

Semi-legal family life: Pakistani couples in the borderlands of Denmark and Sweden

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Abstract *In 2002, the Danish government introduced new legislation on family reunification to restrict the transnational arranged marriages that were occurring among some immigrant groups. Since then, thousands of people have emigrated from Denmark to Sweden where, as citizens of the European Union, they are entitled to family reunification. In this article, I introduce the concept of semi-legality to describe the situation whereby Pakistani transnational couples commute on a regular basis between their legal residences in Sweden and their places of work or networks of friends and family in Denmark. The married couples subjected to this mobile lifestyle are always in a process of becoming illegal, which is the consequence of 'overstaying' in Denmark or 'understaying' in Sweden. Besides its legal aspects, a semi-legal status also has significant moral implications that not only restructure marriage patterns and family life among Pakistani immigrants but also have long-lasting effects on the relationship between minorities and majorities in Denmark.*

Keywords SEMI-LEGALITY, TRANSNATIONAL MARRIAGES, FAMILY REUNIFICATION, PAKISTANI MIGRATION, DENMARK, SWEDEN

'You see, I live the life of a nomad!' Zagib burst out in the cafeteria at the Panum Institute where he was a medical student. We were having coffee at a table in a quiet corner and Zagib had just related that he had married Sara, his paternal cousin, in Pakistan in 2004. He had known from early childhood that his father and uncle (father's brother) would like Sara and him to get married, so it was never really a question for him whether they should be married or not, but rather a question of when and where the big occasion should take place. None of them ever imagined that Danish legislation on family reunification would force them to leave Denmark to settle in Sweden – but so it turned out. After their wedding in Pakistan, Zagib bought an apartment in the Swedish city of Malmö and officially moved to Sweden to assure his entitlement to family reunification with Sara. To pay for their apartment and general expenses in Malmö, he worked evening and night shifts at different hospitals

in and around the Danish capital, Copenhagen. He also felt emotionally obliged, as the eldest son in his family, to visit his parents in Denmark regularly, preferably on a daily basis, before returning to Sweden. Zagib's everyday life involved constant travelling back and forth between Sweden and Denmark to meet his obligations towards his studies, his work, his parents and Sara, without violating either Swedish or Danish law. In this respect, Zagib did actually live the life of a nomad. In this article, I discuss the effects of Danish immigration law on the marriage patterns and everyday family lives of the approximately 25,000 people in Denmark with a Pakistani family background.

Marriage migration has become one of the last legal ways in which non-European immigrants can gain access 'Fortress Europe'. Many European countries have amended their legislation on family reunification to protect what they see as their national interests against the inflow of foreign spouses (Beck-Gernsheim 2007; Kofman 2004; Strassburger 2004). In 2002, Denmark adopted new legislation on family reunification, which soon acquired the reputation as the strictest in the world (Schmidt 2011: 259). The purpose of the new legislation was to hamper the practices of arranged and forced marriages among certain immigrant groups such as Turks and Pakistanis. Secondly, the new legislation provided a means of restricting immigration from non-European 'Third World' countries and, as such, was an aspect of the general securitization of migration and Muslim immigrants following the events of 11 September. Finally, the authorities believed that the combination of the two first objectives would provide fertile ground for a new and improved strategy of national integration for the immigrants and refugees already resident in Denmark.

To comply with these three political objectives, five requirements were introduced (or refined) to obtain family reunification:

1. Both partners must be above the age of 24 (*24 års-reglen*).
2. The partner residing in Denmark must have 'adequate accommodation of reasonable size' at his or her disposal (*boligkravet*).
3. The partner residing in Denmark must be able to provide for his or her partner and must not have received public financial assistance for a year prior to submitting the application (*forsørgelseskravet*).
4. The partner living in Denmark must post a specified sum of money (in 2008 this was DKK 63,413, which is approximately £6880) in collateral in the form of a bank guarantee to cover any possible public assistance the municipality might need to pay after the foreign spouse has moved to Denmark (*sikkerhedsstillelsen*).
5. The 'national attachment' (*tilknytningskravet*) of the married couple should be at least as great to Denmark as to any other country.¹

These five requirements had an immediate effect on marriage related immigration. Whereas 6399 spouses came to Denmark through family reunification in 2000, the number was reduced to 3662 in 2009. In 2000 a total number of 261 spouses came from Pakistan, whereas the number was reduced to 132 in 2009.² The most frequent reason for a newly married couple to be denied reunification is that their combined

national attachment to Denmark is considered too low. Instead, an estimated 2000 to 3000 Danish citizens have done the same as Zagib and adopted a strategy known in Danish public discourse as ‘the Swedish model’ – in other words, the partner with Danish citizenship moves to Sweden. He or she is then entitled to family reunification as a citizen of the European Union. Paradoxically, Danish citizens currently have more rights and find it easier to obtain family reunification in Sweden than in Denmark.

However, the current immigration regime not only hinders newlywed transnational couples who want to live in Denmark, but it has also initiated a process whereby the practices of marriage and family organization among Pakistanis (and other Muslim immigrant groups) have become suspect. These groups have become *semi-legal* in both the legal and moral senses.

I use the concept ‘semi-legality’ to refer specifically to those transnational couples who commute on a regular basis between their legal residence in Sweden and their studies or work place, friends and family in Denmark. Whereas ‘legality’ refers to a legal status that characterizes the specific relationship constituted by mutual rights and obligations between a subject and the nation-state, ‘illegality’ refers to subjects who lack a legally sanctioned relationship with a nation-state (de Genova 2002: 422). In principle, ‘legality’ and ‘illegality’ are one-dimensional concepts – one can (has to) be either one or the other. However, recent studies emphasize a more process oriented approach and document how migrants may move between the statuses of legal and illegal (Erdemir and Vasta 2007; Koser 2010; Ruhs and Anderson 2010). The concept of semi-legality refers to a specific lifestyle and mutable condition of transnational couples created by the cleavage between Swedish and Danish legislation. On the one hand, to qualify for family reunification in the first place the Danish partner of the married couple must live permanently in Sweden and not leave the country for too long. On the other hand, newly arrived spouses from Pakistan are supposed to live in Sweden and may only stay in Denmark for a limited period. Newly married couples living in Sweden can go to Denmark and stay there, but only for a while before they become illegal. In this respect, one can compare semi-legality with a battery that needs recharging occasionally to function properly: after a period in Denmark, the couples must return to Sweden to regain their status as legal citizens.

The concept of semi-legality bears some resemblance to the concept of ‘semi-compliance’, recently introduced to describe and discuss the employment of migrants who are legal residents but who violate the employment restrictions attached to their immigrant status, so move between different legal statuses (Ruhs and Anderson 2010). The concept of semi-legality can also be seen as a variant of ‘overstaying’, for migrants become illegal if they stay in Denmark too long (see Koser 2010: 183; Schuster and Solomos 2004: 279). In this specific case, transnational couples also risk violating the terms of their family reunification and residence permit if they ‘understay’ in Sweden.

Besides the legal dimensions of semi-legality, the condition also has significant moral aspects. Not only do public and political discourses frequently challenge and condemn Muslim immigrants’ transnationally arranged marriages, but also the means

used to administer the five requirements of the legislation affirm that immigrant marriages are suspect and contradict the usual motives of 'real' Danes in contracting marriages (Rytter 2007a, 2010a).

In this article, I first present 'the Swedish model' and show how married couples organize everyday family life in the borderlands between Sweden and Denmark. Second, I discuss the legal and moral aspects of semi-legality. Finally, I show how external political intervention and the redirection of individual trajectories facilitate a state of uncertainty among the married couples regarding their legal status and future prospects.

I base the material presented here on 18 in-depth interviews with transnational couples currently living in Sweden in which one partner is a Danish citizen with a Pakistani family background and the other is a spouse from Pakistan.³ Due to the controversy surrounding this topic, I taped only a few interviews. Most often, I used extensive notes to reconstruct the interviewee's narrative afterwards. The study also includes interviews with significant Swedish and Danish actors in the transnational field, such as NGOs, language schools or different welfare state authorities. I conducted most of the interviews in 2005 and 2006, but have maintained contact with several of the couples since then. My long-term engagement with Pakistani migrant families in Denmark (since 2001) generally informed my perspective (see Rytter 2010b). To protect the identity and integrity of my informants, I changed all the names in the article.

'The Swedish model'

Geographically, the Öresund region consists of part of the Danish island of Zealand and part of Scania in southern Sweden. Since 2000, the Öresund Bridge has linked Denmark to Sweden, and this has reinforced their mutual political ambitions to integrate the region further (Linde-Laursen 2003). Today, because of the lower cost of living and prices for accommodation, cars and food, almost 6000 Danes live in or around the Swedish city of Malmö. Meanwhile, favourable job opportunities in the Copenhagen area have motivated thousands of Swedes to work in Denmark. In this respect, the many transnational couples resettling in Sweden are only part of a larger mobile segment of the population in the Öresund region.

There are no accurate figures on how many Danes have moved to Sweden to obtain family reunification. However, in 2005 the Swedish immigration authorities received almost 600 applications from Danish citizens residing in Scania. Of these applicants, 64 per cent were men, 36 per cent women, and in half the marriages one or both partners were under the age of 24 (Rapport 2006: 7). Based on these figures, an estimated 2000–3000 Danes have moved to Sweden since 2002 to obtain family reunification.⁴ Before 2002 there were only a couple of hundred people of Pakistani origin living in Malmö, but since then the numbers have increased. In 2004 the Swedish authorities authorized approximately 110 family reunifications with spouses from Pakistan,⁵ and in 2007 no less than 12 per cent of Danish Pakistanis had emigrated to Sweden by the age of 25 (Schmidt et al. 2009: 99). The couples

typically settle in Swedish cities such as Malmö, Lund, Landskrona, Trelleborg or Helsingborg.

In the typical case of ‘the Swedish model’, a Danish citizen moves to Sweden to rent or buy an apartment or house with the sole purpose of obtaining family reunification with his or her foreign spouse. To make the resettlement in Sweden official, the Dane has to register at the *Folkbokföringen* (the national registration office). Due to his or her status as a citizen of the European Union, a Dane living in Sweden is entitled to family reunification if he or she can support the spouse economically. In real life, this often means that he or she must continue to work in Denmark while living in Sweden and must commute on a daily basis between the two countries.

The siblings Sanam and Tariq, who today live in the city of Landskrona with their respective spouses from Pakistan, are a typical example of ‘the Swedish model’. In 2002, when Sanam was 23, she was married to a well-educated man from Pakistan. Their parents formally arranged the marriage, but Sanam and her husband already knew each other and both approved of the *rishta* (marriage connection). When Sanam returned to Denmark after her summer wedding in Pakistan, she submitted an application to the Danish immigration authority (*Udlændingetjeneste*) to apply for family reunification in Denmark with her husband. They rejected her request because, according to the age requirement, Sanam was too young to obtain family reunification – she was below the age of 24. She therefore had to wait before becoming eligible for reunification. The rejection was a hard blow to the newlywed couple’s plans, especially after their honeymoon and long intense time together in Pakistan. In the following year, Sanam therefore made three longer journeys to Pakistan to be with her new husband. The year after, when she turned 24, they applied for family reunification again. Even though they now both met the age requirement and Sanam had the required financial guarantees, a steady income and her own apartment, the immigration authorities again turned down their request for reunification. This time the reason they gave was that Sanam and her husband were no more attached to Denmark than they were to Pakistan. The Danish authorities also stressed that Sanam had spent a lot of time in Pakistan in recent years. The decision made Sanam and her family very angry and frustrated, but then they heard rumours about other Pakistanis who had moved to Sweden to live with their newly arrived Pakistani spouses. The family decided that Tariq, Sanam’s older brother, who already had a career in an international company, would also get married in Pakistan. Subsequently, they would both move to Landskrona and apply for family reunification with their respective spouses. Learning from his sister’s experiences, Tariq did not even bother to apply in Denmark, but just left the country. After 11 weeks, the Swedish immigration authorities (*Migrationsverket*) granted Sanam and Tariq family reunification with their Pakistani spouses. Thus, Sanam’s husband arrived in September 2004 and Tariq’s wife followed at the beginning of 2005.

Unlike the increasing number of Danes who move to Scania for economic reasons, or to pursue career opportunities, Sanam, Tariq and the other transnational couples I interviewed only moved because they had no other option.

The family as an institution of integration

The new legal circumstances force transnational Pakistani marriage partners who settle in Sweden to redirect their trajectories and future prospects. The problems and frustrations related to their new lives in Sweden often dominate the period after the wedding when they are separated from family and friends who would normally ease the structural transition from 'child' to married 'adult' and the physical transition of brides from their parents' houses to the households and families of their husbands. In transnational marriages, the family often also eases the move from Pakistan to Europe.

One can see the current pattern of transnational marriages into Europe as a continuation of the Pakistani tradition of arranged marriages (Ballard 1990; Charsley 2006; Charsley and Shaw 2006; Rytter 2006; Shaw 2001). In the patrilocal tradition, newlywed women leave their natal homes and families to become wives and join the families of their husbands. The current transnational dimensions of marriage migration are new, however, and they often distort established structural relations and gender roles (Charsley 2005). However, due to the Danish immigration regime, both partners must now leave their homes and families in Denmark and Pakistan respectively and settle in Sweden. In this new situation, it is difficult for family members to provide the help and services a newly arrived transnational bride or groom would normally need to adjust to a new family and social environment. This means they often have to forego basic supports such as economic security, the comfort of a secure haven, and help with learning the language or finding a job. Established migrant families often have networks of relatives, friends or colleagues who can help newcomers feel at home in the foreign country and the new social and bureaucratic environment. This important work of the family is difficult to continue when young, second-generation Pakistanis move to Sweden to live with their Pakistani husbands or wives. Even in cases where the transnational spouses have known each other for several years and discussed the circumstances of their future lives before the wedding, they still have to face a new life in an unknown Swedish environment, where they are responsible for shopping, cooking, cleaning and paying the bills. Through marriage, they enter adulthood and confront a new moral landscape of obligations and expectations, including a physical relationship with their new spouse. To ease the structural and geographical transitions, a member of the Danish part of the family (for example, the mother or a sister) will often move to Sweden and live with the newlyweds for a period, or at first the couple will simply stay with the patrilocal household in Denmark.

On the other hand, many see advantages of living in Sweden. The Danish legislation forces young couples to find their own apartments, which is useful when the structural position of being a son- or daughter-in-law in an extended patriarchal and patrilocal family starts to annoy them. The newlywed couple Humaira and Waqas both mentioned Sweden as somewhere to have a fresh start and live on their own without the interference of Waqas's family. Born and raised in a suburb south of Copenhagen, Waqas felt sympathetic to the Danish government's desire to reduce the

number of immigrants and refugees entering the country. Humaira found it problematic that her husband, despite his Danish citizenship, was not allowed to live in Denmark, but she did not regret that they now had their own apartment in Sweden.

Aspects of the semi-legal condition

The Danish immigration regime of 2002 resembles ‘social engineering’ as it is a deliberate political attempt to regulate practices and aspects of family life among Muslim immigrants seen as problematic. The immigration policy has been highly effective if we measure its success in reducing the number of transnational marriages and family reunifications in Denmark, but the official strategy has also had numerous unexpected local consequences. Creating policies inevitably creates the potential for actions that contravene these policies (Bledsoe 2004: 97) – some of these are legal, others are not. In the rest of this article I discuss the legal and moral aspects of semi-legality separately, showing not only how the condition affects contemporary everyday life and future prospects, but also how transnational couples who have to settle in Sweden react to the external intervention and come up with different creative solutions to restoring a ‘normal’ family life.

Semi-legality: the legal aspects

In the current global ‘national order’ (Malkki 1992), it has become self-evident that everyone belongs to a nation-state and has national citizenship. People who cross territorial borders without the proper documents become illegal. To be illegal is in no respect a favourable status, but an all-embracing concept that sticks to the body and defines who you are. Undocumented migrants have only limited (if any) access to the rights and privileges that the particular nation-state gives its legal citizens.

The condition I suggest we call semi-legal is slightly different. Semi-legality is the outcome of the differences between Danish and Swedish legislation, and refers to a condition where married couples move between a legal and an illegal state of being. Transnational couples settled in Sweden are semi-legal because they constantly run the risk of becoming illegal, which will happen if they spend too little time in Sweden or too much time in Denmark and thereby transgress certain legally defined periods. However, by commuting between the two countries, they can regain their status as legal subjects. The following example illustrates this point.

Zagib, introduced at the beginning of this article, was perfectly aware that Sara, his fiancée, would not be permitted family reunification because they were both below the age of 24 and therefore too young to meet the age requirement (and probably national attachment), so he decided to move to Sweden. To obtain permission for family reunification from the Swedish authorities, Zagib had to prove that he could provide for both of them and to confirm that he actually lived in Sweden. To live in Sweden officially, a Danish citizen has to spend at least half of his or her time in the country.⁶

When Sara arrived from Pakistan, she was granted a Swedish residence permit from the *Migrationsverket* (Immigration Office), which allowed her to stay up to three

months in another country of the European Union, for example Denmark. However, if Sara were to stay longer than the fixed time limit, she would not only become an illegal subject in Denmark, but also violate the conditions of her Swedish residence permit.

If either Sara or Zagib contravene the specific rules, by ‘overstaying’ in Denmark or ‘understaying’ in Sweden, they risk the ultimate sanction of the Swedish authorities – to be sent back to Pakistan and Denmark respectively. When the couple stays in the patrilocal household of Zagib’s family in Denmark, therefore, they must make sure that they regularly go back to Sweden. Like flat batteries, they need recharging. This continual movement between Sweden and Denmark can be seen as a ‘technology of the self’ (Foucault 1988), whereby transnational couples, by careful organization of the time they spend in different places, can legally visit friends and family in Denmark regularly and for longer periods. They must accept, however, that the structural conditions of their semi-legal status mean that they are always in the process of becoming illegal.

Married couples who violate the rules by spending too much time in Denmark take precautions not to attract too much attention to themselves from the Danish and Swedish authorities. One way to do this is to make the apartment in Sweden look inhabited, by making regular visits to use electricity and water, to make transactions through their Swedish bank accounts and always to reply in time to official letters from, for example, the owner of their flat or the Swedish authorities. Another strategy is to use (or have someone else use) their ‘bro-bizz’, a monthly season ticket for the Öresund Bridge. In this way, when requested, transnational couples can ‘prove’ that they return to Sweden every evening after going to work in Denmark.

Another strategy is to start renovating the Swedish apartment. Asad and his newly arrived wife lived at his parents’ house in Denmark. To justify why they were not in Malmö, Asad explained that their apartment was being rebuilt and modernized. This gave them a legitimate reason for not staying in the apartment if the Swedish or Danish authorities – or a curious ethnographer – confronted them.

Finally, there are those who deliberately violate the rules. Back in 2000, Sanjeev became engaged to one of his cousins in Pakistan during a summer holiday. In 2002, they held a *nikkah* (wedding ceremony). When the Danish authorities turned down his application for family reunification in Denmark, he rented a room at a friends’ apartment in Malmö and registered at the *Folkboksföringen*. Now he officially lived in Sweden and, since Sanjeev could easily come up with pay slips for the previous three months to prove to the Swedish authorities that he was capable of supporting his wife, they soon granted her permission to enter Sweden. Officially, the couple lived in the rented room, but, in reality, they stayed in the basement of his parent’s villa in Denmark. Sanjeev’s wife started taking private lessons in Danish so that at some time in the future she could enter a Danish educational institution and utilize her professional training from Pakistan. Two years ago, the couple had a son, who was born at a Swedish hospital. Whenever the child needed to see a doctor, Sanjeev would pay for private consultations because his son officially lived in Sweden and therefore had no access to the free Danish medical system.

On one occasion, *Migrationsverket* contacted the owner of the apartment where Sanjeev and his wife rented a small room and asked him to confirm that his tenants actually lived there. The owner was more than willing to help Sanjeev and his wife as part of the cover-up, so he confirmed that his tenants were indeed living in the apartment. After this incident, Sanjeev started to look for an apartment in Sweden because if they had their own place there, they would attract less attention.

The Swedish authorities have become aware that some of the recently settled Danes and their non-European spouses seem to be spending less time in Sweden than they should. In 2004, the Swedish tax authorities (*Skatteverket*) presented a report stating that Danes sometimes move pro forma (*på papiret*) to Sweden to buy cheap cars or obtain family reunification (Rapport 2004). Since then the authorities have started carrying out random checks on whether the transnational couples are actually living in Sweden. They typically target couples who report that they are living in a small rented room with friends, or where the Danish partner works far away from the place of residence in Sweden. One case that attracted attention was when the Danish partner of a married couple was supposed to be living in Malmö but worked in Esbjerg in western Denmark, approximately four hours away (Termansen 2004).

One effect of the various official actions targeting transnational couples violating the conditions of their residence permit is a creeping paranoia: they often use (and misuse) mailing lists and SMS to circulate information and rumours through Pakistani networks in the Öresund region. For instance, they commonly assume that the Swedish and Danish authorities monitor the family lives and transnational movements of the couples in question. Another rumour asserts that the Swedish authorities check up on newly married couples by sending in officials disguised as workers supposedly to read the electricity or water meters in the apartment. A third rumour claims that Swedish politicians will soon follow the lead of their Danish colleagues and tighten the legislation on family reunification. The atmosphere of paranoia is a general condition of the semi-legal lives of transnational married couples in the borderlands between Sweden and Denmark.

Besides the legal aspect, there are also some significant moral aspects connected to the status of semi-legality, to which I now turn.

Semi-legality: the moral aspects

Legislation sets up standards for proper behaviour and draws the line between right and wrong, legal and illegal. In this respect, legislation becomes a certain way of imagining society. By introducing the five requirements (on age, housing, income, collateral and national attachment) mentioned at the beginning of this article, the Danish immigration regime sets up a normative guide on how to contract marriages and organize a proper family life. I am not interested in whether or not these requirements are reasonable, but in how policy-makers employ a certain, basically European family model to which Danish citizens, especially those from an immigrant background, are expected to conform (Grillo 2008: 16; see also Kofman 2004). According to the normative framework derived from the five requirements mentioned above,

people in Denmark should not get married until they are in their mid-twenties, have their own house or apartment, have a nice job with a decent salary and have money in their saving accounts. Furthermore, the Danish government published a policy on forced or arranged marriages for the period 2003–05. It clearly disapproves of arranged marriages, for it states that ‘in Denmark it is customary for young people to choose their own marriage partner and enter a marriage based on a loving relationship. ... The practice of arranged marriages is a violation of the right of the individual to freely find and choose a spouse’ (Action Plan 2003: 5). The five requirements and the plan of action set out a national standard for people who wish to start a family in Denmark. If Danish citizens from immigrant backgrounds ignore these standards, it tends to indicate that they are not ‘real’ Danes after all (see Rytter 2010a).

In 2003 the Danish parliament intensified the moral aspects of semi-legalization by introducing the so-called ‘rule of supposition’ (*formodningsreglen*) as a guiding principle for how the Danish authorities should administer the ambiguous requirement of ‘national attachment’ (Rytter 2007a). The rule of supposition stipulates two circumstances in which a transnational marriage will inevitably result in the rejection of an application for family reunification. First, the authorities will automatically treat a marriage between ‘close relatives’ (for example first cousins) as forced, even though marriages between first cousins are legal under Danish law. Second, if a family has previously undergone a transnational marriage (for example of an older sibling), the authorities will see it as a family pattern and an indication that the marriage is not based on a voluntary decision by the young couple in question (Liisberg 2004: 26). In this respect, the specific intention of the rule of supposition is to hamper the practice found among immigrant groups from Pakistan, Turkey and the Middle East of transnational endogamous marriages within family networks. That the authorities administering the law are instructed to assume that the marriage has been forced on the young couple, which is against the law in Denmark where one is not allowed to force anyone into a marriage against their will, has now indirectly criminalized this category of marriages.⁷ This indirectly criminalizes certain marriage preferences and partner choices on the sole grounds of supposition and suspicion.

Ontological insecurity and blurred horizons

As we have seen, Danes from a Pakistani background end up in Sweden with their Pakistani partners because of their decision to follow their family’s preference over that of the Danish nation-state (Rytter 2010b: 107). Many informants relate that their involuntary emigration to Sweden has left them in a temporary position of waiting until they can return to Denmark and live in the patrilocal household, or at least close to their family. The period in Sweden constitutes a limbo, with a diffuse extension in time, and characterized by the lack of a normal everyday family life.

Anthony Giddens (1991) introduces the concept of ‘ontological security’ as a description of agents who navigate and cope with a recognizable social system. In this respect, ontological security is an embodied knowledge that gives the routines of everyday life a sense of certainty. Ontological security is a basis on which agents act

and understand their immediate environment, thus giving the social world a sense of continuity, so that it presents as organized and recognizable. Conversely, one can use the concept of ‘ontological insecurity’ analytically to describe events and social situations in which the agents have the carpet pulled from underneath them. The social world is no longer immediately recognizable, and they therefore cannot draw on their embodied repertoire of skills and knowledge to predict what kind of consequences specific acts will provoke. Ontological insecurity is a condition that cancels the existing social order, which in the end can be socially paralysing and psychologically problematic. Likewise, Khalid Koser points out that irregular migration not only poses a threat to state security but may also undermine the ‘human security’ of the migrants themselves (Koser 2010: 190).

The ontological insecurity of everyday life results in blurred horizons. When, for instance, I confronted transnational couples with questions about the future of where to live and perhaps have children, many hesitated. Their current situation urges them to take each day at a time. Furthermore, the changing ‘legal landscape’ contributes to the experience of ontological insecurity because couples utilizing ‘the Swedish model’ can never be sure that their dreams, hopes and plans for the future can actually be carried out. I give three examples of this.

First, many interlocutors were surprised that the Danish legislation would actually have an impact on their specific marriages and family reunification. This is probably because many of the couples I interviewed were among the pioneers who had moved to Sweden. Currently, most Danish Pakistanis have become aware of the problems and pitfalls, so know where to get help and counselling to cope with moving to Sweden. Zagib and Sara completed the ceremony of *nikkah* back in 2001, but the actual celebrations and the structural transition from being ‘children’ to becoming ‘husband and wife’ did not take place until 2004. I asked why, if they were actually already married, they had not applied for family reunification before the summer of 2002, when the new immigration regime came into force, but for Zagib this was not so obvious:

I was not ready for marriage at the time ... and I did not believe that it [the new immigration regime] would affect me. ... An angel like me, with no criminal record, a student of medicine and all – I just couldn’t believe that it would affect me ... but it did.

Second, many interlocutors related stories that showed that they found it difficult to understand the complicated rules and changing criteria the Danish authorities used to grant or reject applications. As in the case of Sanam, presented earlier in this article, many had a prehistory of one or more rejections before they actually decided to move to Sweden. Asmaa and her husband did not meet the age requirement at their first application because her husband had not yet turned 24. When they applied a second time, their application was rejected because they failed to meet the national attachment requirement. Asmaa was convinced that no matter what she and her husband did to meet the requirements of the Danish state, it would never be enough.

Third, the continual introduction of new legislation and numerous subtle bureaucratic adjustments to how, for example, administrators interpret and administer the national attachment requirement, are constantly changing the legal landscape – in fact, the rules often change from one day to the next. For instance, in September 2005 the Danish minister of integration, Rikke Hvilshøj, declared that under certain circumstances the *Udlændingesservice* could depart from the otherwise rigid requirement that both partners needed to be aged at least 24. He proposed exempting students from the age restriction who were studying for a profession such as engineering or medicine because Denmark needed them to safeguard the future of the welfare state.⁸ Although the right-wing Danish People's Party, on whose votes the Liberal–Conservative government depended for its survival, vetoed the minister's statement the very next day, rumours of the new possible opening were already rife in the Pakistani community. Hamid, who at that time was waiting to get his Pakistani wife, Aisha, into Sweden, had seen his mother weep with joy at the prospect of her son and new daughter-in-law after all being able to live with her and her husband to form a patrilocal household in Denmark. The next day, however, Hamid had to comfort his mother when it became apparent that her dream would not come true.

In the next section, I present an extended description of the case of Hamid and Aisha to illustrate how 'the rule of supposition' undermines the legitimacy of Pakistani preferences for marriages within the extended family.

Territorial borders and moral boundaries

When we first met in the spring of 2005, Hamid was a student at the Technical University of Denmark (DTU). He had just become engaged to his first cousin Aisha, the daughter of his mother's sister from Pakistan. Well aware that the choice of a transnational marriage would mean that they would have to settle in Sweden, he bought an apartment in Malmö and did not even bother to apply for reunification in Denmark. The couple planned eventually to return to Denmark to live with Hamid's parents.

That summer Aisha and Hamid married in Pakistan and, in early January 2006, she arrived in Sweden, ready to start a new life with her husband. In December 2006, after living in Malmö for almost a year, Hamid applied for permission to return to Denmark with his wife. Newly qualified as an engineer, he was now on the so-called 'positive list' (*positiv-listen*) of several professions (doctors, nurses, engineers, IT workers) exempted from the five requirements (Thomsen 2006). Hamid hoped that his new position would make a difference, but he had still not heard from the Danish authorities by March 2007. Meanwhile, he had started working for a large Danish company and commuted each day between their apartment in Malmö and his workplace in a suburb north of Copenhagen. During the daytime, Aisha remained in Sweden. She did not attend language school because the municipality had told her that there were no vacancies for the next seven months. It seemed a waste of time to learn Swedish and then later switch to Danish, so Hamid taught Aisha some Danish words and sentences at home in the evenings. Because of Hamid's inconvenient daytime journeys between their home and his work, and Aisha's growing home-

sickness and loneliness in Sweden, the couple started to spend nights at the house of Hamid's parents' in Copenhagen.

On one occasion, Hamid called his case officer. When he finally succeeded in reaching her, she implied that, since he had not yet received a positive response, there might be a problem with his application. It turned out that the 'rule of supposition' applied to their application, which meant that the authorities had officially reclassified their union as a forced marriage.

When the *Immigrant-service* finally rejected their application in the spring of 2007, it emphasized the kin tie between Hamid and Aisha as the decisive factor. Hamid immediately appealed against the decision and submitted more than seventy photographs of the couple together to prove that it was not a forced marriage: some photos were from their wedding in Pakistan, some from their apartment in Sweden, and some from a family holiday they had been on together in northern Pakistan long before their engagement. Hamid hoped that these photographs would prove to the Danish authorities that he and Aisha had known each other long before the engagement and that they had married on a voluntary basis.

By August 2007, Hamid had still not heard from the authorities regarding the appeal. He felt humiliated, discriminated against and badly treated. He bitterly regretted his honesty. 'Many of my friends do not say that they are marrying within the family, so they do not have any problems, but I do.' The worst headache, however, was the long period of uncertainty. They had already waited for nearly nine months for the rejection of their application for family reunification in the spring of 2007; now they had to wait even longer for a decision on their appeal. According to Hamid, imposing long periods of uncertainty was part of the official strategy to cause stress and thus weaken the applicants' resolve. Nevertheless, Aisha and Hamid decided that, if they lost the appeal, they would simply stay in Sweden and continue commuting between the two countries. They would not waste any more resources or valuable time trying to obtain permission to move to Denmark.

The case of Aisha and Hamid raises several of the problems related to semi-legality discussed so far. Hamid and Aisha actually lived in Sweden most of the time, but the couple had weighty practical and emotional reasons for wanting to live in Denmark. In the house of her parents-in-law, Aisha was not alone, and Hamid could be there for his father, who suffered from diabetes. For a while, they discussed the possibility of bringing Hamid's parents with them to Sweden, but abandoned the idea because his parents preferred to stay in Denmark near their friends and grandchildren (the children of Hamid's older brother and sisters).

During our conversations, on several occasion Hamid expressed his regret that, despite his Danish citizenship, the authorities denied him permission to live with his wife in Denmark just because she was his first cousin from Pakistan. This became even more incomprehensible when the government started allowing Danish companies to bring labour migrants, for example, tradesmen from Poland and Germany or trained medical staff from eastern Europe or India, into the country. Hamid interpreted these conflicting political attitudes as proof that he, Aisha and their family were simply the victims of racism and discrimination.

From an analytical perspective, the case illustrates how the current Danish immigration regime is turning the *territorial border* of the nation-state (bureaucratic decisions about who can and cannot enter the country) into a *moral boundary* that stipulates how to contract marriages and organize family life. This new moral judgement about immigrant marriages not only negatively affects young people who get married today, but it also works retrospectively and can affect couples who contracted arranged transnational marriages years previously.

First, Danish Pakistanis and their Pakistani partners who move to Sweden fall under suspicion the moment they enter Denmark because their choice of marriage partner is now illegitimate. One consequence of the 'rule of supposition' is that it automatically categorizes the marriages of first cousins like Aisha and Hamid, or Sara and Zagib, as forced. This redefinition invalidates such marriages according to both Islamic orthodoxies and Danish law, since in both cases forced marriages are void. Furthermore, the 'rule of supposition' also throws suspicion on the parents of the married couple, since they arranged the marriage in the first place. If the marriage is in fact forced, then the parents are guilty of a felony.

Second, the 'rule of supposition' also works retrospectively, for it makes previous transnational marriages and marriages between relatives suspect. Immigrants who have been living together in Denmark as man and wife for decades have to accept that, under contemporary legal and moral redefinitions, their marriages are now regarded as involuntary and forced.

Conclusion: prospects for the future

Sweden and Denmark, despite both belonging to the European Union, have very different immigration policies. The geographical proximity of the two countries has created a unique situation in which Danish Pakistanis can move to Sweden and obtain family reunification with a spouse from Pakistan, while also continuing to spend much of their time with family members in Denmark. The popularity of 'the Swedish model' obviously threatens the agenda of the Danish immigration regime. On several occasions, the Danish government has urged its Swedish colleagues to stop semi-legal couples exploiting the loopholes. In response, the (now former) Swedish minister of justice, Thomas Bodström, called the Danish legislation 'silly and discriminatory'.⁹ Likewise, the (also former) minister of integration, Mona Sahlin, stated that 'it's Denmark's problem that so many Danish-foreign married couples settle in Malmö'.¹⁰ The confrontation is symptomatic of the differences between the official multicultural politics of Sweden and the current rearmament of national sentiments and identity in Denmark (Hedetoft 2006: 391). In the summer of 2008, the European Court of Justice issued a verdict in the so-called *Metock* case that challenged the Danish immigration policy. It held that the fundamental right to the free movement of labour within the European common market clashed with restrictive Danish legislation on family reunification. The verdict may well undermine the protective Danish immigration regime in the future, but meanwhile Danes will continue to immigrate to Sweden to achieve family reunification.

Transnational couples settling in Sweden have different strategies for the future, which we can roughly divide into two groups. Those in the first group claim that they have emigrated for the last time and have started to build a new life in Sweden. Couples with social and economic resources in the form of a good education or a well-paid job are most likely to choose this strategy. They present Sweden as a good place in which to live, with lower living expenses and a political system that endorses multiculturalism; they feel more accepted and appreciated there than they ever did in Denmark. Tariq, whom I introduced earlier in this article, stated that he would never return. 'If Denmark does not want us, we do not want Denmark either!' He elaborated on the statement by comparing his situation with his parents' situation when they arrived in Denmark in the 1970s. According to Tariq, his parents had spent all their adult lives in Denmark working hard, while dreaming in their spare time of returning to Pakistan. Tariq would not make the same mistake. He would not live in Sweden and use all his time and resources on imagining his future return to Denmark. Out of a combination of anger, defiance and realism, he planned to settle permanently in Sweden. Another significant reason for staying in Sweden is that the pioneers of 'the Swedish model' have started having children who frequent local daycare centres and kindergartens and have started to speak Swedish. Many couples accept that they have to stay in Sweden for the sake of their children and often encourage friends and family members to follow them. The second group of transnational couples sees life in Sweden as a demarcated period they have to endure before they can return to Denmark. The complicated and changing legal landscape and conflicting immigration regimes create different legal loopholes that they can exploit in pursuit of these aims. Statistics indicate that many may have started applying for student visas or work permits for their spouses instead of applying for family reunification. In 2001, fewer than a hundred Pakistanis applied for a student visa for Denmark. However, by 2008 the figure had increased to 324.¹¹ As it has become more and more difficult to obtain family reunification, the number of students has increased drastically.

Hamid and Aisha actually ended up moving permanently to Denmark when, early in 2008, Hamid was granted Swedish citizenship. It normally takes 'just' two years of legal residence for a Dane to become a Swede and, because of political ambitions to create a common Nordic region, it has been possible for citizens of Norway, Finland, Denmark and Sweden to move freely between these countries since 1954. Changing his citizenship from Danish to Swedish, thus allowed Hamid to bring his Pakistani wife with him to Denmark and settle with his parents. In late 2008, the couple had a daughter, who has become a Swedish citizen just like her father. Another option, of which I know some examples, is for the Pakistani spouse to become a Swedish citizen. This also makes it possible for the married couple to return to Denmark.

Other couples like Sara and Zagib will continue their semi-legal nomadic lifestyle and commute between Denmark and Sweden to 'recharge their batteries' and avoid breaking the law. They are part of a large group in the borderlands between Denmark and Sweden caught between having to accept a common future in Sweden or finding a legal way of returning permanently to Denmark.

Overall, in this article I have highlighted some of the problematic effects of the

restrictive legislation the Danish parliament passed on family reunification in 2002 and 2003. The Danish immigration regime successfully converges with transnational marriage patterns and family practices among certain immigrant groups, but the cases presented here also illustrate how, despite the obstructions and interventions, Pakistani transnational couples successfully manage to restructure their everyday lives and aspirations for the future. Nevertheless, the legislation has created a semi-legal condition that affects Danish citizens with a Pakistani background and their families residing in Denmark, which not only generates new insecurities in family life but also widens the gap between the indigenous Danish majority and the immigrant minorities.

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Notes

1. For more about the requirements and how they are administered in practice, see http://www.nyidanmark.dk/en-us/coming_to_dk/familyreunification/spouses/.
2. The total number of family reunifications to Denmark, 2000–2009:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6399	6499	4880	2538	2344	2498	2787	3616	3071	3662

The total number of spouses coming from Pakistan to Denmark, 2000–2009:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
261	206	190	51	40	53	54	103	88	132

The effect of the current immigration regime introduced in 2002 is obvious. The statistics are extracted from the publication *Tal og fakta på udlændingeområdet* (2005, 2009) found on www.NyiDanmark.dk.

3. The article results from my participation in a research project on ‘Marriage practices of ethnic minorities: continuity and change’ headed by Garbi Schmidt at the Academy of Migration Research in Denmark (AMID) and sponsored by Statens Strategiske Forskningsråd (see Rytter 2007 a, b, c).
4. Moving to Sweden is a preferred option for people from the Copenhagen area. People from other parts of Denmark have chosen to move to northern Germany to obtain family reunification and live with their foreign spouses. The strategies of moving to Sweden and Germany are local responses to the Danish immigration regime and are both referred to as ‘the Swedish model’.
5. Personal communication with an employee from *Migrationsverket* (Swedish Department of Immigration). It is difficult to estimate the exact number of Danish Pakistanis in Scania, as

- Danes are only registered by the Swedish authorities as Danes and not, for example, as 'Danes with a Pakistani background'.
6. It is unclear how to measure the 50 per cent of a given person's time. Should one base the calculation on a week, month, year or whole lifetime?
 7. Denmark does not have a law against forced marriages, as, for instance, Norway does. However, under the penal code § 260 one can be punished with two years in prison for forcing anyone to do anything against their free will, in this case being forced into marriage (Action Plan 2003).
 8. See numerous articles on 28–30 September 2005, for instance Ritzau, 'V lempet regler for veluddannede', 28 September 2005, or jp.dk, 'Minister opgiver lempelser', 29 September 2005.
 9. Ritzaus Bureau, 'Fogh afviser svenske beskyldninger', 31 August 2004.
 10. Ritzaus Bureau, 'Udlændingelov er problem for Danmark – ikke Sverige', 27 October 2004.
 11. 'Tal og Fakta på Udlændingeområdet 2008', enclosure 1, <http://www.nyidanmark.dk>.

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