s attachment to Denmark.

In the following three cases, the immigration administration finds that the sponsor had achieved a sufficient attachment to Denmark but has “chosen to disrupt” it by maintaining ties to another country. It is important to note that I do not see the two vectors of “maintaining” and “disrupting” national ties as inherently different. I have chosen to read them separately as I do detect a small difference between them. The difference, I argue, is a matter of degree or strength: thus, in the eyes of the administration, a sponsor could “maintain” attachment to another nation to such a severe or critical degree that they would end up “disrupting” their attachment to Denmark. In this way, the administrative practice of the attachment requirement seemed stricter than suggested in the law. As these three cases suggest, not only were couples required having a greater attachment to Denmark, but all other attachments seemed to count against them ever being able to achieve or have an attachment to Denmark. As the following will demonstrate, the attachment requirement required the exclusive devotion of the sponsor, as they ideally had to cut all ties to their home country.²²³

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²²³ In this sense, the attachment requirement rested on a logic that has continued in the Danish ghetto clause, which was proposed after the attachment requirement was removed from the Danish Aliens Act in 2018. This clause states that family reunification cannot be granted if the sponsor resides in what the immigration authorities define as a “ghetto”. As Bissenbakker argues, the discursive logics of attachment seem to continue in the form of the ghetto clause “since it relocates the immediate threat to national attachment from the
Concerning disruptive signs, the rejection letters also present the duration of stays in a home country as a sign that the sponsor has not only maintained an attachment to another country but has also chosen to disrupt their attachment to Denmark. This is illustrated in the “basis of the decision” in a rejection letter from 2017 that states:

Despite your spouse [the sponsor] being born in Denmark, we have stressed [the fact] that your spouse has chosen to disrupt her strong attachment to Denmark by staying in Lebanon for almost three years in total, and that the frequent and long-term visits to the home country are factors that count against fulfilment of the attachment requirement because these kind of visits indicate that she has maintained a significant attachment to your [the applicant’s] home country.\textsuperscript{224}

In this case, the duration of the applicant’s stay in their country of residence, Lebanon, as a disruptive sign is not the only administrative concern. The rejection letter presents the long-term visits as a sign of a conscious “choice” made by the sponsor to disrupt her otherwise strong attachment to Denmark. Several long-term visits in a country where the sponsor has a family genealogy seem to denote the sponsor’s investment, devotion and loyalty to that country and a sign that they have turned their back on Denmark. According to the “basis of the decision” in this case, the sponsor has chosen to work on maintaining ties to the wrong country by visiting Lebanon – a country to which the Danish immigration administration presumes the sponsor already has “a significant linguistic, cultural and family-based attachment,”\textsuperscript{225} despite being born in Denmark and holding Danish citizenship. As this case shows, maintaining ties to another country where the sponsor has a family genealogy cancels out their ties to Denmark.

However, the immigration administration was not only concerned with the sponsor disrupting their attachment to Denmark by long-term stays in a home country. In some instances, the administration viewed the time and location of these stays as a sign of the sponsor not having disrupt their attachment to the home country. According to the chapter in

\textsuperscript{224} Rejection letter, 2017, 2, p. 6, my translation.

\textsuperscript{225} Ibid, p. 6, my translation.
the legal textbook on family reunification legislation, if a sponsor had “formerly been married or cohabitating with the applicant in their home country” the attachment requirement could not be considered fulfilled. The chapter discusses the possible logic underpinning this practice as follows:

The legal basis for this seems to be that such a scenario creates a strong presumption that the resident spouse’s [sponsor’s] marriage in Denmark has been entered into for the sole purpose of obtaining a residence permit and later family reunification with the initial spouse/cohabitating partner here in the country, and the attachment to the home country has, therefore, never actually been disrupted.

In the interpretation in the legal textbook, cases where transnational couples chose to remarry in Denmark were deemed suspicious, because remarrying could be seen as a sign of a sham marriage, only entered into in order to gain legal benefits such as a residence permit. In the legal textbook, remarrying in Denmark not only calls for suspicion in terms of the emotional authenticity of the spouses; it also factors in the assessment as factual proof of couples not disrupting their attachment to a home country. As such, remarrying in Denmark could be viewed as a sign of couples’ not disrupting their attachment to a home country, and thus of both parties having no obligation and devotion to Denmark. In this sense, they had not been willing to cut ties with a home country to devote themselves fully to Denmark. Although it might otherwise be thought that remarrying in Denmark would be considered a sign of strong attachment and dedication to the country – as a symbolic marriage to Denmark – in fact, as the legal textbook points out, the reverse was true; remarrying in Denmark could be read as hyperbole that, in the eyes of the administration, was a parody of attachment and the embodiment of Danishness. In other words, citing attachment too well made it seem a constructed and unauthentic sign of attachment. Therefore, it raised administrative suspicion about the couples attempting to use marriage in Denmark as a way of exploiting the legal institution of marriage, while simultaneously cheating on Denmark with a home country, instead of a sign of sincere loyalty towards Denmark. The case examples, in addition to the legal textbook, shows how certain sponsors, for example descendants of immigrants, had a

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harder time establishing a sufficient national attachment to Denmark. These findings are line with previous migration studies.  

Rytter\textsuperscript{228} highlights how Danish residents with parents originating from another country found it difficult to fulfil the attachment requirement, because they had a long family history to Denmark. In line with Rytter, Lund Pedersen\textsuperscript{230} has pointed out that it was not enough to have “a formal membership to the state” such as citizenship, as “cultural bonds” were also necessary to fulfil the requirement. Ties to another nation through family genealogy or (former) citizenship seemed to count against couples in the evaluation. According to this logic, the rejection letters seems to view these sponsors as having a strong attachment to another country until proven otherwise.

In conclusion, the letters' articulation of disruption as a vector configured attachment as a relationship to the Danish nation-state that could only be achieved (or maintained) if transnational couples, especially the sponsors, cut ties to what the administration perceived as a home country. Thus, the attachment requirement seems to have been underpinned by a logic in which sponsors who did not have a long family genealogy to Denmark were seen as having a strong attachment to their family’s country of origin until proven otherwise.\textsuperscript{231} These sponsors thus had to work to prove attachment to Denmark, as other national attachments seemed to count against them.

**Concluding remarks: Attachment as the work of contact with the national ideal**

What does it mean to understand attachment as a demand that transnational couples must seek to get in contact with the national ideal? As the previous sections demonstrated, the three concepts of achieving, maintaining and disrupting seem to figure in the rejection letters as vectors that made it administratively possible to measure the direction of the national attachment of transnational couples and made it administratively measurable whether couples orientated towards Denmark or a home country. This also points towards an interpretation of the legal concept of national attachment as more than a question of quality or strength, an amount that could be assessed as either insufficient or sufficient or a calculation that could be

\textsuperscript{228} Lund Pedersen, Linda, “Intimacy with the Danish nation-state”; Rytter, Mikkel, “The Family of Denmark’ and 'the Aliens'.”

\textsuperscript{229} Rytter, Mikkel, “The Family of Denmark’ and the ’the Aliens’,” p. 36.

\textsuperscript{230} Lund Pedersen, Linda, “Intimacy with the Danish nation-state,” p. 152.

\textsuperscript{231} Thanks to associate professor Ingvil Førland Hellstrand (Center for Gender Studies, University of Stavanger, Norway) for pointing this out to me during an internal seminar at University of Stavanger on 14 May 2019.
calculated and added up to be “greater than.” The vectors point towards an understanding of national attachment as a set of ties on which transnational couples were obligated to work continuously in order to achieve attachment to Denmark, while simultaneously leaving a home country behind. This understanding of national attachment as a calculation of their ties is also reflected in the summarised English versions of the decisions that accompanied some of the rejections. In these, the Danish word *tilknytningskrav* (that I – and migration scholarship in general – have chosen to dub the “attachment requirement”) is translated as “aggregate ties.” This particular terminology points to a notion of national attachment as a calculable assessment of couples’ relations to a nation-state, where the ties of the sponsor weighed heaviest on the scale.

The construction of attachment as calculable achievable ties, as I suggest, served several functions. First, it made the attachment requirement a sorting mechanism that decided whether transnational couples were folded in or out of the nation-state, based on the weight of their ties. In this way, it put couples in a precarious legal position, as the measurement of their ties to Denmark became the basis on which their rights and claims to family reunification were bestowed. Second, the legal demand for national attachment as calculable ties also made that demand a self-governing practice. In this view, we may see Denmark as an orientation object to which couples had to invest in achieving a relation, while cutting ties to other nation-states. As such, we may regard national attachment as achievable ties as an administrative and personalised border. However, it also placed couples in a position where they had to put effort and dedication into working on their combined attachment. As I would suggest, their personalised border might not only be seen as an administrative hinge down the middle of the marital bed. Rather, we may regard it as a practice that made national belonging calculable, imposing responsibility for the applicant’s attachment on the shoulders of the sponsor and making them an intimate border-guard. In this way, the sponsor seems to have been viewed as a guarantor of the applicant’s potential integration and national belonging in Denmark. If couples failed to achieve national attachment – if their aggregate

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232 These were usually cases where the applicant had to send their part of the application via an embassy. Therefore, the decision that followed was issued to that embassy.

233 It is worth noting that the application packets also translate *tilknytningskrav* to “attachment requirement” (FA1; FA10), while the letters of approval translate it to either “aggregate ties” or “connection.” As such, the administrative documents translate and interpret the attachment requirement differently.

234 Cf. Eggebo, *The Regulation of Marriage Migration to Norway*.

235 See also Bissenbakker, “Attachment Required”; Myong & Bissenbakker, “The Turn to Attachment.”
ties did not tip the scale towards Denmark – the applicant risked becoming undocumented and deportable. As such, the applicant would have to leave Denmark if they were living there at the time of the application. This is clearly stated in the following excerpt from a rejection letter from 2015 (in English):

**Consequences**
You have been permitted to stay in Denmark while we assessed the case. This right ceases now that we have completed the assessing of the case. Therefore, you must leave Denmark no later than [—] December 2015. [Rejection letter issued December 2015]

**If you do not leave Denmark voluntarily**
If you do not leave Denmark voluntarily, you may be forcibly removed from Denmark.
You also risk expulsion and punishment for staying illegally in Denmark. If you are expelled from Denmark, you will be banned from entry into all EU and Schengen countries, including Denmark, for a minimum of two years.
If you are expelled, you will be registered in the Schengen information system as unwanted in the Schengen countries.
The Schengen information system is a joint computerised information system used to exchange information between the Schengen countries.\(^{236}\)

As stated in the above excerpt, while the applicant has been permitted to stay during the evaluation process, this right ceases with the rejection letter. The applicant no longer has legal claims to stay, and they risk deportation, which also has a legal impact on re-entry.

In conclusion, the attachment requirement was a unique example of how bordering practices take place through the legal demands of affective orientations towards the Danish nation-state. Thinking about attachment as achievable ties offers insights into how the requirement can be seen as a legal-administrative practice that supported the idealisation of the Danish nation-state. As such, the rejection letters found that couples could not embody the national ideal, but they were expected to make an effort to approximate the national ideal through their work to achieve attachment.

\(^{236}\) Rejection letter, 2015, 2, p. 1, emphasis in original, my anonymisation of date of departure.
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Article 3

In the Administrative Gaze: Letters of approval as disciplinary devices in cases of family reunification to Denmark
In the Administrative Gaze: Letters of approval as disciplinary devices in cases of family reunification to Denmark

Abstract

This article examines how letters of approval, understood as disciplinary devices, aimed to make transnational couples governable. First, the letters established the residence permits as conditional. Second, the letters subjected couples to the possibility of administrative checks that aimed to ensure that they fulfilled the conditions, including the attachment requirement. Drawing on the work of Foucault, I analyse the letters of approval as an example of how the panoptic gaze takes on new forms. By subjecting couples to checks, I suggest that the letters encouraged couples self-govern through an imagined administrative gaze. Letters of approval thus call for new ways for migration scholars to conceptualise and investigate national borders and administrative border control. Rather than borders as walls marking the inside and outside of national territories, the letters, I suggest, point towards an understanding of borders as canal-lock system that could sluice the applicant in or out of the national community, depending on whether couple fulfilled the conditions of the residence permit.

Keywords

Migration management • Bio-politics • Panopticism • Cruel optimism • Borders • National attachment • Letters of approval • Residence permit • Denmark

Introduction

You have been granted a temporary residence permit in Denmark on the basis of marriage with [name blocked out]. The residence permit is granted under the section 9(1)(i) of the Danish Aliens Act.237

This is the wording of a letter of approval from 2015, granting the applicant (a spouse residing abroad) temporary residence in Denmark on the grounds of their marriage with a

Danish resident. A letter like this might be seen as marking a happy conclusion to an otherwise stressful period\textsuperscript{238} of the application process. The application has now been approved and all requirements, including the attachment requirement, are deemed to have been fulfilled. However, taking a closer look at the letter of approval and the list of conditions governing it, might lead to other conclusions. The letter does not just mark the end of the application process; it also heralds the start of ongoing work by the couple on national attachment and the possibility of further scrutiny and checks by the immigration authorities. As such, the letters of approval calls for new ways to conceptualise national borders. The migration trajectory to residence in Denmark laid out in the letters is far from a linear path from application to approval to future permanent residency in the country. Rather, the temporary residence permit is only one step on the journey. As such, we may think of the migration trajectory that the letters construct as a canal-lock system, sluicing the applicant through the gate on the journey towards permanent residency in Denmark and the national ideal, a journey that passes through multiple locks. This trajectory can have cruel implications, as the national ideal might prove illusionary in practice and out of reach for the couple concerned.

This article investigates letters of approval as disciplinary tools in a Foucauldian sense. I argue that this type of legal document not only functions as a regulatory mechanism that regulates the population through granting entry and residence to certain desired love migrants, but that it also functions in disciplinary ways in that it encourages and directs couples to keep working on their attachment to Denmark. In other words, the letters govern transnational couples by making the residence permit conditional and subjecting them to the possibility of administrative checks. Thus, I investigate how the demand for continuous national attachment to Denmark – and the follow-up control of that requirement – makes national attachment a question of self-governance.

\textbf{The history of the attachment requirement: Governing family reunification through national attachment}

The article investigates the discursive logics of national attachment in letters of approval for family reunification to Denmark. This particular legal document offers crucial insights into

\textsuperscript{238} See e.g. Lund Pedersen, 2012 for a personal account and case study of the application process.
how the legal attachment requirement has functioned as a biopolitical policy mechanism\textsuperscript{239} governing marriage migration. Within migration studies, scholars have highlighted the attachment requirement as an example of a broader restrictive turn that European immigration policies, especially the Nordic countries, have taken since around the turn of the twenty-first century.\textsuperscript{240} In a Nordic context, the attachment requirement can be seen as a policy attempt to reduce immigration, which has increasingly happened through family reunification. As such, the Danish attachment requirement can be seen as a part of broader Nordic tendencies to regulate immigration through family reunification; it can even be seen as having set a trend in immigration policy, given that Norway and the United Kingdom have been considering implementing similar requirements.\textsuperscript{241} As political scientist Anne Staver\textsuperscript{242} argues, Denmark “became the poster child for immigration restrictionism in 2002” with the introduction and later tightening of the requirement.

In 2000, the attachment requirement\textsuperscript{243} was introduced into Danish immigration law by the then Social Democratic government as a condition for the right to family reunification.\textsuperscript{244} The requirement was introduced and shaped by a political wish both to reduce general immigration and (along with the 24-year requirement\textsuperscript{245}) to prevent perceived forced marriages between young people with ethnic minority background and a spouse from their parents’ country of origin. From 2002, the requirement was tightened on two accounts: first, residents with Danish citizenship were now (in addition to Danish residents and refugees) subjected to the requirement when applying for family reunification. In addition, the definition of the requirement but Danish immigration law now stated that a residence permit could only be issued “if the spouses’ or cohabitating partners’ combined attachment to

\begin{itemize}
  \item \textsuperscript{239} Foucault, 1978, 2003.
  \item \textsuperscript{240} Bech et al., 2017; Block, 2015; Bonjour & Kraler, 2015; Eggebo, 2012; Fair, 2010; Liversage & Rytter, 2014; Mühleisen, Røthing & Bang Svendsen 2012; Myrdahl 2010; Rytter 2010; Staver 2014; Schultz-Nielsen & Tranæs, 2009.
  \item \textsuperscript{241} Cf. Staver, 2014.
  \item \textsuperscript{242} Staver, 2014, p. 21.
  \item \textsuperscript{243} The requirement only pertained to family reunification of spouses. However, the requirement of successful integration governing family reunification of children also rest in notions of national attachment, cf. Adamo, 2016.
  \item \textsuperscript{244} Dilou Jacobsen & Vedsted-Hansen, 2017, p. 522ff.
  \item \textsuperscript{245} This requirement stated that couples had to be at least 24 years old to apply for family reunification. See Dilou Jacobsen & Vedsted-Hansen, 2017, p. 470ff and Fair, 2010.
\end{itemize}
Denmark is greater than [their] combined attachment to another country”. As such, the attachment requirement did not entail an assessment of the applying couples’ marriage (or cohabiting relationship) but instead, as suggested by migration scholar Laura Block, scrutinised “the quality of [national] membership through an assessment of rootedness and “belonging””. As a condition for the right to family reunification, the requirement can be said to have distinguished between what anthropologist Mikkel Rytter calls real and not-quite real Danes and bestow rights accordingly.

In practice, the assessment of the requirement relied on “several typical attachment factors, but not any exhaustive enumeration of the conditions that can cause attachment to the respective countries.” According to the 2005 memorandum on the application of the attachment requirement, the evaluation rested on four main criteria: (1) the character and duration of stay in the respective countries; (2) the spouses’ family-based attachment to Denmark and to the applicant’s home country; (3) the spouses’ linguistic skills; and finally, (4) the spouses’ educational and employment attachment to Denmark. These socioeconomic and ethno-cultural factors figured in the evaluation as signs of couples already having achieved national attachment, while in other instances it seemed to denote that they had the potential to achieve a strong national attachment to Denmark. In this way, the attachment requirement almost followed a logic of cause and effect, according to which attachment constituted a condition for integration. In other words, integration became the effect of achieving a strong national attachment. As Staver points out, the attachment requirement “relies on an integration logic, as ‘attachment’ is argued to indicate ability and willingness to integrate oneself and one’s partner.” Although the attachment requirement was intertwined with ideals of integration, the law itself did not actually define what attachment was or how to understand it, but was rather concerned with how to assess attachment. In

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247 Block, 2015, p. 1445.
248 Rytter, 2010. See also Stokes-DuPass, 2015; Schmidt 2011; Staver 2014.
250 Ministry for Refugees, Immigrants and Integration & Danish Immigration Service, 2005. I refer to this document as the 2005 memorandum.
this way, the attachment requirement as an (affective) biopolitical tool governing family reunification did not function through its *definition*, but instead through its *administrative function*. In other words, the requirement was not defined by what it essentially *was*, but what it *did*. Following the workings of the law, I aim to unpack the *doing* of the requirement.

The common sense of the legal concept of national attachment also seems to be present in some of the literature on the requirement that has been interested in its discriminatory effects from a justice perspective. In a report from the Danish Institute for Human Rights, Dilou Jacobsen argues that the attachment requirement (along with the then 28-year rule) discriminated between people born with Danish citizenship and people born in Denmark without Danish citizenship. In line with Dilou Jacobsen’s observations, Stokes-DuPass argues that the requirement “draws a fine line between formal Danish citizens with attachment to the country and formal citizens who, based on individual assessments, are judged as lacking this attachment”. Although equal before the law in principle, Stokes-DuPass notes that the attachment requirement (among other legislative regulations) “established a hierarchy among citizens according to which, based on an assumption of “true” belonging, some citizens have certain rights that others do not.” Similarly, through an analytical lens attuned to membership, Block highlights how “the stronger one’s membership and belonging to the [national] community is considered to be, the stronger the claim to family migration rights.” Finally, Bech, Borevi & Mouritsen add to these findings by examining the attachment requirement as a Danish example of what they call the civic turn in Scandinavian family migration policies. They argue that the regulation of family reunification has become a matter of civic integration: “Immigrants may express religious and cultural minority identities

254 See also Jeholm, forthcoming.
256 In 2003 (after the definition was tightened), the Danish parliament implemented a 28-year rule (from 2012, 26 years) as an exception from the attachment requirement. If the sponsor had at least 28 years (later 26 years) of Danish citizenship or legal residence, the attachment requirement no longer applied. In 2016, following the *Biao vs. Denmark* case, at the end of which the European Court of Human Rights deemed this exception in violation European human rights principles, this exception was removed (see Dilou Jacobsen & Vedsted-Hansen, 2017, p. 530ff). This verdict became the political incentive to replace the attachment requirement, which happened in 2018 when the attachment requirement was replaced by an integration requirement.
258 Ibid., 2015, p. 65.
259 Block, 2015, p. 1433.
but must also become good citizens: they must be self-supporting, affirm liberal-democratic values, have good command of the host-society language and civic knowledge, and be loyal and inclined to participate in civic life.”

This article follows the lead of previous research on the attachment requirement by investigating how letters of approval managed the requirement. I use the attachment requirement as a prism through which to examine how nation-building and national belonging have been conceptualised and managed through legal demands for national attachment to Denmark. Building on previous migration scholarship, I analyse the attachment requirement as a governing mechanism that aimed to orientate transnational couples towards the Danish nation-state. Rather than investigating how the attachment requirement functioned as a restrictive point of entry, keeping unwanted or undesirable marriage migrants at bay, I examine how the bio-political regulation of transnational couples continued after the residence permit was issued. As disciplinary devices, I examine how the letters of approval aimed to govern transnational couples by establishing the residence permit as conditional and by subjecting them to the possibility of further administrative scrutiny and checks to make sure they fulfilled these conditions. Thus, the letters encourage couples to view themselves and their work towards meeting the conditions through the imagined eye of the immigration administration.

A theoretical framework of panopticism, disciplinary power and cruel optimism

I investigate the letters of approval because my research interest is in how the demand for national attachment to Denmark was managed through this type of legal document, and specifically how these legal documents subjected transnational couples to further scrutiny and disciplined them to fulfil the conditions listed. Combined with the uncertainty of if or when these checks would take place, these administrative practices can be seen as instances of disciplinary power. As a biopolitical mechanism governing marriage migration, the attachment requirement demanded continuous disciplinary investment from transnational couples. Here, I turn to the work of idea historian Michel Foucault to analyse and reflect on how letters of approval governed transnational couples. This type of documents may be understood as having disciplinary effects in that they shape transnational couples’ behaviour and conduct. In his introduction to Foucault, criminologist Roddy Nilsson emphasises that


262 Nilsson, 2009, p. 120, my translation.
governmentality can be seen “as a practice designed to shape, direct or effect human behaviour.” Discipline can also take the form of self-governance, hence the incentive to govern yourself. In *Discipline and Punish*, Foucault presents an analytical apparatus to understand disciplinary power. In relation to my investigation, Foucault’s analysis of the Panopticon prison – and panopticism as a governmental regime structuring modern society – is highly relevant. I do not suggest that the experience of applying for and being granted a residence permit is the same experience as that of incarceration. I do not want to conflate the two. Instead, I am interested in the disciplining effects of the letters of approval, for which a Foucauldian framework provides a perspective to unpack. The letters represent a material source that provides insights into the governing of transnational couples.

Foucault uses the image of the Panopticon prison to develop an analysis of power and discipline. The Panopticon is a prison building built “with cells on several levels organised in a circle with only latticed doors all facing towards the middle so that all of the prisoners could be observed simultaneously from a tower in the middle of the circle.” This prison model was designed so that “a few guards could watch over many prisoners.” Foucault uses this prison model to reflect on how governance and discipline becomes possible. Power, in Foucault’s view, is not instrumental and can be limited to a specific person: “Power has its principle not so much in a person as in certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanisms produce the relation in which individuals are caught up.” Consequently, the analysis I offer is not an analysis of how immigration caseworkers can be seen as evil prison guards cracking their whips over transnational couples. As Nilsson points out, “It is an exception when disciplinary power deploys punishments and sanctions. Usually, it prefers minor corrections such as injunctions, instructions, rules, regulations and agendas as well as various kinds of rewards and encouragement.” As philosopher Anders Fogh Jensen adds in this introduction to Foucault, a Foucauldian study makes it possible to study how human actions are governed “within the spectrum between coercion and indifference.” In this sense, disciplinary power is

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263 Foucault, 1977 [1975].
not simply restrictive but also productive and reformatory as it directs subjects along ideal paths.

Here, Foucault’s framework is in line with affect-theoretical scholars Sara Ahmed\textsuperscript{269} and Lauren Berlant.\textsuperscript{270} Both have investigated affect as orientation devices that discipline subjects. Berlant in particular has examined how this orientation towards a desired object can have cruel implications for subjects. Berlant defines “an object of desire” as “a cluster of promises” that can be embedded in an object, for example an institution, a text, a norm,\textsuperscript{271} I might add, the national ideal. In other words, a desired object is promissory as “proximity to the object means proximity to the cluster of things that the object promises, some of which may be clear to us while others not so much.”\textsuperscript{272} Thus, the promise of the desired object is what directs the subjects. Thinking of the nation-state in these terms, we might think of a residence permit and the possibility of citizenship as “the cluster of things” the national ideal promises marriage migrants if reached. In relation to her concept of cruel optimism, a concept of attachment comes into the equation as Berlant defines “cruel optimism” as “a relation of attachment to compromised conditions of possibility.”\textsuperscript{273} On the cruel implications of attachments, Berlant\textsuperscript{274} writes:

What is cruel about these attachments, and not merely inconvenient or tragic, is that the subjects who have $x$ in their lives might not well endure the loss of their object or scene or desire, even though its presence threatens their well-being, because whatever the content of the attachment, the continuity of the form of it provides something of the continuity of the subject’s sense of what it means to keep on living on and to look forward to being in the world. [...] Cruel optimism is the condition of maintaining an attachment to a problematic object in advance of its loss.

The attachment to a desired object becomes problematic as it threatens subjects’ well-being. It is not only that the desired object can be lost, but also that the work of “maintaining an

\textsuperscript{270} Berlant, 2006, 2011.
\textsuperscript{271} Berlant 2006, p. 20.
\textsuperscript{272} Ibid., p. 20.
\textsuperscript{273} Ibid., 21.
\textsuperscript{274} Ibid., p. 21.
attachment to a problematic object” becomes a cruel optimism. Building on Berlant, we might think of the attachment requirement as governing transnational couples towards the Danish nation-state as a desired object with the promise of residence if transnational couples continuously did the required work on national attachment. This national attachment can thus be seen as a case of cruel optimism, as there was no guarantee if couples would ever be able to achieve it. In the case of the residence permit, this legal document was issued with the cruel implication that it might be revoked if the transnational couple’s attachment to Denmark was no longer recognisable as fulfilled.

Returning to Foucault’s analysis of disciplinary power, Nilsson mentions that the prison system was founded on the ideal of reforming the criminal subject275 – in other words, to turn criminals into law-abiding citizens. In the case of family reunification, I am interested in how the performativity of legal documents can have disciplinary effects on transnational couples: how do they aim to discipline transnational couples to work towards the possibility of belonging? Here, the gaze becomes a central disciplinary instrument. As Foucault shows through his reflections on the Panoptic prison, the gaze is a power technology with disciplinary effects. Foucault writes:

Hence the major effect of the Panopticon: to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers. […] The Panopticon is a machine for dissociating the see/being seen dyad: in the peripheric ring, one is totally seen, without ever seeing; in the central tower, one sees everything without ever being seen.276

Foucault offers a framework to reflect on the gaze as a disciplinary mechanism. From the Panopticon’s tower, the prison guards can monitor everything as they have a panoramic view of all the cells. The prisoners, on the other hand, cannot see the prison guards, only the tower. Therefore, they have the knowledge of the possibility of being monitored without knowing

when or if it is actually happening. The gaze, according to Foucault, becomes internalised and disciplinary, because the prisoners become the bearers of the imagined gaze of the guard. In other words, the knowledge of surveillance can itself have disciplinary effects as the prisoners self-monitor in order to avoid punishments and further corrections. In this sense, they become accomplices in their own subordination, as Nilsson argues.

Foucault’s reflections on the Panopticon prison serve as an example of how power is administered. It may be characterised as “the diagram of a mechanism of power reduced to its ideal form” that is “polyvalent in its applications” and therefore encompasses relations of power other than the relation between guard and prisoner. Although Foucault published his work several decades ago, before the internet, computers and smartphones became widespread, his work seems even more relevant in a contemporary context due to new technology. As Mathiesen notes, “The advent of digital data management has revolutionised all registration and archiving.” In the Nordic countries, digital data management has been used to optimise registration, including immigration controls. One key function of this technology, Mathiesen argues, is monitoring. Following Mathieson’s point, I investigate the letters of approval as disciplinary tools that aim to govern and make transnational couples governable. In this sense, the letters expect transnational couples to work on fulfilling the conditions that govern the residence permit, including the attachment requirement. I investigate them as instructive texts that aim to direct couples to self-governing actions. Thus, the letters can be said to create a carrot-and-stick scenario, attempting to direct transnational couples with the promise of being folded into the Danish nation-state.

Administrative documents and methodological approach

The empirical material I examine consists of decision letters in Danish cases of family reunification. To my knowledge, this article is the first study to use letters of approval or

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278 Ibid, p. 102.
279 Foucault, 1977 [1975], p. 205.
280 Ibid, p. 205.
residence permits as an object of study. One exception is Könönen,283 who has investigated how “administrative bordering practices” have affected migrants after obtaining a residence permit, although the residence permits or letters of approval are not themselves used as an object of study. It is important to note that my analysis is not a legal study of the possible injustice of the law. Instead, I conduct a discourse analysis284 of the letters as disciplinary devices. I conduct a discourse analysis to unpack how the letters articulate the attachment requirement as a condition for family reunification. Although an overlooked object of study within migration scholarship, these kinds of letters provide crucial insights into the administrative management of attachment as a migration policy that governed transnational couples even after the approval of an application for family reunification. I have collected the decision letters as a part of my PhD dissertation. In late 2018, I applied to the Danish Immigration Service for access to the material, and they provided me with a selection of 14 letters of approval (in addition to a selection of rejection letters).285 The letters of approval cover the years 2011–2017, with two letters per year, and were retrieved from the digital archive that dates from 2011.286

The legal document is structured as a letter of approval addressed to the applicant (the “you” in the text). It functions not only as a descriptive letter that inform the applicant that the application for family reunification has been approved, but also as a temporary residence permit until the actual residence card is issued. According to the letters, the applicant would receive the card by email a couple of weeks after registering with the local authorities. The residence permit (the letter and later the card) gave the applicant legal residency in Denmark for about two years, after which it had to be renewed. As stated in the letters, applicants could apply for permanent residence in the future. Also as stated in the letters, the residence permit gave the applicant access to the Danish healthcare system and permission to apply for a work

283 Könönen, 2018.


285 I only retrieved the decision letter from each particular case, and did not retrieve other paperwork or documentation from these cases.

286 During this time, several legal changes were implemented regarding the law on and administrative governing of family reunification. From 2011 to 2012, a points system (temporarily replacing the 24-year requirement) was introduced so that the administration no longer only evaluated the residing partner’s ability to integrate the migrating spouse, but now also included an assessment of the skills of the migrating spouse, e.g. language skills, education and work experience. Additionally, the attachment requirement was tightened so that couples now had to have a significantly greater attachment to Denmark in comparison to another country. This definition was also implemented in 2011 and lasted a short time, to 2012, when it was changed back to its 2002 definition. Dilou Jacobsen & Vedsted-Hansen, 2017, p. 463, 523.
permit. In addition to informing the applicant of the approval of their application, the letters also contain a long list of conditions, including the attachment requirement, governing the residence permit that the applicant – in some cases also the sponsor – had to fulfil continuously in order for the residence permit to be valid.

To support my analysis of the approval letters, I supplement the documents with other materials that contribute insight into the migration management of attachment to which the letters themselves do not access. This material includes the 2005 memorandum and a chapter on family reunification law in a legal textbook on Danish immigration law. Both are instructive texts for legal bureaucrats working in the field of and the administration of Danish immigration law. These texts, therefore, provide me with both insights into the administration of the attachment requirement and the administrative discussions on the interpretation of the law. It is important to note that the analysis is not a quantitative study of the sum of approvals. In other words, my analysis cannot offer an overview of the number of residence permits the Danish Immigration Service granted on the grounds of the attachment requirement. As such, I do not view the selection made by the Danish Immigration Service as a methodological problem in that the particular decisions might not be a representative selection of cases. Rather, I approach the material as examples of administrative practice. I find the material interesting as examples of what the Danish Immigration Service deems to be representative of the administrative management. More precisely, I am interested in the self-understanding of the immigration administration – the voice of the institution – as illustrated by the selected approval letters. Here, I am in line with anthropological studies of documents and bureaucracy that have emphasised that documents are “not simply instruments of bureaucratic organizations, but rather are constitutive of bureaucratic rules, ideologies, knowledge, practices, subjectivities, objects, outcomes, and even the organizations themselves.” I therefore conduct a discourse analysis of the legal documents to unpack the immigration bureaucratic practices and legal subjectivities that this material constitutes.

Furthermore, legal documents such as approval letters may be viewed as having nation-building and border-maintaining capacities. In their essay on passports, Parsa,

288 See Hull, 2012, for a review and discussion of anthropologist studies of documents.
290 Laclau & Mouffe, 2001 [1985].
Keshavarz and Jansson\textsuperscript{291} have examined how legal documents such as passports function as a part of bordering practices: “Boundaries and borders based on nationality can only be maintained by documents – such as the passport – indicating a person’s national identity, since there is simply no other way to know ‘who belongs where.’” Building on this point, I argue that the approval letters are documents that maintain notions of the nation and mark its borders and boundaries. First, letters of approval denote and determine who belongs, based on an evaluation of national attachment. Second, the letters mark a step on the transnational couples’ journey of possible belonging. In a Foucauldian framework, analysing legal documents is attuned to how these documents “are used to manufacture the ‘subjects’”, in my case the subjects of administrative “inquiry.”\textsuperscript{292} Thus, we might view the administrative practice and assessment of transnational couples’ attachment as juridical discourses that “impinged on human beings so as to manufacture docile, pliant and disciplined bodies.”\textsuperscript{293} In what follows, I examine letters of approval in cases of family reunification to Denmark as disciplinary tools that aimed to discipline transnational couples to fulfil conditions, including the attachment requirement, governing the validity of the temporary residence permit. In addition, the letters subjected couples to the possibility of administrative checks to ensure that couples would fulfil these conditions.

The conditionality of the residence permit: Administrative border control as a canal-lock system

A letter of approval is a letter that the Danish Immigration Service sends to an applicant granting temporary residence. The letters are structured around an institutional “we” that speaks to a “you,” the applicant. Most of the selected letters are written in Danish with a few noteworthy exceptions written in English.\textsuperscript{294} The letters themselves do not offer much information about the particular applicants and sponsors, partly because of anonymisation by the Danish Immigration Service leaving out information that might disclose the identity of the couples. However, some of the letters include specific information addressed to Turkish citizens where the applicant is a Turkish citizen, while one implies that both sponsor and

\textsuperscript{291} Parsa \textit{et al.}, 2015, p. 95.

\textsuperscript{292} Prior, 1997, p. 76.

\textsuperscript{293} Ibid., p. 76.

\textsuperscript{294} The English exceptions include the following letters: 2015, 2; 2016, 1; 2017, 2.
applicant are Turkish citizens. The letters in English categorise the nationality of the couples (in one of them, the applicant) as Pakistani and Iraqi, and in one letter the nationality (presumably of the applicant) as stateless Palestinian. Most of the letters do not contain any information about the sponsor or applicant. However, as pointed out by migration scholar Mikkel Rytter, sponsors who had a migration background or who were descendants of migrants would have had a hard time fulfilling the attachment requirement because it seemed to count against them in the evaluation if they lacked a long family genealogy in Denmark. In this way, the attachment requirement can be said to have measure – and aimed to secure – cultural and national kinship to the Danish nation-state. Keeping this in mind, we might assume that the sponsors in these particular cases were predominantly ethnic Danes seeking family reunification with an applicant from abroad.

The letters also use standard phrases, which makes the tone and language of the letters almost identical. As media sociologist Nanna Mik-Meyer argues, referencing the work of governmentality scholar Nikolas Rose, standardisation is never an innocent process. Mik-Meyer elaborates: “Standardisation, viewed as a practice in which documents are structured in a certain way, for example based on a template and with the author not participating actively in the text, are designed, at least in part, to send a signal to the reader that the information presented represents facts.” Keeping this in mind, we might view the standard phrases as giving the letters a formal and distancing tone. As such, the institutional “we” and the “you” are not engaged in conversation. Rather, the institutional “we” speaks to the “you” in a formal and distancing tone.

295 Letters: 2016, 2; 2013, 2; 2015; 1; 2017, 2. The letters from 2016, 2015 and 2017 imply that the applicant is a Turkish citizen, while the letter from 2013 implies that both sponsor and applicant are Turkish citizens.

296 The letter from 2015 (no. 2) categorises the nationality of the couple as Pakistani (ibid: 1), and the letter is addressed to the Embassy of Denmark in Islamabad, Pakistan. The letter from 2016 (no. 1) categorises the nationality of the couple as Iraqi (ibid: 1). This letter is addressed to the Norwegian embassy in Amman, Jordan, which might imply that the applicant resides here. Last, but not least, the letter that categorises the nationality (presumably of the applicant) as stateless Palestinian (ibid: 1) is addressed to the Consulate General of Denmark in Dubai, the United Arab Emirates. This might indicate that the applicant resides in this country.

297 Rytter, 2010. See also Dilou Jacobsen, 2004; Lund Pedersen, 2012.

298 It should be noted that the sponsor carried the heaviest load in the evaluation of the attachment requirement, while the applicant’s attachment was evaluated as being additional to the sponsor’s attachment.


300 Ibid, p. 201, my translation.
In terms of their structure, the letters begin by granting the applicant temporary residence in Denmark on the grounds of their marriage to the sponsor, which transforms the legal status of the applicant into that of temporary resident. Following this, the letters consist of several subsections that describe the validity of the residence permit and instruct the applicant in various ways. The subsections that follow describe the dates between which the residence permit is valid, instruct the applicant in how to submit a complaint regarding the decision, and a statement that the letter functions as a temporary residence card until a permanent one is issued. The next section instructs the applicant to register at the local authority. In this section, the letter states that the applicant must contact the citizen service division at their local council to be added to the Danish CPR-register and obtain a social security card. The letter then informs the applicant about how to obtain a residence card, which requires biometrics (a photograph, fingerprints and a signature) at the local police station or at service centre run by the Danish Immigration Service.

A large part of the letter is dedicated to listing the conditions that govern the residence permit. It states, among other things, that the residence permit “is granted on several conditions. It is important that the conditions are fulfilled at all times. If one or more of the conditions are no longer fulfilled, you may lose your right to stay in Denmark.” Minor changes were made to the list of conditions over the years. In general, this section describes the Danish test as a condition of the validity of the residence permit, then lists several conditions that couples must fulfil, including the attachment requirement. Following the conditions, the letters provide a section on checks, explaining that the Danish Immigration Service might select the couple at random for control checks. The next section subjects the applicant to Danish integration law, stating the relevant paragraphs, including that the local authority must offer and enrol the applicant in an integration programme.

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301 The later letters of approval from 2016–2017 contain much of the same information; however, they are structured using a different template to the earlier ones. I have chosen to use the older letters as a reference for the structure of the letters in general because they are based on the most commonly used template.

302 Austin, 1962. See also Bak Jørgensen, 2012; Butler 1997; Faber et al. 1998.

303 A residence card is the actual documentation that states that the applicant holds a residence permit in Denmark.


305 Letter of approval 2012, 2, p. 4.
The next section instructs the applicant in how and when they can apply for an extension of the residence permit. In this section, the letters outline the consequences if the applicant does not apply in time, stating that the permit will no longer be valid and the applicant will then be resident in Denmark illegally. The letters also state that the applicant will risk being deported, and banned from re-entering Denmark for a certain period. The letters then instruct the applicant about the legal rules regarding permanent residency in Denmark. Finally, the letters remind the applicant to contact the local authority and register for a CPR number in order for a health insurance card to be issued, giving the applicant access to the Danish healthcare system. The letters then advise the applicant to keep the letter safe, stressing that it contains guidance and important information that the applicant might need later. The letter is then signed by the caseworker. However, I will argue that the actual sender of the letters is the Danish Immigration Service, the speaking voice, and institutional “we,” in the letters. Enclosed with the letters is an attachment specifying the legal rules, including excerpts from the Danish Aliens Act, the Integration Act and the Alien Ministerial Order. The excerpts vary from letter to letter, indicating that the specific excerpts were chosen depending on the case. Some of the letters also conclude with an attached page of facts regarding permanent residency that provides more detailed instructions.

The section “Conditions governing your residence permit” describes the conditions that govern the validity of the residence permit and makes the legal status for the applicant conditional and precarious. This is perhaps best illustrated in the following excerpt from one of the rejection letters in English:

Your residence permit has been granted subject to a number of conditions. It is important that these conditions are fulfilled at all times. If one or more of the conditions are no longer fulfilled, you may no longer be entitled to stay in Denmark.

[...] Your residence permit is also granted on the condition:

306 My translation from the Danish Udlændingebekendtgørelsen. This ministerial document details the implementation of a specific law.

307 Quoted from letter of approval, 2015, 2, p. 4.
• that yours and your spouse’s aggregate ties\(^{308}\) with Denmark are stronger than yours and your spouse’s aggregate ties with another country\(^{309}\)

The letter makes the residence permit conditional. This particular letter lists the conditions in two tiers: conditions and then additional conditions, where the letter outlines the attachment requirement. In the light of the centrality of the requirement in the application process,\(^{310}\) it perhaps comes as a surprise that the requirement is listed as an additional requirement.\(^{311}\) Nonetheless, the attachment requirement takes a back seat in the letters, whereas the test in Danish language skills takes centre stage.\(^{312}\)

Thus, the residence permit is conditional. In the quote, the letters shift from an explicit institutional “we” to a bodiless voice speaking to the applicant (the “you” in the text). This creates a formal tone and a distancing effect to the addressed “you.” The letter produces the applicant as a temporary resident and makes this legal position conditional. As a condition of the right to family reunification, the attachment requirement required, for instance, that transnational couples had a greater attachment to Denmark than another country, namely the country the administration deemed a their home country.\(^{313}\) As such, the management of the attachment requirement entailed an administrative estimation of the couples’ combined attachment to Denmark compared to another country before a temporary residence permit could be granted. The letters of approval subject couples to compliance with the attachment requirement as a continuous condition for the validity of their permits. The

\(^{308}\) Noticeably, the English letters of approval translate the Danish word *tilknytningskrav* [attachment requirement] into aggregate ties and not attachment requirement, which is the most used translation in the migration literature on the requirement. This translation suggests an interpretation of the legal concept of attachment as calculable sets of ties to a nation-state.

\(^{309}\) Quoted from letter of approval, 2015, 2, p. 4-5.

\(^{310}\) See e.g. Jeholm & Bissenbakker 2019.

\(^{311}\) It should be noted that not all the letters of approval list the attachment requirement as a condition. It might have been missed out in an oversight. However, it is also a possibility that the requirement was not asked for in these particular cases. Although I specifically asked for cases where the attachment requirement did apply, the Danish Immigration Service categorises rejections based on the condition the couple did not fulfill, while approved cases are archived together. Due to the archive system at the Danish Immigration Service, they may have given me letters of approval in cases where the attachment requirement did not apply.

\(^{312}\) Language skills are also one of the attachment criteria in the administrative evaluation of the attachment requirement (cf. the 2005 memorandum; Dilou Jacobsen & Vedsted-Hansen 2017; Starup 2012). The Danish test can thus be said to continue the evaluation of Danish linguistic skills in the wake of the attachment requirement.

letters can be said to be structured by an administrative expectation that the couples would continuously work on fulfilling the requirement even after the residence permit has been granted.

The conditionality of the residence permit as stated in the letters of approval invites us to rethink the concept of national borders, as well as administrative border control as bordering practices. Rather than always thinking of national borders as walls or barriers keeping migrants out, a letter of approval grants the applicant conditional entry into the Danish nation-state. As such, the permit can be taken away again if couples do not continue to fulfil certain requirements. Instead of thinking of it as a wall that keeps migrants at bay – we might think of the migration trajectory sketched out in the letters of approval as a canal-lock system that directs and instructs the applicant towards permanent residency in Denmark. As such, temporary residency can be seen as a gateway into the next part of the system that points the applicant toward the next gateway; the extension of the residence permit, then to permanent residency, and potentially to full citizenship.

At this juncture, it is relevant to take a short historical sidestep. In a Danish context, it has historically been legal practice that marriage between a foreign woman and a man with Danish citizenship would give the woman the right to apply for Danish naturalisation. Although my aim is not to conduct a historical study of the administrative management of family reunification, I mention this to highlight two aspects of contemporary marriage migration and family reunification legislation. First, with the introductions of the attachment requirement, along with other requirements, the right to family reunification to Denmark became conditional. Second, from the point of view of the applicant, the migration trajectory became longer: family reunification had been a gateway to citizenship, it now stretches from several temporary residence and then permanent residency before the marriage migrant (the

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314 According to the letters of approval. For example, one of the English letters states that if the applicant is a foreign national “of 18 years or older and has held a temporary residence permit in Denmark for at least the past five years, you [the applicant] can obtain a permanent residence permit if you meet the requirements” (2015, 2: 6). This letter thus lays out a path towards permanent residency that, as stated in the letter quoted, required at least five years of temporary residence in Denmark.

315 This is for example stated in the historical document Danish Citizenship Law [Dansk Statsborgerret], published in 1928 by a legal scholar and clerk in the then Danish Ministry of Interior Affairs [Indenrigsministeriet]. This document states that the law Act of 1898 implemented the right to Danish citizenship for women by marriage with a Danish man: “In the period before 7 April 1898 there was no rule regarding the acquisition of the right to Danish citizenship by entering into marriage with a Danish man. By the Act of 1898 § 3, Section 1, on the contrary, it was decided that »an alien woman who marries a man with Danish citizenship will by the marriage acquire such a right”” (Andersen 1928: 24, my translation).
applicant) can apply for Danish citizenship. The letters thus directed the applicant – and implicitly the sponsor because they also had to fulfil some of the listed conditions, i.e. the attachment requirement – on their way towards the Danish-nation-state and the possibility of future belonging; a road that was paved with integration conditions.

**In the administrative gaze of the immigration authorities**

In addition to the letters informing and discursively constructing the residence permit as conditional, they also subject transnational couples to the possibility of administrative checks to guarantee ongoing fulfilment of the conditions. In this sense, the letters of approval – as well as the residence permits – can be seen as disciplinary devices. Similarly to passports, albeit in a different way, they can be said to function as “instruments and techniques that (re)direct one’s actions and behavior.”

Given the letters’ articulation of the residence permit’s conditionality and the subjection of couples to the possibility of being selected for further administrative scrutiny and checks, without disclosing whether or when this might take place, we may say that the letters can be seen as disciplinary tools. The letters are structured around an expectation of couples’ continuous work on fulfilling the conditions. Thus, they direct couples to self-govern in order to fulfil the conditions, including the attachment requirement. This is illustrated in an excerpt from a letter of approval from 2015 (no. 2):

**Information about control checks**

When you have been granted a residence permit, the [Danish] Immigration Service may check whether you continue to meet the requirements of your residence permit. Control checks may be conducted at random and are not necessarily an indication that the [Danish] Immigration Service suspects you of not meeting the requirements of your residence permit. Control checks may involve reviewing public registers, contacting other authorities, such as municipalities, contacting third parties, such as employers or places of study, or turning up in person at your residence, place of study or workplace.

From 1 August 2010 onwards, the Immigration Service can also compare information contained in the Aliens Register or other Immigration Service registries with records held by the Central Office of Civil Registration (CPR Office), the Buildings and

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Housing Registry (BBR) or the income registry in order to check whether you continue to meet the requirements of your residence permit.\footnote{Letter of approval, 2015, 2, p. 6–7. Standard phrasing used in the letters from 2011 to 2016 (no.1). The English text quoted is a direct translation of the Danish text. A new shorter phrasing was used from 2016 (letter 2), which was more vague in nature because concrete information (on the registers etc. that might be used) was no longer listed: “The Immigration Service is authorised to review whether you still meet the conditions for holding temporary residence. A review can be conducted even if there are no concrete reasons for doing so. The review can include information obtained from other authorities, including local councils, by cross-checking information or through personal interviews with a police officer” quoted from approval letter 2017, 1, p. 13.}

Notably, the speaking voice of the letter no longer takes the form of an institutional “we,” but shifts to the third person: the [Danish] Immigration Service speaks to the “you” who has received the letter. This creates further distance to the “you” and establishes the text as formal in tone. On one hand, the letters can be said to be strictly describing the possibility of follow-up interviews and checks and informing the “you” of this.\footnote{Usually, the police conducted the follow-up interviews, cf. Vedsted-Hansen 2017. The later letters of approval from 2016–2017 also state that “The review can include information obtained from other authorities, including local councils, by cross-checking information or through personal interviews with a police officer,” quoted from approval letter 2017, 1, p. 13.} On the other hand, we may see the letters as transforming the legal identity of the applicant and establishing it as conditional. In other words, the letters position applicants in a precarious legal position, making them deportable if the conditions governing the residence permit are no longer fulfilled. In this sense, we may think of the letters of approval as disciplinary tools that aim to direct the actions and behaviour of transnational couples.

Returning to Foucault’s analysis of how “qua its superior functionality and radical approach, the Panopticon represented the most complete prototype of how disciplinary power permeates society,”\footnote{Nilsson, 2009, p. 102, my translation.} we may think of the letters as more recent examples of how “The panoptic gaze – the surveillance of the self and of others – continues to take new forms”\footnote{Ibid., p. 103, my translation.} within the area of migration. In the case of the Panopticon prison, the architectural design of the building makes it possible for the prison guard to monitor all inmates from the watchtower in the middle of the building without the inmates knowing whether they are being monitored. Here, it is the knowledge of the possibility of being monitored that disciplines inmates to self-govern their behaviour. To avoid corrections or retribution by the guards, inmates have to display reformative behaviour in case they are being monitored. The architecture of the Panopticon prison thus installs an imagined disciplinary guard’s gaze in
the inmates, ensuring that they self-govern and correct their behaviour. Keeping this in mind, we may see the letters of approval as an example of how disciplinary power takes on new forms. The letters’ subjection of the possibility of administrative checks – whether via follow-up interviews with employers, employees at a place of study and/or couples themselves, or via information taken from digital databases – can be said to aim to direct the behaviour of couples to work to fulfil the conditions. As such, couples had to self-govern their work on the conditions, including the attachment requirement, in case the administration subjected them to further scrutiny and checks and potentially decided to revoke the residence permit, as stated in the letters. In other words, the letters of approval aim to direct couples and make them administratively manageable after the residence permit has been issued.

The letters place couples in a position where they have to view themselves and their efforts to fulfil the conditions, including attachment to Denmark, in the imagined gaze of the administration. To keep the residence permit valid, couples had to adapt to what they imagined the administration would deem a sufficient and documentable effort to fulfil the conditions. It should be noted that the letters of approval granted residence permits to the applicants but did not tell them how the applications had been assessed. As such, the letters were issued on the grounds of an administrative assessment of the application, upon which the administration has decided that the couples fulfill the conditions for family reunification. However, the letters of approval only inform and performatively grant the applicant temporary residency in Denmark. The letters do not tell them what the administration has based that decision on and what the couple had done right.\(^{321}\) In contrast to rejection letters, letters of approval do not contain a basis of the decision section offering insights into how the couple’s attachment has been evaluated in the specific case. The letters place couples in a position where they have to fulfil the conditions governing the residence permit, including the attachment requirement, otherwise it might be revoked; however, they did not tell couples what the administration has considered to be signs of sufficient attachment to Denmark. By not stating what particular couples had done right in the first place, the letters do did not point them in the direction for their ongoing work on attachment to Denmark. As such, the letters left couples in the dark about what they had done right. Couples then had to rely on the

\(^{321}\) I wish to thank post.doc. Lea Skewes (Department of Political Science and Interacting Minds Centre, Aarhus University) for bringing this point to my attention during my talk “The Function of Attachment in Cases of Family Reunification” for the Gendering in Research Network at the Interacting Minds’ Centre, Aarhus University, 28 November 2019.
information and guidance offered by the Danish Immigration Service’s webpage to self-govern their work on fulfilling the conditions. In conclusion, the letters aim to make couples governable by performatively establishing the residence permit as conditional and subjecting couples to the possibility of administrative follow-up interviews and checks.

**Concluding remarks: Administrative governing of transnational couples through conditions of attachment**

The letters of approval are administrative texts that inform applicants that they had been granted residency in Denmark. In other words, they produce the applicant as a temporary legal resident in Denmark, a precarious legal position the letters established as conditional. As such, the validity of the temporary residency rested on several conditions, including the attachment requirement that the letters expected transnational couples to fulfil. Understood as disciplinary devices, I have analysed the letters as newer examples of how panopticism takes its form from within the area of marriage migration by aiming to discipline couples to fulfil certain conditions, and to work on their integration potential conceptualised through these conditions. Thus, the letters aimed to govern couples by establishing the residence permit as conditional and by subjecting couples to the possibility of administrative checks to ensure they continued to fulfil the conditions listed.

In this way, the letters subjected couples to an administratively suspicious gaze, and therefore, they can be seen as examples of how administrative bordering can take personalised forms. The letters call for new ways for migration scholarship to think of, examine the administrative management of national borders. The letters of approval laid out a migration trajectory from temporary residence to possible permanent residency for the applicant. We might think of this trajectory as a canal-lock system, via which the applicant is sluiced into the Danish nation-state. The temporary residence permit can be seen as a canallock through which the applicant progressed towards the next lock – a residence permit – and the promise of future permanent residency – and perhaps ultimately, Danish citizenship. However, the letters made it clear that temporary residency as conditional. If

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322 See Newtodenmark.dk [last accessed 17-02-20]. Keeping couples in the dark about the outcome of the evaluation of attachment also made it hard for them to use the initial assessment as a precedent in case of later control checks.

323 Könönen, 2018.
couples failed to fulfil the attachment requirement, for instance, the lock behind the couple might open up and sweep the applicant away. Rather than being a happy end to application process, the letter of approval – and with it the temporary residence permit – appears to have been cruel optimisms\textsuperscript{324} that govern and direct transnational couples towards the Danish nation-state and lay out the path of integration work that couples have to any hope of being recognisable as belonging there. However, there was no guarantee that this promissory hope would be redeemed. Understood as disciplinary tools, letters of approval can be said to position couples in a carrot-and-stick scenario in which they might be chasing unreachable aspirations of national belonging.

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\textsuperscript{324} Berlant, 2006, 2011.


MINISTERET FOR FLYGTNINGE, INDVANDREDE OG INTEGRATION [Ministry for Refugees, Immigrants and Integration]. 2003. Notat om anvendelse af henholdsvis 24 års kravet, jf. udlændingelovens § 9, stk. 1, nr. 1, og tilknytningskravet, jf. § 9, stk. 7, navnlig
hvor den herboende ægtefælle eller samlever har en særlig erhvervsmæssig tilknytning til Danmark.


MYONG, L. & BISSENBAKKER, M. forthcoming. The Turn to Attachment: Analyzing Migration Regulation and Transnational Adoption in a Danish Context.


Newtodenmark.dk [last accessed 17-02-20]


Concluding remarks to the articles

The dissertation centres on the three case-based articles. Overall, the articles provide insights into the translation of the attachment requirement into administrative practice and assessment. The articles, especially article 2, also shed light on how the administrative documents discursively configured national attachment as calculable ties. As such, the rejection letters construct attachment to Denmark as an achievement of ties. Together, the articles show how a cultural analytical gaze on the administrative management of the attachment requirement can contribute to the rethinking of, and provide fruitful knowledge of, migration management, national borders and border control, integration, national belonging and national attachment in an affective biopolitical light.

**Article 1:** “Documenting Attachment: Affective border control in applications for family reunification,” co-written with Mons Bissenbakker, is a revised version of an article originally published in *Nordic Journal of Migration Research*. In this article – in collaboration with Bissenbakker – I examine the practice of documenting national attachment in application packets for family reunification to Denmark. In the analysis of the Danish Immigration Service’s application packets, we investigate how transnational couples, applying for family reunification, were required to document their national attachment to Denmark. Following this, we unpack the application packets’ management of the attachment requirement as a migration-policy tool underpinned by demands for affective orientations. Drawing on Ahmed’s (2010) affect theoretical work on happiness as an orientational promise, we analyse how the application packets functioned as orientation devices that aimed to direct couples towards a trajectory of happy objects: the application, the residence permit and family reunification, and ultimately the Danish nation-state, waiting on the horizon. The article contributes to migration scholarship by inviting scholars to think of migration management as a form of affective border control that folds bodies in or out of the Danish nation-state through demands for national attachment. However, this orientation may have cruel implications for couples, because there is no guarantee that they would ever be able to reach the promised happy object of the Danish nation-state.
Article 2: “Ties That Bind: Intimate bordering and affective biopolitics in rejection letters in cases of family reunification to Denmark” is written with future submission to *Law, Culture and the Humanities* in mind. Taking rejection letters from the Danish Immigration Service as an empirical point of departure, I explore how the letters conceptualised and evaluated national attachment. The analysis shows that the rejection letters discursively configured national attachment as calculable ties to the nation-state in relation to three vectors: to achieve, to maintain and to disrupt attachment. As such, the letters evaluated and constructed attachment to Denmark as an expected achievement. Furthermore, several letters were concerned with whether the sponsor had maintained a strong attachment to what the administration deemed a home country, while a few letters found that the sponsor had maintained such a strong attachment to the home country that it indicated that the sponsor had made the choice to disrupt their attachment to Denmark. As such, attachment to Denmark required exclusive investment from the couples, especially the sponsor. In conclusion, I argue that we may see the attachment requirement – and the administration of it – as an administrative bordering practice that positioned the sponsor as an intimate border-guard by placing the responsibility for the couple’s achievement of national attachment to Denmark on the shoulders of the sponsor.

Article 3: “In the Administrative Gaze: Letters of approval as disciplinary devices in cases of family reunification to Denmark” is written with future submission to *Retsfærd: Nordic Journal of Law and Justice* in mind. This article investigates letters of approval and how they granted the applicant temporary residency in cases of family reunification to Denmark. Building on Foucault’s (1977 [1975]) work on panopticism, I examine the letters as disciplinary devices that aimed to make transnational couples self-govern their integration efforts. For the residence permit not to be revoked, couples had to fulfil several conditions, including the attachment requirement, as listed in the letters. In addition to establishing the residence permit as conditional, the letters subjected couples to the possibility of administrative checks to ensure that they met the conditions, including the attachment requirement. Subjecting couples to the possibility of administrative checks and controls, the letters can be said to place them in a position
where they had to view their efforts to fulfil the conditions through an imagined administrative gaze and self-govern their efforts accordingly. Thus, the letters call for a rethinking of national borders and border control. Rather than a wall that keeps the subjects in or out of the nation-state, national borders take the shape of a canal-lock system that sluiced applicants either closer to or further away from the Danish nation-state, depending on the couple’s ability to meet the conditions for integration.
Chapter 7

Conclusion

"Justify My Love"

Wanting, needing, waiting
For you to justify my love
Yearning, burning
For you to justify my love

What does it mean to encourage another person to justify someone's love? In the iconic Madonna song "Justify My Love," a speaking "I" talks to a "you," encouraging the "you" of the text to fulfil the love and desire of the waiting and wanting "I." The "I" seductively attempts to steer the "you" in a particular direction by urging the "you" to orientate themselves towards the "I." To justify someone's love as imagined in this song means fulfilling the desire and love of the "I" invested in the "you." What can this pop song teach us about love and desire? That encouraging someone to justify my love and desire (presented as more or less equivalent emotions in this song), is to ask or perhaps even demand someone reciprocates my love? As a theme throughout, the song invites us to reflect on the labour of love and desire. Considering love, in line with Ahmed as "a demand for reciprocity" (2004b: 130), we could say that to justify someone's love is simply to return that love by loving them back. In other words, to mirror both the emotions and investment of the "I." By reciprocating the love and desire, the "you" can be said to show that the desire and love of the "I" was not invested or proffered in vain to begin with. Additionally, love is "also an emotion that lives with the failure of that demand" (ibid: 130). To justify the love of the "I" by reciprocating that love, the "you" can be said to show (perhaps even prove?) that the love and desire of the "I" was warranted. That the "you" deserves the love and desire of the "I" because they are able to return it.

325 Madonna (1990) "Justify My Love" is from the album The Immaculate Collection. The song is written by Lenny Kravitz, Ingrid Chavez and Madonna.
This dissertation has investigated what it entails for transnational couples when the Danish nation-state demands a justification of their love for it. My study follows in the footsteps of queer theoretical studies and legal scholar Siobhan B. Somerville’s (2005: 661) call to examine how the (nation) state, through immigration policy, sets out the terms of this imagined love, and how it distinguishes and selects the immigrants and citizens deemed “lovable,” as subjects capable of reciprocating the love of the nation-state. By proving able to reciprocate it, transnational couples demonstrated that they had earned and deserved the love of the Danish nation-state. The dissertation offers an analysis of the attachment requirement as a demand for affective orientation: alignment of the self with the national community, by taking the Danish nation-state as the shared object of attachment, understood as happiness and love. The process of documenting national attachment to Denmark can be seen as a demonstration of transnational couples’ willingness to subject themselves to the proposed requirements of assimilation. To subject yourself to assimilation can be seen as a subjection to the conditions of lovability set out by the Danish nation-state.

Through analysis of administrative documents, the dissertation offers insights into the administrative management of the attachment requirement. As a condition of the right to family reunification, the requirement served as a measuring device and selection mechanism that facilitated evaluation and calculation by the administration of the transnational couples’ cultural adaptability efforts and integration potential and bestowed the right to family reunification accordingly. The attachment requirement demanded an orientation of transnational couples towards the Danish nation-state and made this orientation calculable and measurable through four ethno-cultural and socio-

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326 In this way, the attachment requirement had a lot in common with the psychological concept of attachment. They both demand exclusivity to an ideal object of attachment. In the case of transnational adoption, attachment seeks to secure the (white) Danish adoptive family as the ideal object of the exclusive attachment and the love of the adoptee. In similar terms, the attachment requirement can be said to make the Danish nation-state the ideal object of attachment and love for transnational couples. Moreover, both concepts seek to erase attachment to other objects. As Myong and Bissenbakker (2014) argue, attachment entails an erasure of other attachments the adopted subject might have, (to their original family, for example) in order to establish the (white) adoptive family as the ideal nuclear family. In the case of the attachment requirement, this concept of attachment can be said to have been instrumentalised as a nation-building and bordering device that required that transnational couples, particularly the sponsor, disrupted any attachment to a so-called home country and concentrate exclusively on achieving or maintaining national attachment to Denmark. See also Myong and Bissenbakker (forthcoming).
economic criteria. The administrative documents thus understood national attachment as quantifiable and measured it as a calculation. Or, perhaps more precisely, the administrative documents understood and measured the national attachment of transnational couples as a vector calculation through the three signifiers; to achieve, to maintain and to disrupt national attachment. This administrative interpretation and evaluation of national attachment illustrate a Foucauldian framework of biopolitical disciplinary power. Philosopher Anders Fogh Jensen writes in an introduction to Foucault that his philosophy should not just be read as “as a grammar of the social or a game analysis, but also a vector calculation” (2013: 30). He elaborates that Foucauldian thinking is about how the various directions of wills and assemblages of wills – systems – collide, amalgamate and generate regularities, which forms axes within the social, which in turn has repercussions on wills insofar as wills are fitted with co-ordinates” (ibid: 30). The administrative documents took the mathematical and quantitative implications of attachment of the Danish Aliens Act (§ 9, section 7) at their word: attachment could be added up and should preferably be greater to Denmark than a home country. In other words, the definition of the attachment requirement implied an understanding of attachment as being both quantitative and calculable in nature, which the administration cemented in the translation, interpretation and conversion of the law into administrative practice.

Measured through the four ethno-cultural and socio-economic criteria of attachment, the evaluation added up to a calculation of whether transnational couples, and in particular the sponsor, had achieved (aggregate) ties to Denmark. The four criteria thus served as evaluative determining factors of attachment to Denmark. As the analysis has shown, the administrative documents evaluated whether couples had a sufficient attachment based on four main criteria. Long-term employment and a working knowledge of Danish as a language were prerequisites for the sponsor, while the

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327 As mentioned in chapter 2, these were: 1) Duration and character of stay, 2) family-based attachment to Denmark, 3) language skills, 4) education and employment history in Denmark.

328 Taken from Jensen’s own translation available on his website. Direct link: https://www.filosoffen.dk/index.php?id=892&temp=minimal (last accessed 26-11-2020)

329 Also Jensen’s own translation. See note 3.

330 My findings concur with those of my LOVA colleagues Bissenbakker and Myong (forthcoming). They posit that the attachment requirement can be seen as “an instrument that promises to calculate the migrant’s integration potential” (ibid.).
applicant had to have visited Denmark. However, ethnic minority sponsors (immigrants or descendants of immigrants) had greater difficulty fulfilling these criteria of the requirement. In those cases, their own migration history and family genealogy abroad counted against them in the calculation of national attachment to Denmark. For instance, longer stays abroad in a country of origin (a home country) could be interpreted as a sign that the sponsor had chosen to disrupt their attachment to Denmark.

In sum, the attachment requirement can be seen not only as an example of the restrictive turn that contemporary European immigration policy has taken in general, but also an example of how the right to family reunification has become an earned privilege (e.g. Staver 2014; Bech et al. 2017); the transnational couples’, and in particular the sponsor’s, determination, efforts and ability to meet the goals of integration are all brought into play. The attachment requirement, therefore, illustrates a broader tendency that has seen family reunification become “a special arena of civic integration policies,” a view put forward by migration scholars Bech, Borevi and Mouritsen (2017: 3). Accordingly, the requirement can be seen as a policy example of “a more general linkage between immigrant integration and immigrant selection, but also a double conditionality imposed in this policy area – where both the civic deservingness of the sponsor and the civic integration potential of the incoming family members were evaluated” (ibid: 3). In short, the attachment requirement functioned as a measuring device evaluating both the degree to which integration had happened already or could potentially happen in future. It also served as a disciplinary measuring tool that orientated transnational couples towards Denmark on their path to future integration to Denmark.

The ideal immigrant?

Although not a condition for Danish citizenship in itself, but nonetheless a requirement governing the migration trajectory towards Danish citizenship for the applicant, the attachment requirement may be seen as a part of a broader tendency to culturalise legal citizenship in the state. Furthermore, this tendency must be seen in the light of the so-called European immigration crisis. As anthropologist and queer migration scholar
Deniz Akin (2017) argues, citizenship is now understood in cultural terms within western nation-states. That is, cultural norms and values, as well as emotions, now play an important part in the definition of citizenship and the citizen. Akin explains:

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Particularly in relation to immigrants, cultural citizenship is not acquired automatically in the process of becoming a citizen in the legal sense (in terms of possessing a nationality and being granted particular rights and duties in relation to that nationality). Rather, cultural citizenship necessitates a manifestation of cultural adaption along with a feeling of connectedness and belonging to the country of residence. (Akin 2017: 14)
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Akin makes an important point; concepts of citizenship and national belonging are not only culturally understood in terms of a strictly formal relationship with the nation-state, but also as a relationship that requires cultural adaptability and emotional orientation. This was also reflected in Chapter 1 in the articulations of Danish politicians Pia Kjærsgaard and Birthe Rønn Hornbech that both articulated national belonging and identity as an emotional labour. As articulated by Kjærsgaard, integration (understood as assimilation to Danishness) is a matter of choosing Denmark in your heart.

As a condition for family reunification, the attachment requirement served as a measuring tool and selection mechanism. The degree of transnational couples’ efforts to integrate and adapt culturally – their lovability – became measurable, and as a result, they also became selectable. Rather than a diagnostic tool, the attachment requirement served as a selection mechanism: evaluating and selecting which transnational couples had earned the right to family reunification based on their lovability in the eyes of the Danish nation-state. Consequently, the right to family reunification came to function as a reward they had to earn and was bestowed on transnational couples based on their efforts, willingness and ability to assimilate.

Here, it is important to examine the figure of the sponsor more closely. Anthropologist Rytter argues that the attachment requirement “targets specific groups of Danes as it distinguishes within the pool of national citizens between the majority of ‘real’ Danes and the minority of ‘not-quite-real’ Danes” (2010: 303). According to Rytter, the latter group of sponsors “comprises the growing number of immigrants, refugees, and their descendants who have settled in the country and obtained Danish citizenship in the last
50 years” (ibid: 303). This is also clearly reflected in the collected rejection letters where all sponsors had an immigration background, held refugee status or could be otherwise characterised as a descendant. It should be noted that the figure of the descendant was also an important factor in the ministerial and parliamentary reasoning behind the introduction of the attachment requirement (see Chapter 2). In meant that descendants could be seen as a form of a borderline figure, teetering on the verge of Danishness and recognition as a national subject who belongs: they are descendants of immigrant parents, born and raised in Denmark, and hold Danish citizenship through naturalisation. In this way, they are almost recognisable as Danes. However, the requirement for national belonging and cultural adaptability that underpinned the attachment requirement, along with the migration background of these subjects made the labour of national belonging in Denmark precarious in regards to misquoting the norms of belonging.

This raises the question of what is understood by the ideal immigrant. In whose image did the attachment requirement attempt to shape the immigrant and descendant subject? As discussed in Chapter 2, the attachment requirement targeted immigrant and descendant subjects and made their national attachment an object of scrutiny and calculation. In order to exempt ethnic Danes, more specifically Danish expats, from the requirement and its calculations, the Danish government introduced the 28-years (later 26-years rule) in 2003, which exempted sponsors who had at least 28, later 26, years of Danish citizenship or legal residency (cf. Dilou Jacobsen 2004). Therefore, it could be argued that the law, reflecting a widespread view at the time both in political and public debates, understood ethnic Danes as having a naturally stronger attachment to Denmark than the attachment required, which meant that there was no need to subject them to the calculation. As discussed in Chapter 2, the political debates following the 2002 tightening of the requirement showed that Danish expats were not seen as disrupting or abandoning their attachment to Denmark by opting to work or study abroad. As the analysis shows, long-term stays in what the administration deemed a home country would count as a sign that the sponsor had chosen to disrupt attachment to Denmark. In other words, the administrative documents understood long-term stays abroad as a sign that the sponsor had chosen turn their back on Denmark. This invites further analysis of the nation-state imagined as the proper home, the place where national subjects naturally belong.
Returning to the question of the ideal migrant subject, the attachment requirement can be said to rest on the concept of the ideal immigrant, as someone, despite racial differences, who is willing to sever all cultural and national ties to what the administration deemed their home country. Interestingly, this ideal immigrant is similar to that of the figure of the adopted subject that the Danish Aliens Act in its definition of the attachment requirement states:

Danish nationals living in Denmark who were adopted from abroad before their sixth birthday and who acquired Danish nationality not later than at their adoption are considered to have been Danish nationals from birth. (Danish Aliens Act, § 9, section 7, quoted from the Aliens (Consolidation) Act (2006): 5331)

The Danish Aliens Act thus considered adoptees brought to Denmark and who had obtained Danish citizenship via adoption under the age of six to have had Danish citizenship at birth. In other words, the law equated adoptees with children with Danish citizenship at birth, i.e., primarily ethnic Danes. In this way, the law – and the administrative management of it – can be said to view the adopted subject as an ideal immigrant that is able to sever ties to their country of origin and fully dedicate themselves to the Danish adoptive family. The administrative documents’ management of the attachment requirement similarly implies an expectation that transnational couples, and in particular racial and ethnic minority sponsors with an immigrant background, sever all ties or identifications with what the documents deem a home country, and instead dedicate themselves to achieving an exclusive attachment to the Danish nation-state. However, this similarities and differences between the discursive construction and management of the adopted subject and immigrant and descendant subjects call for further research.

Passing the torch on to future migration research

The attachment requirement is no longer a part of the Danish Aliens Act. It was replaced by an integration requirement in 2018, following the European Human Rights Court verdict that the (at the time) 26 years-rule as an exception to the requirement clashed with European human rights law (see also Chapter 2). However, as the dissertation has sought to show, the recent history of the requirement is a crucial part of the ongoing history of the Danish state’s regulation of marriage and family reunification. Using the attachment requirement as a prism, the dissertation has investigated how national belonging and integration into the Danish nation-state can be seen as embedded in affective logics and structures. Furthermore, in suggesting that we can see the legal concept of national attachment as a bordering site in administrative bordering practices (Könönen 2018), I have investigated how affect can be seen as a central component in everyday bordering practices. The affective turn within migration research opens the way for a rethink and investigation of affect in relation to border control and migration management. With this in mind, the dissertation invites migration scholars to consider the biopolitical processes of migration management as border control enabled through affective components, demands and orientations. Border control, as the dissertation highlights, not only takes the form of guarding the outer edges and entry points to the nation-state but also assumes the shape of an administration that aims to force migrants to self-govern and self-monitor their integration efforts.

In particular, the attachment requirement as an example of affective biopolitics extends beyond a local Danish and contemporary context. I have throughout the dissertation illustrated and mapped out other examples of how affective concepts of attachment (historically) have governed migration, citizenship and national belonging. These examples invite future research to pose further questions regarding the biopolitical process of migration management as a form of border control that functions through affective components. For instance, as mentioned in Chapter 2, the British attachment clause regulated the right of ownership of enslaved racialised populations by naturalising the master-slave relationship between the slave owner and enslaved people. A later attempt to reinstate this clause in American legislation was aimed directly at excluding freed African American (previously enslaved individuals) from citizenship rights (cf. Reid 2019 [2016]). In that context, attachment functioned in
tandem with racial categorisations as a governing mechanism to secure American citizenship as a privilege based on whiteness.

In a Danish context, attachment was instrumentalised in the regulation of visas allocated in Denmark in the 1930s. This legal concept of attachment served as a part of the Danish refugee ban targeting Jewish refugees and immigrants. This raises questions regarding what the nation-state considers as livable and lovable – as well as grievable lives (Ahmed 2004b: 130). This example also calls for historical investigations of attachment in Danish immigration law. However, logics of attachment have certainly not been abandoned by Danish legislation with the retirement of the attachment requirement. With respect to the family reunification of children, the Danish immigration administration still evaluates successful integration as a result of whether the child has achieved attachment to Denmark (Adamo 2019; Myong & Smedegaard Nielsen 2019). Similarly, in a Norwegian context, the legal concept of a child's attachment to the Kingdom governs cases of asylum. In Norway, it is the length of stay that is evaluated and determines a sign of attachment (Ilstad 2014, 2017). Attachment is still used alongside integration as part of migration policy. It might also be said that the logic underpinning the Danish ghetto clause is another example of the continuation of attachment logic; as a policy, it echoes the logics of attachment by viewing the immigrant residing in an area categorised as a ghetto as having maintained an attachment to their country of origin. The clause is an example of an everyday bordering practice that understands the ghetto as a symbolic homeland within the territory of the Danish nation-state (Bissenbakker 2019). Finally, attachment is also a concept that still governs and functions as a sorting mechanism in Danish deportation cases. Here, attachment serves as a selection tool that measures attachment to Denmark primarily through family relations. In contrast to the attachment requirement, family relations are viewed as the principal sign of national attachment to Denmark. Future research could follow the lead of Rytter (2010) and Collins (1998) and investigate how national attachment is linked to racialised notions of family and kinship; how family relations can be seen as a placeholder for a potential citizens' national belonging and attachment.

The examples of legal concepts of attachment governing migration mentioned above do not comprise an exhaustive list of the historical and international governing of attachment but are rather a few noticeable examples that call for future research into
the biopolitical instrumentalisation of attachment and affect in the governing of migration. Taken together, these examples raise questions concerning who can belong to the nation-state. By listing these examples, I hope to inspire future migration research to follow LOVA’s call for further study of the affective biopolitics of migration, where the attachment requirement can serve as an exemplary case of affect used as a migration management tool and nation-building device. The attachment requirement serves as one example of the construction and administrative management of borders through affective components: how the selection and production of future citizens is shaped by being recognisable as lovable in the eyes of the nation-state.
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List of appendices

Appendix 1: List of empirical material

Appendix 2: Co-author statement (article 1)
Appendix 1

Overview of the empirical material

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- Rejection letter 2003
- Rejection letter 2005
- Rejection letter 2006
- Rejection letter 2007
- Rejection letter 2009
- Rejection letter 2010
- Rejection letter 2011
- Rejection letter 2012
- Rejection letter 2013, 1
- Rejection letter 2013, 2
- Rejection letter 2014, 1
- Rejection letter 2014, 2
- Rejection letter 2015, 1
- Rejection letter 2015, 2
- Rejection letter 2016, 1
- Rejection letter 2016, 2
- Rejection letter 2017, 1
- Rejection letter 2017, 2

- Letter of approval 2011, 1
- Letter of approval 2011, 2
- Letter of approval 2012, 1
- Letter of approval 2012, 2
- Letter of approval 2013, 1
- Letter of approval 2013, 2
- Letter of approval 2014, 1
- Letter of approval 2014, 2
- Letter of approval 2015, 1
- Letter of approval 2015, 2
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- Letter of approval 2016, 2
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Practice examples of the Danish Appeals Board:


- Udlæændingenævnets afgørelse af 2. marts 2017 – Ægtefællesammenføring – Tilknytningskravet

- Udlæændingenævnets afgørelse af 19. december 2016 – Ægtefællesammenføring – Tilknytningskravet

- Udlæændingenævnets afgørelse af 28. september 2016 – Ægtefællesammenføring – Tilknytningskravet

- Udlæændingenævnets afgørelse af 12. september 2016 – Ægtefællesammenføring – Tilknytningskravet

- Udlæændingenævnets afgørelse af 25. juli 2016 – Ægtefællesammenføring – Tilknytningskravet


- Udlæændingenævnets afgørelse af 11. januar 2016 – Ægtefællesammenføring – Tilknytningskravet

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• Udlændingenævnets afgørelse af 17. marts 2015 – Ægtefællesammenføring – Tilknytningskravet

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• Udlændingenævnets afgørelse af 15. maj 2014 – Ægtefællesammenføring – Tilknytningskravet – Genoptagelse – Passivitet [Danish Appeals Board’s decision of 15th May 2014 – Family Reunification of Spouses – Attachment Requirement – Reopening the case – Passivity]

• Udlændingenævnets afgørelse af 15. maj 2014 – Ægtefællesammenføring – Tilknytningskravet – Omgørelse [Danish Appeals Board’s decision of 15th May 2014 – Family Reunification of Spouses – Attachment requirement – Altering the decision]

• Udlændingenævnets afgørelse af 13. maj 2014 – Ægtefællesammenføring – Tilknytningskravet – Oprindeligt familieliv [Danish Appeals Board’s decision of 13th May 2014 – Family Reunification of Spouses – Attachment requirement – Original family life]
- Udlændingenævnets afgørelse af 7. maj 2014 – Ægtefællesammenføring – Tilknytningskravet – Oprindeligt familieliv
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Udlændingenævnets afgørelse af 5. februar 2013 – Ægtefællesammenføring – Tilknytningskravet

Memoranda:

- Ministry for Refugees, Immigrants and Integration (2003): Notes on the Application of the 24-year rule, according to The Danish Aliens Act § 9, section 1 (no. 1), and the attachment requirement, according to § 9, section 7, namely in cases where the resident has a special employment related attachment to Denmark [Ministeriet for flygtninge, indvandrere og integration (2003): Notat om anvendelse af henholdsvis 24 års kravet, jf. Udlændingelovens § 9, stk. 1, nr. 1, og tilknytningskravet, jf. § 9, stk. 7, navnlig hvor den herboende ægtefælle eller samlever har en særlig erhvervsmæssig tilknytning til Danmark].


Legal textbooks:


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Date of birth: 24-10-1989
Faculty (Department): Faculty of Humanities

*Attribution of authorship should in general be based on criteria a-d adopted from the Vancouver guidelines, and all individuals who meet these criteria should be recognized as authors:

A. Substantial contributions to the conception or design of the work, or the acquisition, analysis, or interpretation of data for the work, and
B. drafting the work or revising it critically for important intellectual content, and
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D. agreement to be accountable for all aspects of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved.*

Article/paper/chapter/manuscript
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*Title: DOCUMENTING ATTACHMENT: Affective border control in applications for family reunification

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Contributions to the paper/manuscript made by the PhD student
What was the role of the PhD student in designing the study?

December 2019
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PhD Student Jeholm contributed on all above accounts A, B, C and D. The academic article was thought out, researched, written and finished on Jeholm's initiative.

How did the PhD student participate in data collection and/or development of theory?

Jeholm collected and analysed all central data, and was responsible for the development of the main method and theory, as well as the conclusions of the research.

Which part of the manuscript did the PhD student write or contribute to?

Phd. Jeholm wrote the entire manuscript, except from the sub-section "A brief history of attachment in Danish migration law" PP. 481-482. + "Introduction" PP. 480-481.

Did the PhD student read and comment on the final manuscript?

Yes.

Signatures
If an article/paper/chapter/manuscript is written in collaboration with three or less researchers (including the PhD student), all researchers must sign the statement. However, if an article has more than three authors the statement may be signed by a representative sample, cf. article 12, section 4 and 5 of the Ministerial Order No. 1039, 27 August 2013. A representative sample consists of minimum three authors, which is comprised of the first author, the corresponding author, the senior author, and 1-2 authors (preferably international/non-supervisor authors).

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