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Before the Law: A postcolonial analysis of credibility in the Danish asylum process

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Abstract

This study explores credibility assessment in the Danish asylum determination system, through the perspective of advisors to asylum seekers. These advisors are either lawyers, aid workers, or volunteers, but are all people who have experience supporting asylum seekers through the bureaucratic process of the Danish asylum system. The element of credibility has long been considered an elusive and largely discretionary practice, but this study seeks to ascertain what some components of the structural make-up of credibility assessment in Denmark are. For this the study employed a postcolonial lens, using the theoretical framework of Said's Orientalism and Foucault's power/knowledge discourse. From this the study concluded that on each bureaucratic level of the asylum process one key element of credibility existed, meaning that there were three main components to credibility assessment in Denmark; background materials, communication, and volunteers. However, the study also found that the main underlying component in all of these was *knowledge*, and the Westernized idealization of knowledge interpreted into different levels of the bureaucratic process.

Keywords; postcolonialism, credibility, asylum, Denmark, knowledge, Orientalism, Foucault, volunteers, assessors

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1. Introduction

“Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in later on. “It is possible,” says the gatekeeper, “but not now.”” - Franz Kafka, *The Trial* (1925)

Kafka’s observations on the obscurities of modern law were so fitting in their portrayal that ‘kafkaesque’ has become a common word for describing the opacity that enshrouds the law. Kafka’s analysis of modern law, justice, and bureaucracy as forms of organization (Banakar 2015, p. 101) highlights how obtuse modern law can be, and paints it as an unreachable, self-sustaining idealization of order. In the space between citizens and the law stands bureaucracy, and the people working to enforce it. This study looks at people who engage in bureaucratic processes on behalf of asylum seekers, through which we explore the common point where the interests of both modern law and asylum seekers meet: conceptualizing truth. How to ascertain whether an asylum seeker is credible has been highly debated, and is often considered to be measured through politically motivated means (see e.g. Lunau 2019). Through this common point, this study will map what affects the different themes of credibility through the different levels of the asylum determination procedure, in the experience of the advisors. Likewise, this study will look at what structures and patterns go into these themes. This will be done through a postcolonial lens, utilizing the theoretical framework of Said and Foucault. The themes are *Stocks of Knowledge*, *Balancing the Scales of Communication*, and *The Vanguard*¹. Each theme represents a level of the asylum determination process, starting at the top and working toward the street level. This study seeks to ascertain what constitutes credibility in the asylum process in Denmark, and thereby grants asylum seekers entry into the law.

¹ Vanguards: Bentham’s protectors of social morality, reinterpreted from Plato’s Guardians of the Republic (Collier 2019).

1.1 Aim, purpose, research question(s)

This study aims to map and explore, through interviews with advisors to asylum seekers, what parts of the asylum system that have the most effect on asylum seekers' credibility, and what historical and sociocultural processes make up these parts. The purpose of this study is to elucidate the field of credibility assessment in the Danish asylum system from a broader perspective, while following the reasoning of those who act as advisors to asylum seekers. As such, this socio-legal study seeks to do so by answering one overall research question, which will be supported by two sub-questions. Already from the early onset of data collection, a prominent recurrence of postcolonial themes became evident, which determined the historical contextualization of this study. It was through this lens that the one dominant component, *knowledge*, was able to be determined, and this study will be an exploration of the different manifestations of the Western conception of *knowledge*.

RQ: Based on the perspective of advisors to asylum seekers, what are the key features regarding the assessment of the applicant's credibility in the Danish asylum system?

SQ1: How can we understand the notion of 'credibility' in the asylum determination procedure?

SQ2: What influence do historical structures have on knowledge claims in the Danish asylum system?

2. Background

2.1 Introduction

“At the moment the gate to the law stands open, as always, and the gatekeeper walks to the side, so the man bends over in order to see through the gate into the inside. When the gatekeeper notices that, he laughs and says: “If it tempts you so much, try it in spite of my prohibition. But take note: I am powerful. And I am only the most lowly gatekeeper. But from room to room stand gatekeepers, each more powerful than the other. I can’t endure even one glimpse of the third.” - Franz Kafka, *The Trial* (1925)

The Danish system regarding the processing and handling of immigrants is over 500 years old, stretching as far back as the Foreigners Law that was released by the king in 1500 to deal with the influx of Swedish immigrants (Fenger-Grøn & Grøndahl 2004). It was significantly altered in 1952 as a result of Denmark signing the 1951 Refugee Convention, which resulted in Denmark creating its first official immigration law (ibid). From the early 2000s up to 2021, the system described below this section was the *modus operandi*. Since 2021 the legislative groundwork for a new type of asylum system has been established, as will be explored further on. The process of the current system is divided into three levels, or gates to stick with the theme of Kafka (1925), and each level is more powerful than the last and harder to get through. If you successfully defeat all three gatekeepers you may gain access to the law and, eventually, be granted asylum. If you do not defeat the gatekeepers you run the risk of spending your entire life before the law, never gaining access. As will be laid out below, there are three phases to the asylum process in Denmark, and it is not until the end of the first phase that the asylum seeker will meet their first instance of the law when they interview with the Danish Immigration Services. Before that, they will meet other authoritative manifestations of the Danish bureaucracy when they fill in forms and questionnaires. Throughout any point in this process, the asylum seeker can bring an assessor, but that is rare as they ordinarily would not yet have had time to meet anyone who might offer this. Assessors are volunteer individuals who offer to participate in meetings with the asylum seeker. Assessors can join at any point in the asylum seekers' process,

already from the first phase of asylum-seeking, but more commonly from around the second phase when the asylum seekers have interviews with the Danish Ministry of Immigration and Integration. Immigration lawyers will not be added to the process until the second half of phase two, which only occurs if their application for asylum gets rejected. The third phase either means that the Refugee Appeals Board (henceforth the Board) rejected the asylum claim, or approved it. The Board is the highest instance for a refugee to appeal their case in Denmark. The Board is an independent court-like organ that handles all refugee appeals cases in Denmark. On every Board, there are three people, a judge, a representative from the Ministry of Immigration and Integration, and a representative from the Danish Law and Bar Society. There will be one of each on every Board, and they are commonly referred to as 'Appeals Board Judges' or simply 'judges'. If the asylum application was rejected, the lawyer might try to help by appealing the case to an international organization like the United Nations (UN). Likewise, the assessor might attempt to provide help in getting the case reopened with the Board if new evidence turns up, but due to their civilian status, their abilities to help are limited.

2.2 The First Gate

Initially in phase one, the asylum seeker will register with the Danish state and have their fingerprints registered. As the next step, they will fill out an “asylum questionnaire”, in which they fill out all the important details of their life and their journey to Denmark. The story they outline in the questionnaire will be used as a baseline for the narrative they will later present in the interviews. Thus, if the narrative given in the interviews diverges too far from the story given in the original information, the narrative will be considered “not credible”, which can be detrimental to the asylum seeker’s case (Lindholm 2014).

After the intake interview, the asylum seeker will be located at a reception center, where they will stay throughout the duration of their asylum process. Only in rare cases where an asylum seeker experiences violent and/or inappropriate behavior and where the Danish state acknowledges there is an issue, will an asylum seeker be relocated to a different center (ibid).

The last step in this phase is the first interview with the Danish Immigration Services, wherein the asylum seeker will present their case to a caseworker for the first time. The applicants will be asked to

describe their journey, their country of origin, the reason they are seeking asylum, and any other information they think might be relevant (Lindholm 2014).

2.3 The Second Gate

Phase two generally has four pathways, with the two most common being the "Normal Procedure" and the "Dublin Procedure". The two lesser common pathways are "Manifestly Unfounded Claim" and "Manifestly Well-founded Claim", for cases where it is either immediate clear to the Immigration Services that the applicant has a clear, indisputable right to asylum, or if it is clear that the applicant has absolutely no claim for asylum. Should a case be labeled "Manifestly Unfounded Claim" the Danish Refugee Council can veto the decision, in which case it then defaults to the "Normal Procedure" (Lindholm 2014, Refugees Welcome 2021).

The "Normal Procedure" is then to proceed to a second interview, where the applicant's case will be evaluated for accuracy and consistency in relation to the information given in previous sessions. From here the asylum application will either be rejected or approved. If the application is accepted, the refugee will either be granted asylum or a humanitarian stay, the first of which means participating in a three-year integration program in a municipality chosen by the Danish government (Refugees Welcome 2020, Lindholm 2014).

In the event of a rejected application, the case will automatically be appealed to the Board, which handles all appeals. It is also from this point onward that the state provides legal counsel for the asylum seeker (ibid). The Board will hear the applicant's story again and compare it to the narrative registered by the Ministry to ascertain credibility and whether the applicant does have an asylum claim, either within the framework of the 1951 Convention or with the extenuating framework of Danish law. From here, the applicant will either be offered asylum or have their application rejected. In the event of a rejection, this would typically be the final level of the law an asylum seeker can access nationally. If the applicant wishes to appeal the Danish Refugee Appeals Board's decision, they will have to appeal it to an international court, like the United Nation Human Rights Committee, which will then assess the case. If new evidence in the applicant's case surfaces after the final verdict, the applicant can then

petition the Board to reopen the case and reassess it based on this new evidence (Lindholm 2014, Refugees Welcome 2021).

2.4 The Third Gate

In the third phase, the applicant can also accept the final verdict of the Board, and from there either sign the "Departure Contract" to voluntarily leave Denmark or they can refuse to sign it. Should they refuse, the applicant will be incarcerated up until when Denmark can return them to their country of origin. Asylum seekers from certain countries will have to wait in Denmark until their countries are considered 'safe to return to'. This creates the paradoxical phenomenon that applicants who have not been found in need of asylum will have to wait for extended periods in Denmark because the Danish government officially recognizes these countries as 'too dangerous to return people to' (Lindholm 2014, Refugees Welcome 2021).

2.5 The face of the law as of 2021

In December 2021 Denmark made a deal with Kosovo where they rented up to 300 jail cells, wherein they can detain already incarcerated refugees who are waiting to be repatriated (France-Presse, 2021). According to former Minister of Justice Nick Hækkerup, this is the ideal solution to prison overpopulation, since the incarcerated refugees in question are not going to be resocialized back into Danish society, so there is no reason for them to stay in Denmark (Eller, 2021).

In 2021 the Danish Frederiksen-government took further steps toward removing asylum seekers and refugees from Danish territory altogether. In the summer of '21, the Frederiksen-government passed a new asylum law that focuses on themes of externalization. The new law means that when it is practically implemented, the Danish asylum process will be relocated to a third-party country outside of the European Union (EU) (Tesfaye 2021). The motivation behind this, according to the Minister of Immigration & Integration at the time, Mattias Tesfaye, is to create an opportunity for asylum seekers to apply to the Danish state without having to cross the Mediterranean. It is argued that this way will save lives as many refugees often drown while attempting to cross the Mediterranean (Socialdemokratiet 2021). Due to Denmark's international obligations, such as the Dublin Convention and the 1951 Refugee Convention, it is not possible to entirely eliminate the need for asylum seekers to

come to Denmark. Several facets of international and transnational refugee law, such as the Dublin regulation and the principle of non-refoulement, require that the Danish authorities thoroughly investigate the question of whether the asylum seeker has affiliations to another European country or is being sent to a country where they might be in danger. Neither of these obligations can be fulfilled if an applicant registers for the Danish asylum process outside of Danish territory (Tan 2021).

As the externalization process is outlined in the new 2021 law, the people being processed for asylum in the third-party country are not being processed for asylum in Denmark, but for the third-party country. This means that Denmark is only lending its legal framework and processing capacity to the third-party country. This means that despite the stated intention of saving people from making a dangerous journey across the Mediterranean by providing a "nearby" option for asylum, this law will not be able to do that. With the levels of international law, Denmark is bound by both EU and UN regulations, in a manner which means that all people seeking asylum in Denmark will have to come to Denmark first, which in most cases means crossing the Mediterranean. The people applying for asylum in Denmark will, within this new framework, actually be processed with the intention of asylum for the third-party host country. Thus, the only thing Denmark is involved with is supplying their processing capacity (Tan 2021).

2.6 Denmark and international refugee law

The origins of Denmark's relationship with international refugee law can be traced back to the 1920s and the creation of the League of Nations (Fenger-Grøn & Grøndahl 2004). It was due to Denmark's collaboration with the League that they signed the 1933 Convention Relating to the International Status of Refugees, a convention that drastically altered their foreign policy. In the 1950s when the League gave way to the UN, a new convention was created: the 1951 Convention Relating to the Status of Refugees. Denmark was one of the first countries to sign and ratify the Convention, leading to the Danish government creating its first-ever immigration law. The 1951 Convention has later come to be under much scrutiny for its colonial connotations (Krause 2021). As an important distinction when this study discusses colonialism, it will be referring to the colonial efforts of Western Europe. As such, this study considers colonialism as "a form of domination, the control of individuals or groups over the territory and/or behaviour of other individuals or groups" (Horvath 1972 in Mayblin 2017, p. 8). Seen

as the assertion of control over a specific territory and the peoples living there, as well as the regulation of their laws, culture, and economic systems. Seeing as the world was not officially decolonized until the 1970s, the world was still colonized in 1951 when the Convention was made, as well as in 1967 when it was amended (Krause 2021). This of course meant that occupied territories did not get a vote or influence on the construction of the Convention, nor on whether it should be applied to them (Krause 2021). In its original function, the Convention had been made specifically for the European refugees that were coming out of World War II, and to create a regulatory system for their displacement (Betts & Collier 2017). The Convention was only made to stay in effect for three years after its creation, but in 1967 the UN decided that it should be applied to the whole world (Betts & Collier 2017). The Convention was created for the express purpose of securing the rights of European refugees in the aftermath of World War II (Betts & Collier 2017), and so, in 2022, we see it return to its original purpose after mainly having applied to non-European refugees for the past 50 years.

Due to the UN's highly normative sort of power (Loescher 2014) the Convention became the norm for refugee management, even for countries that had not signed it (Betts & Collier 2017). Concepts such as 'burden-sharing' regard the responsibility of the nation-state to offer support to other nation-states that are currently holding large amounts of refugees. This can be done through financial donations or through resettling some of the refugees onto their own territory (Betts 2015, p. 363). This concept has generally meant for Denmark an obligation to provide monetary support to the top Haven countries, such as Pakistan, Iran, and Ethiopia (Betts & Collier 2017, pp. 30-33). Haven countries are generally considered to be the countries with the highest concentration of refugees, and they are typically also considered 'near areas' to the countries of conflict (ibid). As is argued Mayblin (2017), international conventions at their origin also served a purpose for their nation-states. Research indicates that one of the underlying reasons the UK supported the creation of international conventions, like the Human Rights Convention, was so they could use that authority to leverage against Russia (then Soviet Union) (Mayblin 2017). Otherwise, the Human Rights Convention directly interfered with the UK's colonial affairs and hindered their further development of them. But they decided to stay on with the UN and the Human Rights Convention so that they might accuse Russia of human rights infringements, and leverage that against them to affect their position in world politics (Mayblin 2017, p. 126).

We cannot say for sure if this was the same mentality that was present for the other nations participating in the origin of the UN following WWII, but we do know that the UN and its conventions (especially the 1951 Refugee Convention) have a strong colonial background that is built on the exclusion and exploitation of colonized areas in the making of international law (Abuya et al. 2021, Banerjee 2021, Betts 2015, Betts & Collier 2017, Loescher 2014, Mayblin 2014, Mayblin 2017).

3. Literature review

Credibility and Asylum

Asylum is a particularly tricky concept as it spans so many fields and is highly researched across both jurisprudence, the social sciences, and the humanities. As this study attempts to research credibility in the Danish asylum process, it finds itself at the intersection of not just Danish asylum law, but of sociology, international refugee law, postcolonial studies, and to a lesser extent socio-linguistics. This is just as much a testament to the complexity of the concept of 'credibility' and its role in the Danish asylum process. This literature review will pertain itself to the role of international refugee law, colonialism, and its connection to the credibility process in Denmark. But also, as the analysis in this study specifically focuses on background materials, communication, and volunteers there will be a general overview of the literature regarding these topics, how this study situates itself within this field, and more importantly, what gap in the research it seeks to address. Broadly speaking, this means that this study will first be looking at *Credibility and Knowledge*, secondly *Language and Credibility*, and lastly *Volunteers and their effect on systems of credibility*.

3.1 Credibility and Knowledge

When attempting to understand how credibility is performed, experienced, and assessed by the different social actors that participate in the asylum determination process, we must look to the source of how we understand what is considered credible, which entails a look at *knowledge*. Knowledge, and

especially the concept of higher knowledge, has its roots in the enlightenment, modernity, and the construction of time. According to Mayblin and Turner (2021), "the history of time began with modernity", however, the process of modernity happens to be locally situated in Europe (or as a larger geographical signifier, 'the West'). In this study, 'the West' will occur as a classifier for the geographical region of Western Europe. 'The West' is a very contentious term that has played a prevalent role in the alienation of non-European lands, which is colloquially referred to as 'the rest' (Mayblin 2017, p. 8).

Having a linear understanding of *time* has come to be considered a prerequisite of any 'western' nation, and this divide was further pronounced by the happenings of colonialism. Many non-European countries have historically had a cyclical understanding of time, and generally employed different methods of creating relationships between the past and the present (ibid). This difference in approaching the concept of time was pronounced by colonialism, especially as the distinction of colonized people as 'primitive' arose (Mayblin & Turner 2021, pp. 29-30). Colonized people came to be considered 'in the past' through them being labeled 'primitive' and 'traditional'. European society was at that point considered 'modern' and a characteristic of the future. Europe was seen as being 'further ahead' than colonized areas, so on the scale of linear time, where Europe was the 'present' and 'the future', colonized countries were perceived as the past. The narrative prevailed, that colonized countries had to *evolve* into the future by mimicking the West. This classification of colonized areas as 'in the past' is criticized in the work of Edward Said, wherein he highlights that the concept of the 'Other' has been created by the West, and used as a mechanism of power to subvert the legitimacy of the knowledge regimes in colonized areas, in a way where the West always wins (Mayblin & Turner 2021, p. 32, Said 1979). Another of Said's key concepts is *Orientalism* and the *Orient*. These are disputed terms, but Said has a separate definition for European Orientalism, which this study will rely on. To this Said says:

“[the Orient] is (...) the place of Europe's greatest and richest and oldest colonies, the source of its civilizations and languages, its cultural contestant, and one of its deepest and most recurring images of the Other. (...) The Orient has helped to define Europe (...) as its contrasting image, idea, personality, experience” (1979, pp. 1-2)

The definition of the Orient for this study is Europe's formerly colonized areas and the cultures, languages, and overall knowledge regimes that belong to those areas, that came to act as 'opposite' to

Europe and conceptualized the 'Other' that shaped the concept of the Orient. It is important to note that Said himself, later on, said that even though the original "animosities and inequities" from his 1978 conceptualization of the Orient still exist "there is now (...) a general acceptance that these represent not an eternal order but historical experience" (1994, p. 352). The binary of "the Orient" vs "the West" is to be considered as a living mechanism of study that grows and adapts to the changes in a global society.

Colonization was premised on genocide, violence, and murder, as well as dispossessive warfare and disease. It was through these premises that Europe utilized colonized territories for the benefit of the industrial revolution in Europe (Mayblin & Turner 2021, p. 51, Manchanda 2017). This allowed for the subjugation and involuntary inclusion of non-Western people in an imperialist and capitalist system, which was specifically made to benefit European colonizers rather than the colonized people (ibid). This system continues to this day - in a different form - and is evident in the modern world economy. The structures of imperial warfare continue to be sustained and imposed on areas such as Afghanistan, Iraq, and Libya (Mayblin & Turner 2021, Manchanda 2017). Looking at Afghanistan as an example, and highlighting Afghanistan's history with colonialism and imperialism, we can see how the enlightenment actively participated in creating a separation between European and non-European areas. Especially through colonization and Western structures, such as the idealization of types of knowledge, as well as the idealization of Western social and cultural traits. When these were not found in Afghan society and Afghanistan resisted becoming a part of the British Empire (Runion 2007), Afghanistan came to be labeled as a 'failed state' (Manchanda 2017). As is argued by Manchanda (2017), Afghanistan continues to hold the international status of 'failed state' in the eyes of international society.

Looking at more recent studies on knowledge and credibility we might look at Schittenhelm and Schneider's (2017) study of knowledge and power in the asylum process in Germany. This study does not just consider knowledge and power in the asylum process, but what actors in the determination process have the authority to wield them. The crux of their argument is that we can see a distinction in how applicable power is for different social actors, and on how many levels they can exert their power. For example, the individual case worker can directly affect the outcome of an asylum seeker's case, and therefore, they hold a certain amount of power and authority, but they do not actually hold any power or effect on asylum as an institution. As Schittenhelm and Schneider (2017) argue, it is the organization

of asylum and its resources that hold the “available stocks of knowledge” (ibid, p. 1710) and are the ones with the real power in the field. As we noted above, this conception of knowledge as ‘real’, ‘correct’, and ‘proper’, as well as the idealization and gatekeeping of it, is largely something we saw as the result of the Enlightenment and the colonial era. This is largely the same in Denmark, where Nielsen and Møller (2022) identify that the “data” used in asylum determination processes, hereunder backgrounds materials as well as asylum seekers, has to go through “various steps of interpretation by different asylum authorities” (p.20). This refers to the asylum determination process, wherein case workers and judges assess the case according to the background materials, i.e. the ‘available stocks of knowledge’. Nielsen and Møller (2022) identify this as a “complex and cooperative decision making practice”, as the asylum determination practice goes through multiple levels of bureaucratic actors. However, as Schittenhelm and Schneider (2017) argue most of the actors on these levels are unable to affect structural change and adhere to what is in the 'stocks of knowledge', and so while functioning as a part of the "complex and cooperative decision making" they are predominantly following the structures decided by the ‘stocks of knowledge’. Again there are elements of colonial thinking in how the ‘stocks of knowledge’ are used to subvert the legitimacy of the knowledge that exists outside of the stocks.

The concept of subverting the legitimacy of Oriental knowledge regimes can also be identified in Bohmer and Shuman’s (2007) study. Bohmer and Shuman (2007) point out that under ordinary circumstances the person with first-hand experience would be the most reliable narrator and the expert on the topic. But in the asylum process, first-hand experience is considered impaired and unreliable due to the "state of knowledge" (p. 623). This means that the asylum seeker's credibility is left up to how legitimate their asylum narrative seems to a case worker who has limited insight into their situation. This division of power in the legitimization of knowledge and credibility creates an epistemology of ignorance in the asylum process (Bohmer and Shumann 2007). Similarly, Zambelli (2017) points out that to develop new approaches to credibility assessment there has to be a change in the general understanding of the asylum context as not fixed, but relative. In addition, there should be given as much priority to the asylum seeker's narrative as possible in the asylum determination process.

The subversion of the lived experience of asylum seekers stands at the core of the link between knowledge and credibility in the asylum process. As touched upon earlier in this section, the structural

dominance of Western knowledge that came from the Enlightenment was created to subvert Oriental knowledge regimes, and this is a structure we can see repeated in modern Western asylum practices. In the case of the Danish government, this structure is solidified by the use of background materials that serve as a source of approved knowledge on the Orient, or as 'available stocks of knowledge' for caseworkers and judges to assess applicants' credibility.

3.2 Language and credibility

Researchers such as Eades (2016) have investigated how the asymmetrical discursive structures in the courtroom can manipulate and disadvantage claimants and witnesses in a way that limits their access to civil rights. Languages commonly operate on a context-dependent sense of understanding, where different contexts can drastically alter the meaning of what is being said. It is common within the justice system that sentiments and phrases can be transferred through several parts of the legal process without context (Sørensen 2021). Large parts of the meaning might get lost in the shuffling between different briefs and transcripts in the asylum process, which tends to work against the asylum seeker's credibility.

A more commonly acknowledged sentiment is the disadvantage of minority individuals in the courtroom, as in the courtroom they often have to face stereotypes and oppressive structures that become visible (Elsrud et al, 2017). Commonly, people who are positioned as weak in front of the court are so because they use a style of communication that in the sociolinguistic community is characterized as 'powerless speech style'. This speech pattern can have a negative effect on people's credibility in the courtroom, as they come to be considered less educated, less knowledgeable, and less credible (Sørensen 2021). Conley et al. (1998) argue that discourse in the legal system differs from discourse in everyday life in such a way that it hinders laymen's opportunity to be fully understood. It also affects the claimant's right to legal certainty (see e.g. Maxeiner 2008, Paunio 2016, Tapia-Hoffmann 2021).

Angermeyer (2015) performed a study centering on judges, interpreters, and non-native English speaking individuals in the courtroom, wherein many of the judges held the ideal that everyone was better served speaking their native language. This meant having the interpreter translate back and forth rather than attempt communication in imperfect English. This is problematic on several levels, one of

them being that it hinders the reliable range of comprehension for non-native English speakers. Also, when the interpreter is translating between two or more participants, the margin for error and misunderstandings becomes significantly higher (ibid).

According to Jacobsen (2002), the interpreter participates actively in the creation of a shared base of knowledge in the courtroom. This is problematized by Jacobsen (2002), as many interpreters in the Danish legal system have never passed a test or qualifying exam in the field of translation. This is due to the fact that no official interpreter education degree or courses exist within the Danish public education sector, including universities (Jacobsen 2002, Sørensen 2021). So, when translation is also contingent on culture-context-specific clues within the language, and knowing how to translate them into a given language, what does this then mean when the interpreters might not have the qualifying marks to perform this task?

3.3 Volunteers and their effect on systems of refugee credibility

Regarding research on the topic of volunteers and asylum seekers many aspects have been covered, such as how volunteering and organization have changed through social media platforms (Sætrang 2016), the motivations of volunteers working with refugees (Jones & Williamson 2014, Koelsch 2017), and volunteers providing care and aid for asylum seekers as acts of political activism (Peterie 2018).

As Doidge and Sandri (2019) point out, based on their study of volunteers working with refugees in Calais, refugee camps have become more than just elements of social segregation. They now also function as social and community spaces for volunteers. Doidge and Sandri (2019) argue that the main motivator for volunteering is not just empathy or emotion, but also a link to developing strong emotional and relational bonds with both volunteers and refugees.

Looking at Toubøl's (2019) research on the loss of institutional trust within the Danish political sphere, with the refugee solidarity project as an example, we can see how the refugee solidarity project devalued democratic processes and contributed to a loss of institutional trust. The people who participated in the solidarity project tended to have lower trust in political institutions. Most likely because of their work with the project and the insight it afforded into the structures of the Danish asylum system. This insight often results in the general conviction that the institution is unfair. This in turn means that these volunteers, despite statistically being people with strong democratic values, now

position themselves outside the institution of democratic legitimation processes and aim to contest them instead (Toubøl 2019).

While many studies have been conducted on volunteers who work with refugees, and the effects of volunteering, as well as the motivations behind it, generally very little research has been done on the effects of the volunteer on the legal aspects of the asylum process. This is a hole that this study hopes to fill by exploring some of the sentiments that are being expressed regarding concerns and acts of rebellion for the volunteer assessors in the Danish asylum system.

3.4 Research gap

Overall, this study falls within three major fields: bureaucratic knowledge production, linguistics and the law, and volunteers in bureaucratic processes. Most research on the asylum process in Denmark tends to focus on the asylum seeker, and not as much on the people participating in the process with them (see e.g., Whyte 2015, Danstrøm & Whyte 2018), or they have a macro perspective, focusing entirely on legal systems or overarching cultural hegemonies (see e.g. Lemberg-Pedersen et al. 2021, Rytter 2019).

A range of literature was reviewed within each of the major fields, however, only one other study dealt directly with the topic of credibility in asylum determination in Denmark. This refers to the aforementioned Nielsen and Møller (2022) and their study on using data as a lens for researching asylum credibility in Denmark. This study does investigate what seems to constitute credibility, e.g. a believable refugee narrative, but using data² as a lens produces comparatively shallow results. These results do not address the sociopolitical structures that the Danish asylum system is built upon. Using a 'data as a lens' approach to research what constitutes credibility only gives a surface-level understanding of the institution's discursive output, and not a deeper understanding of motivations and rationalizations of the verdicts. Such we might see in Joormann's (2019) study of migration court judges and their decisions on asylum in Sweden.

My study seeks to understand the underlying reasonings and structures that make up the element of credibility in the Danish asylum determination process. It fills an important gap in Danish socio-legal research on the role social actors play in the asylum determination process, as well as mapping how

² Herein the computational, technology-driven conceptualization of data

colonial ideals still function in the Danish asylum system. Through this angle, the study has provided novel insights into not just the socio-legal field of Danish asylum processes but has also contributed to the field of postcolonial studies.

4. Methodology

This qualitative study set out to explore how credibility is created in asylum cases in Denmark from the perspective of the advisor(s) to the asylum applicant. It has prioritized having a broad definition of an advisor that included both a legal advisor such as lawyers, as well as volunteers who offer advice on the asylum process. As the interviews took place, a series of themes immediately emerged that had strong colonial connotations and thus altered the direction of the study. It was the themes of the proper construction of knowledge, language, and communication, and the requirement for asylum seekers to surrender to Danish culture that highlighted the still existing structures of colonialism in the Danish asylum system. However, upon the analytical exploration of these themes, it became evident that the real touchstone for all of these themes was the Westernized idealization of *knowledge* that emerged from the Enlightenment. As will be shown in the analysis, this construction of knowledge lies as the basis for all of the most critical facets of the element of credibility. For the processing of the data used in this study, I used thematic analysis, which will be elaborated further on below. The main form of data collection was interviews (which will be elaborated on below, see 4.2). Nonetheless, for contextualization purposes, this study also includes a transcript from the, at the time of writing, most recent meeting of the Coordination Committee³ (Coordination Committee 2022). Likewise, for contextualization, this study includes the number of reports that were accepted into the background materials for Afghanistan and Ukraine for 2020 and 2021. This information was sourced from the Board's website, where their database is open to the public (Flygtningenævnet 2022).

³ This was written in May of 2022, and the transcript was released in March 2022 and was from a meeting on the 24th of February 2022. As the Coordination Committee only meets a handful of times a year, this was the most recent meeting transcript.

4.1 Delimitations

This project prioritized being able to reach its target number of interview participants over having a very narrow demographic. This decision was made on the previous experience of interview subjects generally being difficult to find, and it was more important to find enough interviewees than it was to limit it to one specific type of aid. The interview participants come from three subgroups, 1) immigration lawyers, 2) professional aid workers, and 3) volunteers. The reason interview subjects could be gathered from such a broad group is because the underlying assumption of this study was that credibility is a much more fluid phenomenon than was strictly seen in the justice system. And that credibility can also be influenced and determined by actors other than bureaucratic social actors. When volunteers, aid workers, and lawyers help translate the system for asylum seekers, and when they advise on a case, they are subconsciously promoting the same dominant social structures that came out of the colonial era. It was studying what went into this 'pre-hearing' preparation and advice that this study was interested in researching, thereby potentially ascertaining how the cultural structures of said preparation then affected the element of credibility for asylum seekers.

4.2 Interviews

The study is based on six interviews conducted throughout March 2022, which were semi-structured and deliberately designed to have an informal air to them. The categories of participants for this study were immigration lawyers, aid workers, and volunteers, all of whom had some level of experience talking to asylum seekers and helping them understand the asylum process in Denmark. The interviews followed a general interview guide (see Appendices A & B), which would then be specified to the individual person. Each interview lasted 30-60 minutes, allowing for a more in-depth exploration of the interviewees' experiences and observations. The study deliberately prioritized this limited number of interviews, as this study seeks to be one of depth and not of breadth (Liu 2018). The study also prioritized using interviews as a method for data collection over, for example, cases or verdicts. While these two options might also have provided interesting insights, I was more concerned with studying the element of credibility, and I assessed that these two options would not provide very satisfying insights for different reasons. The verdicts published by the Board are available to all, but also very short and do not go into detail, so any results concluded from them would have to be broad

generalizations, and as mentioned above, this study sought to be one of depth. While case files might have provided an interesting insight into the government's perspective on what constitutes credibility, these are difficult to gain access to. The process is lengthy, and you often have to apply several times to get approved, which would mean a timeline that was not realistic for this study.

The interviews were conducted and transcribed in Danish. All selected quotations were then later translated into English by myself. Performing research across languages can be problematic, but is commonly cause for concern when the researcher and the subjects do not speak a shared language (Squires 2009), which was not an issue with this project. The epistemological implication of translation can be an issue if the translator lacks a proper understanding of the topic or the culture, which can affect the final product (Temple & Young 2004). As I am well-versed in the matters of asylum issues in Denmark, I felt comfortable that I would have enough insight to reliably translate their interviews. Lastly, there is a difference between the interpretations of written and spoken language (ibid). I have done my utmost to preserve the tone and the intent with which the statements were given.

4.2.1 Sampling

Sampling is a crucial part of any study, yet has often been overlooked in qualitative research (Mason 2018, p. 54). A rigorous sampling strategy is essential to conducting a study that can provide any sort of generalizing or conclusive information about a subject whatsoever. My sampling strategy for this study is linked to its interpretivist epistemology, meaning that this research is based on the understanding that each social actor exists uniquely as a product of their complex social interaction with history, linguistics, and actions (Schwandt 1998, see also section 4.4). As Mason would say, each social actor is a part of a "wider universe" and "sets of going on" (2018, p. 53), which is the mindset this study relied on when sampling for this study. As mentioned above, this study had a wider base of sampling as what is being studied here, the element of credibility, can be affected from many different angles, as it is fundamental to the asylum determination process. With that being said, I started with what felt as being closest to the source; immigration lawyers. I sent out approximately five rounds of emails, with about 10-20 people in each round, inquiring about availability for interviews, and from that received two positive responses. After having somewhat exhausted that pool of possible candidates, I decided to expand to professional relief organizations. Hereto I reached out to about five

NGOs that specialize in refugee issues and heard back from one aid worker who had experience with the legal aspects of the asylum determination process. This individual also recommended a volunteer organization to me, wherein many of the volunteers had experience functioning as assessors for asylum seekers. From this volunteer organization, I got into contact with three people who had experience functioning as an assessor. The groups from which I sampled were three; lawyers, aid workers, volunteers, but in actuality the groups could also be defined as just two; lawyers and assessors. Both are groups that have experience supporting refugees in the Danish asylum process, and both have relatively limited authority to exert control over the applicants' cases. The lawyers do not come in until the asylum seekers have already been rejected once, but they have the power to appeal the cases to larger supranational courts in the hopes of receiving support from those. The assessors can not take legal action, but they can, and do often, enter into the process before the lawyers do, and therefore have the possibility of aiding the asylum seekers' credibility and case in their original case. Both lawyers and assessors were considered important to the study, as they both play important roles in the asylum determination process.

4.3 Thematic Analysis

This study relies on Thematic Analysis (TA) as shaped by Braun & Clarke (2012), and follows the steps laid forth in this approach to analyze the dataset for this study. An important note for the utilization of TA is that it is specifically engineered to find meaning across an entire dataset, and it is not meant for finding idiosyncrasies and singularities in single data points. This is why TA was chosen as an ideal method for this study, as answering my research questions would require being able to identify commonalities and shared sentiments across the entire dataset and demographic groups.

From here on the study followed the six steps to an initial approach to TA that Braun and Clarke lay forth. Firstly, I familiarized myself with the data through listening, transcription, and translation. Secondly, I started generating initial codes. Thirdly, after working with my codes, I looked for themes in the data. Fourthly, I reviewed the potential themes, during which I for example found that two of my four themes were quite 'thin' and overlapped quite a bit, so I decided to combine them. The fifth step was about defining and naming the themes. This was quite difficult as the names of the themes should not just be descriptive markers like 'communication', but rather have a name that is more indicative of

the content and story of the theme. Lastly, as the sixth step, I started producing the report and analysis of the data.

4.3.1 The process

The data for this study consists of six interviews with advisors, all of which were conducted and subsequently transcribed by myself. This meant listening to the audio files of the interviews multiple times while transcribing, which acted as the first step in the analytical process, as it gave a rich opportunity for annotation and remarking on ideas and first impressions. After all the interviews had been transcribed, both the audio files and the transcripts were subsequently uploaded to the qualitative coding software Nvivo. Then each interview was read through once again and carefully coded into first-round preliminary codes. This resulted in 15 codes that, in consideration of what overall story they told, seemed on first assessment to hold four themes: Communications, Politics & Power, Background Material, and The Courtroom. The names of these themes were established to create a supportive frame for the analytical process, but were made to be altered as the narrative of the data became more evident as the process went on. Politics & Power and The Courtroom collapsed together to be one theme, as many of their data points and analytic elements overlapped. The analysis holds three points, which all investigate themes that are crucial to the credibility of asylum seekers. They are first, background materials, second, language, and lastly, volunteers. However, it was in the last rounds of the analysis that the most substantial progress was made, and the real conclusions were reached about the story of the data. This resulted in three themes 1) Stocks of Knowledge, 2) Balancing the Scales of Communication, and 3) The Vanguard, which all explore different levels of the functionality of knowledge as a tool for credibility in the asylum process.

4.4 Reflections on Theory of Science aspects

According to Braun & Clarke (2012) the user of TA must question whether the theoretical perspective can be considered essentialist or constructivist (ibid, p. 4) However, this study takes an interpretivist approach. Interpretivism has much overlapping commonality with constructivism (Schwandt 1998), which is why I believe an interpretivist approach is still compatible with Thematic Analysis.

Interpretivism has the ontology that the social world is made up of social actors. These social actors create meaning out of events and phenomena through ongoing and complex processes of social interaction that draw on history, language, and action (Schwandt 1998, pp. 221-222). The elements of history, language, and action are particularly central in this study, as has been highlighted in the literature review, and will be highlighted further in the analysis. An interpretivist study is based on the belief that one must interpret the world to understand it, meaning that as researchers we must elucidate what meaning is embodied in the language and actions of social actors (ibid, p. 222). This is of course in itself a constructive act, as we as researchers construct a reading of social actors' constructions. For the parameters of this study, I will provide a reading of the Danish asylum system through the lens of advisors to asylum seekers. Through their constructions of the world, I offer an analysis of the Danish asylum determination process and the various social actors in it, and that analysis is, of course, a construct of my ongoing processes that I have attempted to share with you in this study.

4.5 Ethics

As Israel (2015) points out, a large ethical burden befalls the social researcher who relies on the social actors of their field for data. The social scientist is commonly the one who approaches potential candidates and offers a trade-off of the social actors' stories in return for anonymity and integral use of the information given. More often than not, it seems that the researcher is the one with the better end of the deal, as they get important information for their study, and the social actor receives a promise of anonymity (Israel 2015, p. 102).

This was much the same for this study, where in return for an interview estimated at between 30 to 60 minutes, I promised my interviewees anonymity and access to the finished result of my study. In an attempt to uphold my responsibility, I have taken several steps to thoroughly anonymize my interview subjects. Firstly, I have generalized all knowledge about them to the broadest point possible. For example, the categories are immigration lawyers, aid workers, and volunteers, and all affiliations of those positions have been redacted. Deeper levels of personal information have likewise been redacted, including living areas, jobs (for volunteers), gender (I have only used gender-neutral they/them pronouns), and names (all have been named in a randomized order between I1-I6), etc. Only on one

occasion did it seem relevant to the contextual understanding of the example used, to provide the original job of the person. After several attempts at redacting the information, it became clear that it would take away from the importance of the quote.

As touched upon earlier, the dominant trend in the field of asylum research in Denmark is to conduct research with asylum seekers themselves - so why did I not do that? As Israel (2015) highlights, the social researcher has an ethical responsibility to not conduct research that might result in harm to the research participants, both physical as well as mental (p. 124). As a young researcher, I could have risked transgressing boundaries and causing harm inadvertently, while working with refugees. Generally speaking, it would take a very skilled researcher to safely conduct qualitative research with people who have experienced severe trauma. As a Master's student at Lund University, I do not have to pass the inspection of an ethics board, and so I could have conducted research with asylum seekers, had I so desired, but I ultimately decided against it.

A last note can be added on the socio-political ethics of researching asylum-seeking in politically regressive times for this subject. Much can be said on this subject, but I will invoke the argument of Fiddian-Qasmiyeh in her article *The right and role of critiquing the contemporary patchwork of protection* (2021). In this Fiddian-Qasmiyeh raises the poignant question of whether we should be critiquing the 1951 Refugee Convention when politicians worldwide seem content to revoke the rights of refugees. Fiddian-Qasmiyeh (2021) argues that we cannot stop trying to better refugee protection - not being critical of a topic out of fear of having our knowledge production misused will only aid the regression. We must continue to remain critical of frameworks of refugee protection, to help it innovate and grow. However, it is valid to consider how the knowledge production of this thesis might be used. As I have exemplified above, I have done my best to be ethically rigorous in my research and to protect the participants of the study. I have attempted to be as clear in my wording as possible, to avoid misinterpretation and misunderstandings of the knowledge laid out here. While I do not consider this an activist study, I hope that this study will help better the conditions of asylum seekers in Denmark, which is the mindset with which it was written.

4.6 Reflexivity

In a qualitative study, a reflection of positionality is a must. For this study, which is arguing that postcolonial and post-Enlightenment structures continue to replicate themselves in modern society, it is especially important to consider what this means for the participants of the study, as well as myself as a researcher. When considering this in the context of the study's theoretical framework, the main element of reflexivity to consider is how the concept of 'the Other' is reproduced. As mentioned earlier, the creation of the 'the Other' came about as a mechanism for creating distance between the West and the Orient following the post-Enlightenment period. The concept of 'the Other' embodies these colonial and post-Enlightenment values of 'the Other' as having less valuable knowledge systems and generally being less 'cultured' than its Western counterparts (Mayblin & Turner 2021). The underlying assumption for this study is that these characterizations are still happening and are still actively being enforced by the Danish asylum system and its social actors. This includes both bureaucratic and non-bureaucratic social actors, such as lawyers, NGO workers, and volunteer assessors. This then begs the question, how is the concept of 'the Other' being reproduced by social actors in the Danish asylum system?

To answer this question, we might start by revisiting this study's epistemological and ontological positions. As I highlighted in my theory of science section, this is an interpretivist study. This means that the underlying understanding of personhood is that everyone is a product of their processes - linguistic, historic, and social (Schwandt 1998). This is not a conscious act, but rather the subconscious structures that guide us as people. In terms of this study, these historical structures include colonialism and post-enlightenment ideals. Both the participants, and myself as a researcher, can be understood as being products of historical, social, and linguistic processes that have roots in colonialism. This means that both the participants and I exist as a result of the process of colonialism and continue to reproduce these structures as a part of our being. The reproduction of these structures is subconscious and can be seen as a favoring of Western knowledge systems, cultural traits, or the like. It is my general impression of the participants in this study that they are all passionate about bettering the conditions for asylum seekers in Denmark, and are not intentionally participating in any behavior that might put asylum seekers at a disadvantage. This does bring up the question of what knowledge claims can the participants of this study reasonably make, as products and reproducers of colonialism? Following the

argument of this study's interpretivist positionality, the interviewees are positioned well to comment on the element of credibility for asylum seekers, as they are consisting of the same processes as the element of credibility. They have a deeper understanding of these topics than they might immediately realize. Their processes partnered with their first-hand experience of functioning in the Danish asylum system leaves them at an advantage to comment on the production of credibility in the Danish asylum system. This is supported by the fact that the study seeks to understand the element of credibility *from the position of advisors to asylum seekers*. This study does not seek to arrive at an objective, determinative conclusion of what the element of credibility is, but rather to assist in mapping its many facets from a specific perspective.

Similarly for me as a researcher, I have devoted space to explain how colonialism and the post-Enlightenment period affected knowledge regimes in a way that devalued non-Western knowledge regimes. It is poignant to note, that despite this study being critical of colonial structures in knowledge production, it is being produced within a Western framework, at a Western institution of higher education, and based on the rules and stipulations of what constitutes an academically rigorous study within this Western framework. I have attempted to be conscious of internalized biases and remain reflexive of my contribution to the study as a researcher, and put myself as "subject to the same critical analysis and scrutiny as the research itself" (Carolan, 2003, as cited in Patnaik 2013, p. 100). This means that I have actively attempted to identify concepts of 'the Other' in my research and to understand why they occur and what that means for my positionality as a researcher. While I don't strive for objectivity or neutrality, I believe it is important to be aware of one's own biases and to be transparent about them.

5.Theory

“The colonizer constructs himself as he constructs the colony. The relationship is intimate, an open secret that cannot be part of official knowledge ” (Spivak 1999, p. 203)

“A post-colonial project is an endeavor to resist the 'mystifying amnesia of the colonial aftermath”
(Alain 2004, p. 393)

Through the employment of the conceptual framework outlined below, I will endeavor to analyze the data gathered for this study through a postcolonial lens. As Spivak points out in this quote above, and as this study has explored, colonialism operates through structures that have come to be invisible and hidden. Discussions of colonialism have existed since its inception, and studies such as anthropology and development studies were created because of colonialism (Anghie 2005), and yet the world is considered *post*-colonial. This is only further highlighted by the continued importance of Denmark’s position of power over Greenland and the Faroe Islands.

As Spivak states, colonialism is an open secret. It is open in the sense that it is known, but it is a secret in the sense that it is not acknowledged as official knowledge. As we have touched upon earlier, through the Enlightenment and colonialism Western knowledge came to be heralded as 'true' knowledge, and Oriental knowledge as inferior. The theoretical framework for this study will center mainly on Edward Said and his conceptualization of Orientalism and its effect on society. It is within this framework that Said argued that the concept of the Other, the Orient, has been created by the West, and is used as a mechanism of power to subvert the legitimacy of the knowledge created in colonized territories so that the West always wins (Mayblin & Turner 2021). As Spivak says, the knowledge of colonialism escapes official knowledge through the oppressive structures that it creates. As Alain points out above, the post-colonial project is in and of itself an effort to demystify the colonial aftermath by elucidating what colonial power structures are best seen as forgotten. That is what this study overall seeks to do, elucidate colonial structures in Denmark's asylum system, and highlight how these very colonial structures are affecting the element of credibility in the asylum process. This will be done primarily through Said’s Orientalism framework, and to a lesser extent Foucault, as Said himself greatly relies on Foucault’s understanding of power/knowledge discourse. Through Said’s

conceptualization of the Orient and the West, this study will investigate the legitimation of knowledge within the bureaucratic asylum system and its social actors. Likewise, Foucault will be employed to highlight the normalizing authority of governmental power/knowledge discourse.

5.1 Edward Said and the Structure of Things

5.1.1 Orientalism

Defining Orientalism can be difficult, as Said himself offers varying perspectives on Orientalism, but for this study Said's original tripart definition is favored. The first aspect situates Orientalism in the academic tradition of talking and writing about the Orient, and the second comments on Orientalism as a style of thought based on the epistemological and ontological distinctions made between 'the Orient' and the 'the Occident'. Thirdly is the West as a corporate institution that deals with the dominance, restructuring, and authority of the Orient (Kennedy 2000, p. 21). Within this idea, Said also argued, in *Imperialism and Culture*, that this line of thought is not just a tool for investigating the unequal power distribution between the West and the Orient, but can also be understood as a point of entry to researching Western cultural patterns themselves (Walia 2001, p. 20). This perspective becomes especially relevant in this study, as it researches colonial structures in the Danish asylum system, and what they mean for the element of credibility. As the West used the conception of the 'Orient' as its complete opposition, the West fashioned itself according to what it was not (the Orient) (Said 1979). Said makes a brief distinction between American Orientalism, and European Orientalism, wherein American Orientalism commonly concerns itself with Asia, and European Orientalism with its formerly colonized territories (Said 1979, pp.1-2). We can understand Western Europe's conceptualization of the Orient to be its formerly colonized areas, and also the image of which Western European culture and society were made in opposition to. By identifying the role of the 'Other' in the Western bureaucratic systems, we can likewise use that conception as an analytical entry point into the structures of Western bureaucracy. With asylum seekers before the law in Denmark, a parable between the Western conceptualization of the Orient and these conceptualizations' effect on the Danish asylum system becomes pronounced and serves as an entry point for this study.

As Said states: "One cannot even possibly understand the enormously systematic discipline by which European culture was able to manage - and even produce - the Orient politically, sociologically, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period" (Said 1979, p. 3). As discussed previously, the post-Enlightenment West came to be the opposite of the Orient, and the very picture of progress and modernity, an ideal place to be. In turn, the Orient was branded as the opposite; backward, underdeveloped, and traditional (Mayblin & Turner 2021). This image was actively created by the West, intentionally or not, and distinctions between the two were drawn. Through this systematic effort of the West, they managed to also shape their own cultural patterns in relation to what they were *not*, i.e. Oriental. Since these are the cultural patterns with which the West was created, how do these patterns still function today? Does the West still exist in opposition to what it is not? And if so, how do these patterns and structures manifest when looking at a Western system, like the Danish asylum system?

Following the logic of what is laid forth above, the cultural patterns and structures of Western states, including Denmark, are at least partly based on the perceived superiority of the West over the Orient, and maintaining that superiority through subversive cultural structures. Many of these structures center on subverting the legitimacy of the Orient's knowledge regimes. If these values and structures lie intrinsic in Western states' systems, and thereby the Danish systems, then what does that mean for the element of credibility? Is there truly a way for an asylum seeker to appear credible to a system that is inherently structured around the delegitimation of that person?

5.1.2 Said, Foucault, and power/knowledge discourse

Said was influenced by Foucault and his concept of power/knowledge discourse. Said argued that what is considered 'true' accounts of history, are merely the result of cultural strategies aimed at remaining in control of power and material gain (Walia 2001, p. 23). This is a sentiment that is shared with, and partially derived from, Foucault. Said considers Foucault's conceptualization of the order, authority, and regulatory power of knowledge as his underpinning understanding of all institutions of governance (ibid, p. 24).

As Foucault explains, knowledge is used by institutions in power, through which they utilize established language structures to regulate society (Walia 2001, Young 1981, pp. 48-49). The matter of 'truth' is then decided by these institutions, as they systematically regulate their given subject to suit the objective of the institution through discourse. This is the premise of Foucault's concept of governmentality (Wickham 1993). This concept relies on the larger framework of power/knowledge discourse and represents only one aspect of what power/knowledge discourse can be used to illustrate as an analytical tool. This study has decided to use the larger framework of power/knowledge discourse rather than strictly employing governmentality, despite this study touching upon similar themes as governmentality.

Within the Foucauldian framework of power/knowledge discourse, knowledge holds an intrinsic power, which in turn cannot be exercised without knowledge. Thereby power and knowledge coexist in a symbiotic relationship which creates a discourse that holds the ability to create beliefs and to render subjects 'normal' and 'natural' (Walia 2001, p. 25). When we apply this understanding to dominant institutions we can start to understand their produced discourse as regulatory and a strategy of power (ibid). As touched upon earlier, in the *knowledge and credibility* section of the literature review, this is seen in the asylum process through the asylum system's use of background materials. By deciding what is used as background material, and thus what goes in the 'stocks of knowledge', the asylum system is regulating what is considered to be the 'truth' of the different countries that it receives refugees from. It is also from this that they can then ascertain whether claims for asylum for an entire demographic of people are *credible*.

From the conceptualization of Foucault's power/knowledge discourse, we can answer the last question posed in the section above. In short, credibility is possible to achieve for asylum seekers, but only through the system's own legitimation of the demographic. As it is the Danish asylum system that decides what is approved to go in the 'stocks of knowledge', the system also controls what is considered to be the 'truth' of asylum seekers, by legitimizing its own discursive knowledge production.

6. Analysis

The primary objective of this analysis is to put forth the story found in the data. This is based on the boiled-down question of “what makes credibility?”, to which the short answer would be *knowledge*. As this study has problematized in previous sections, knowledge is not a simple term, and it carries much weight from colonialism and the Enlightenment. This analysis will be aided by Said's concept of Orientalism, as well as Foucault's power/knowledge discourse, as discussed above. This theoretical framework will allow for the study to highlight ongoing colonial structures, as well as the legitimizing authority of knowledge.

This analysis will employ a postcolonial lens to analyze the three main connections between knowledge and credibility within the Danish asylum system. This will be based on the data collected for this study from various social actors who all function as advisors to asylum seekers, and who have engaged with the Danish asylum system on behalf of an applicant before, and therefore have inside knowledge. The themes that will be explored are 1) Stocks of Knowledge, 2) Balancing the scales of Communication, and 3) The Vanguard. Each theme represents a level of the Danish asylum system and displays how the Western conceptualization of knowledge affects the element of credibility in each. The analysis starts at the highest level of the asylum system, which means the level where the social actors have the most potential for creating structural change. Moving through the levels of the analysis we will start at the top and move towards the 'street level', with civilians who have very little authority to create structural change.

6.1 Stocks of Knowledge

“The gatekeeper often interrogates him briefly, questioning him about his homeland and many other things, but they are indifferent questions, the kind great men put, and at the end he always tells him once more that he cannot let him inside yet.” - Franz Kafka

As Said argues, one aspect of Orientalism is the academic tradition of talking and writing about the Orient, and that is in a sense what we will be exploring in this theme. This theme will explore the "indifferent questions" that "great men put", what role these questions have in the asylum process, and

if they are consequential to the asylum seeker's credibility. This will be done by looking at the background materials used in the Danish asylum determination process, as well as what "great men" has the authority to decide what becomes background material.

The asylum procedure and the assessment of credibility are ruled by the background materials, i.e. the 'available stocks of knowledge' (Schittenhelm & Schneider 2017). The background materials are a large database that is maintained by the Board and the Coordination Committee and is used by all bureaucratic actors through all steps of the determination process. The background materials consist of reports and studies on various countries throughout the world (Flygtningenævnet, n.d.). Through the cumulative knowledge of these materials, there is an ongoing overview of the different conflicts, standards of living, political processes, and so forth, of the different countries. It is based on these background materials that caseworkers and judges make formal decisions about cases. It is done by cross-referencing the narrative an asylum seeker presents, with the information presented in the background materials that an asylum seeker is considered credible or not. The background information can be both an immense advantage to an asylum seeker and a significant disadvantage. As will be explored below, the background materials predominantly benefit those who are fleeing documentable danger. This means that individuals fleeing from war and genocide are generally well protected by the background materials, but people who have fled due to non-documentable events are positioned very poorly before the law. However, as will be explored, not at all instances of war and genocide are considered to be equally dangerous by the Board, and will not be equally 'beneficial' to all. For example, in the latest statement by the Board's coordination committee, there is an expressed difference in the stance toward refugees from Afghanistan and refugees from Ukraine. This section of the analysis will look into why that might be. Firstly, this study will problematize the selection of 'credible knowledge' that is allowed into the 'stocks of knowledge', as well as the people who decide what goes in the stocks and become legitimized discourse and standardized knowledge.

6.1.1 It's hard to see a good guy in the room

The story presented in this section investigates the people responsible for choosing and interpreting the background material for the Danish asylum process. Only a few participate in choosing and assessing the background materials, namely the people on the Coordination Committee. These people are also

members of the Board and routinely participate in assessing and adjudicating appeal cases that concern asylum seekers in Denmark (Flygtningenævnet 2018). The people on the coordination committee hold the power to accept what knowledge and information become accepted as background material, and thereby be considered the 'truth' of a situation. When keeping in mind Foucault's conceptualization of power/knowledge discourse, those who produce knowledge also hold the power to decide on the 'natural' state of things. In other words, it is pertinent to consider who these people might be, what they bring to the table, and what their decisions mean for the credibility of asylum seekers. Through the lens of the advisors, what do the background material and Coordination Committee mean to their work with asylum seekers and the element of credibility?

As one of the interviewees pointed out:

“Many of the lawyers acting as judges are not accustomed to working with immigration law, because they are usually seated at the other side of the table, meaning they are coming from criminal law, family law (...). You know, if you are constantly dealing with criminal cases, and I sometimes see this in the judges too, that if you constantly view immigrants as a part of that system, then you start having preconceived notions” - I1

As the interviewee here points out, many of the Board's judges whose backgrounds are as an attorney do not necessarily come from an immigration law background, but rather a criminal law background. This is argued to mean that these judges might have preconceived notions regarding asylum seekers if they only meet them in criminal proceedings. This understanding that the judges of the Board might be biased is also expressed by other interviewees.

“In our situation, we are supposed to sit with a representative from the ministry [of immigration] who is the bad guy, and a representative from the Danish Bar and Law Society who is the good guy. Then my point is just that if the representative from the Danish Bar and Law Society is a permanent representative for radical right-wing parties in their court cases, then it is hard to see a good guy in the room. And it is further problematized when this representative is also on the coordination committee, which means that when the coordination committee is assessing background materials and has to assess if there should be a change in

praxis on the basis of this new information, then we have bad guys all around, which is not great.” - I2

What the interviewee touches upon here is the threefold division of the Board, which consists of a judge, a representative from the Ministry of Immigration and Integration, and a representative from the Danish Bar and Law Society. In this division of power, the judge is ‘supposed to’ be neutral, the ministry representative on the side of the government, and the Bar representative is supposed to be on the side of the attorneys. The implied understanding here is that while the judge might indeed be neutral, the ministry representative will always be protecting the interests of the government, where the Frederiksen-government has made it clear that their interest is to receive as few asylum seekers as possible. This is exemplified not just in the 2021 asylum law, but also in the government's 'Zero Refugees' goal, wherein they aim to take in zero refugees (Berlingske 2021). This statement was made in January 2021, right on the heels of 2020 during which Denmark only registered 1547 asylum seekers, which is the lowest number since 1998 (ibid). The crux of the argument mentioned above is that the representative from the Bar Association, following this logic, should be on the side of the attorneys. However, the representative from the Bar Association, in this case, has very publicly worked with far-right political parties and persons on multiple occasions, all of whom are very outspoken about their radical anti-immigration politics. As I1 said, it is relevant to consider that the judges' previous occupations could have made them biased against asylum seekers.

I2 further elaborates on the situation:

“I think it is nearing absurdity when one of the judges who serve on the Refugee Appeals Board is a permanent attorney for the Danish People's Party, Pia Kjærsgaard. and Morten Messerschmidt. Through the years he has defended them in these racism cases - the latest one being when they had published an ad that listed all the names of all the people who were on the Citizenship Bill. The Danish People's Party had to go to court over that, and he was the one defending them. He has also been the ongoing attorney for Pia Kjærsgaard. Also, he was the attorney for Morten Messerschmidt at the court in Lyngby. And it was the very same attorney who, the very next day after the verdict from Lyngby, complained that the judge should be recused, because someone had been on Facebook and seen that he [the judge] had liked a post from his brother, who had written something about the verdict. And my point is just, that if he

[the attorney] can see that the judge in Lyngby might have to be recused, then he might also be able to spot that he himself maybe should be recused when he is sitting across from my clients who are having a difficult time believing that he is in fact neutral.”

As is the underlying argument here, it is no issue for this exemplified attorney to see when other practitioners of the law might be biased but does not share this perspective for himself.

As I2 further elaborates:

“It is a problem for my client when this person is acting as a judge, and adjudicating in their case, just like it is problem when this attorney also sits as a member of the coordination committee, and actively participates in creating the structures that guide the praxis of the Refugee Appeals Board”

This normalization of specific positionalities within the field that allows potentially biased individuals to continue as judges of the Board means that they also get to participate in the knowledge production of that field. As I2 says, when these individuals are members of the coordination committee it constitutes a problem, as the background materials approved by the coordination committee go on to create lasting structural change in the field of refugee credibility. Likewise, there is general concern about bias among the members of the Board, but the advisors are also relatively powerless to do anything about it. It does appear to create a lack of trust in the institution of asylum in Denmark, and as touched upon in the literature review, a loss of institutional trust generally leads to acts of opposition (as will be elaborated upon in the last theme, The Vanguard). Likewise, while the coordination committee might be the highest level of authority for credibility elements in the Danish asylum system, it appears that, through what is identified in these interviews, at least some of the members of the coordination committee align themselves with the government's standpoint on asylum politics. As mentioned earlier, for the Frederiksen-government, this of course means a strong (colonially inspired) asylum policy, with elements such as repositioning and externalization of asylum seekers, as well as fulfilling the government's "Zero Refugee" goal. The members of the coordination committee, and the structures they create with their discursive power, appear to align themselves with the intrinsic colonial values that shape the Danish asylum system.

To return to the question posed at the beginning of this section, what does the coordination committee mean to the element of credibility? Through the data laid forth above, the coordination committee's participation in colonial structures implies an inherent bias and subversion of the knowledge and legitimacy of asylum seekers, which would significantly disadvantage their credibility. However, to fully be able to answer the question, we have to look closer at the coordination committee's discourse output, the background materials, i.e. the legitimized 'stocks of knowledge'.

6.1.2 Profile me like one of your Syrians

“The most important part is actually the profile of the country they are from. A Syrian refugee can say basically anything and still get asylum. This is because the profile and information surrounding Syria is so convincing and so clear. So it actually does not matter if people answer the questions poorly and scattered and mix everything together, they would still get asylum. Even if they were not considered credible.” -I5

It was commonly agreed upon amongst the interviewees that credibility was only a small fraction of what really counted in a case, with the background materials being the most important. As stated above, if the background materials were on your side, then the applicant need not even be particularly convincing in the role of a refugee, as long as the Board had convinced itself of the legitimacy through the background materials.

“It is quite specific to Denmark that we have so many rejections based on credibility. If you look at the approval rate for Afghans, then it is extremely low in Denmark, compared to other countries (...). That means we lend a lot of weight to the credibility of the individual, and not so much the background material when it comes to these countries. Whereas, if the background material is very singular, and well documented (...) then we don't apply as much value to the story of the individual. As such, people are in very different positions depending on what type of conflict they are running from” - I5

“The most important thing is actually getting their identity established and that they are from Syria. From there it is only about what status they receive, and that mainly depends on some

factual things like are they men eligible for conscription, or other easily proven things that have they been politically active, have they lived or stayed in rebel-controlled areas through several years, and so on. So nothing much really depends on credibility in Syrian asylum cases. On the other hand, an Afghan case is the complete opposite, where many, many Afghans receive rejections based on credibility. This is because it is often private conflicts these cases pertain to, and those are not covered by the asylum law, so it depends on what story the individual tells, what they have personally experienced, and these are not things that can be proven. Like, some conflict with the Taliban, or some locally powerful person has demanded to marry your daughter and you did not want to say yes, or these sorts of things. In these cases the explanation and formulation of the story are weighted extremely high. Very few make it through this narrow window” - I5

What is being discussed in these quotes above is the disparity between the approval rates for asylum seekers from countries whose needs are "well-documented", and those where the need stems from private, singular conflicts, and is not "documentable" within the scope of the background materials. The examples being brought up are between Afghans and Syrians, where Syrians for the past years have been able to get asylum with relative ease in Denmark because of the war in Syria. This is a particularly well-documented war, to the extent where essentially all Syrian applicants with the Danish state received asylum, regardless of if they were credible as asylum seekers or not. As long as they could prove their Syrian identity they were basically guaranteed asylum in Denmark. This is not the case for Afghan refugees, whose applications were commonly based on local power conflicts that could not be proven through the background materials, as I5 exemplifies above. With the most recent turn of events in Afghanistan and the so-called “2021 Taliban Offensive”, wherein the Taliban toppled the Afghan government and assumed control over Afghanistan (Brader 2021), it would stand to reason that Afghan citizens would be more eligible for asylum. However, in the summary of their February 2022 meeting, the coordination committee made it clear that they will not be altering the Board’s stance on the eligibility of Afghan refugees.

“After consideration, the committee found that regardless of the situation in Afghanistan still being quite severe and tinted with uncertainty, then based on the committee’s understanding of the background materials, which are of such a character and depth that the processing of asylum

cases regarding Afghan citizens can continue. The committee members made note that the cases fundamentally differs from the cases concerning foreigners that has had residence permits in Denmark on the basis of the general conditions in the country”⁴ (Coordination Committee, 2022, p. 5, *own translation*)

This statement was issued in light of new background materials that had been added to the situation in Afghanistan. After having reviewed these documents, the Coordination Committee acknowledges the severity of the situation in Afghanistan but still does not find it severe enough to stop processing Afghan cases. The committee notes that the case of Afghanistan differs from other countries where refugees had received asylum based on the "general conditions of the country". An example of this would be Syria, where Syrian citizens were largely granted refuge because of the severity of the war in Syria.

Nonetheless, the committee also added:

“The committee is aware of the acute, serious humanitarian crisis in Afghanistan, characterized by a widespread lack of food and healthcare, severe economic crisis, and a very large number of internally displaced people. These circumstances however do not in and of themselves justify a residence permit according to §7 of the Aliens (Consolidation) Act”⁵ (Coordination Committee, 2022, pp. 5-6, *own translation*)

Herein the committee again solidifies that being an Afghan citizen will not be enough to be granted asylum, despite the “acute, serious humanitarian crisis”. However, later in the same brief, they issued this statement on Ukrainian refugees:

“The committee discussed the relevant reports on actions of warfare in large parts of Ukraine alongside the implementation of a military state of emergency. On the basis of this, the committee decided to pause all processing of cases regarding Ukrainian citizens. (...) At the same time, the committee decided to extend the deadline for departure for Ukrainian people

⁴ Original: ”Efter drøftelsen fandt udvalget, at der, uanset at situationen i Afghanistan fortsat er ganske alvorlig og præget af usikkerhed, efter udvalgets opfattelse foreligger baggrundsoplysninger af en sådan karakter og et sådant omfang, at realitetsbehandlingen af asylsager vedrørende afghanske statsborgere kan fortsætte.”

⁵Original: “Udvalget er opmærksomt på den akutte, alvorlige humanitære krise i Afghanistan, præget af udbredt mangel på fødevarer og sundhedsydelse, alvorlig økonomisk krise og et meget stort antal internt fordrevne. Disse forhold kan dog ikke i sig selv begrunde opholdstilladelse efter udlændingelovens § 7.”

whose applications have been rejected and therefore currently are in a departure position”⁶
(Coordination Committee 2022, pp. 8-9, *own translation*)

The overlying argument in this quotation is that due to the "actions of warfare in large parts of Ukraine" and the "military state of emergency" that has been implemented as a result of it all, the processing of Ukrainian refugees is currently paused, this includes those in a position to be deported. This position stands in complete opposition to the stance taken on Afghan refugees despite them undergoing an "acute, severe humanitarian crisis" and a "severe economic crisis". What then is the difference between Ukrainian and Afghan refugees, and why is one offered respite when the other is not?

6.1.2.1 A Compare and Contrast of Afghanistan and Ukraine in the eyes of Denmark

To answer an underlying facet of this question, we might consider two elements: position and opposition. That is, what is the geographical area and who is the attacker.

Ukraine is commonly considered a ‘near area’ to Denmark, which means through the international authority of the United Nations 1951 Refugee Convention that Denmark has an obligation to provide aid. As we touched upon earlier, there are some general points of critique for the 1951 Refugee Convention, hereunder its colonial heritage. Looking at history we can see an ongoing tense relationship between the West and Russia - especially during the Cold War and the years following (Betts & Collier 2017). Cold War relations inspired many Western nations to participate in international conventions, despite it being politically inconvenient for their respective nation-states, as we saw with the UK and the Human Rights Convention (Mayblin 2017). International conventions became a way for the West to stand united against the Soviet Union. This means that the current enemy of Ukraine is both familiar and "well-documented" in the role of the aggressor to the West.

Whereas, when investigating the geography of Afghanistan, we can understand it as a part of "the Orient" for Europe. Despite it never being a part of the United Kingdom, it was attempted to be controlled by Britain through several periods known as the Anglo-Afghan Wars spanning broadly from 1839 to 1919 (Runion 2007, pp. 76-92). According to the Danish asylum policy that arose out of the

⁶ Udvalget drøftede de aktuelle meldinger om krigshandlinger i store dele af Ukraine samt indførelsen af militær undtagelsestilstand. På baggrund heraf besluttede udvalget at berostille behandlingen af sager vedrørende ukrainske statsborgere. Berostillelsen omfatter aktuelt 7 spontane asylsager. Samtidig besluttede udvalget at udsætte udrejsefristen for personer fra Ukraine, der har fået afslag på asyl, og som aktuelt er i udsendelsesposition.

ratification of the 1951 Convention to Danish immigration law, providing aid for Afghan refugees would technically call for an act of 'burden sharing' which means providing aid to *their* near areas (Betts & Collier 2017). This is exemplified in the then Minister of Immigration and Integration's statement on why the 2021 asylum law was created, to "spare asylum seekers from a dangerous journey" (Socialdemokratiet 2022, Tesfaye 2021), by providing an equally "good option" for asylum in their near area.

The obvious enemy of Afghanistan is the Taliban and the attacks that have been made by them over the past years. Identifying the root of Afghanistan's problems as the Taliban would be over-simplifying the matter, whilst also completely ignoring the ongoing colonization of Afghanistan by Western foreign forces over the past 20 years, that only came to an end in 2021 through which the Taliban surged to power (Spears 2022). Instead, considering the West's influence on Afghanistan during its presence there, there might be an alternate perspective. As Manchanda (2017) argues, the spatializations created by colonialism in Afghanistan continue to have an ongoing effect on how Afghanistan is viewed in international society today. Generally, it is considered a 'failed state' through the descriptions of it in Western discourse, which sought to rationalize Britain's inability to fully colonize Afghanistan and turn it into a functioning 'frontier' between India and Central Asia (Manchanda 2017, p. 387). Despite not having the right to self-determination, the Afghan state was never fully formed in the Western image of "governmental reason", which meant it never became a part of the 'properly' colonized world (ibid). Another difference between Ukrainian refugees and Afghan refugees is that one is considered Western and civilized, and the other is considered a 'failed' state. While the threats haunting Ukraine are familiar and have threatened the West before, Afghanistan does not have an enemy as tangible or as recognizable to the West.

6.1.2.2 Ideals of Knowledge Production

What we do know regarding the background materials for Afghanistan, is that in 2021 the Coordination Committee updated the 'stocks of knowledge' with 118 new reports, where the top contributors were the US Department of State, the United Nations High Commissioner for Refugees, and the Austrian Centre for Country of Origin and Asylum Research. The overall data came from 38 different institutions differing between governments, international bodies, and NGOs. Only 11 out of the overall 118 reports came from Afghan research facilities (Flygtningenævnet 2022). Whereas, for Ukraine, new background

material has not been accepted since 2020, when 66 new reports were added to the background materials. These came from 16 different institutions, with the two largest contributors being the US Government and the United Nations who collectively made up nearly half of the admitted reports. None of the reports came from Ukrainian research facilities (ibid).

As interviewee I5 touched upon earlier in this section, the positionality of the refugee depends on the "type of conflict they are running from". However, what is shared between Ukraine and Afghanistan, in this case, is the minimization of 'approved' knowledge about them that is sourced from the actual countries, instead favoring knowledge production from Western Europe and North America. This highlights the fact that, in the eyes of Western knowledge regimes, knowledge produced in certain (Western) geographical spaces is held in much higher esteem than knowledge produced in the Orient. For example, here knowledge about Afghanistan and Ukraine is generally preferred to come from Western institutions like the US Government or the United Nations, both of whom produce knowledge according to the Western knowledge regime.

Both Afghanistan and Ukraine also share an intricate history with the Soviet Union. Afghanistan's turn to communism came at the end of a 200-year democratic regime and led to a Soviet occupation spanning from 1979 to 1988 (Runion 2007). The occupation was based on the Soviet Union's support of the communist People's Democratic Party of Afghanistan, whose opposition received support from the United States, the United Kingdom, and China (Runion 2007, p. 105). Ukraine likewise has been in a long ongoing conflict with Russia, not just through its historical origin as a Soviet state, but also in its more recent years of Russian occupation of the areas Crimea, Donetsk, and Luhansk. Likewise, there is at the time of writing an ongoing invasion of Ukraine by Russia⁷.

According to the categorization of the Board, both are Category 1 countries, meaning they are countries which the Danish state estimates they receive a high number of applicants from (Flygtningenævnet 2022). Both are currently undergoing violent, military occupation, but only for one of them is it decided to pause the processing and deportation of asylum applicants. This might come down to the recognizability of Ukrainian refugees as 'Western' refugees. It might also be a matter of an implicit Western understanding of Russia as an enemy oppressor following Cold War rhetoric, during which Afghanistan had ongoing trade agreements with the Soviet Union. While Afghanistan is no longer

⁷ The "time of writing" is May 2022, and the Russian invasion of Ukraine is still ongoing.

under occupation from the Soviet Union, its role as Orient and Other, paired with a history of 'enemy relations' might have left them at a disadvantage in the socio-legal field of asylum.

In summary, background materials are important to credibility. If the background material speaks of a dangerous situation in which people require protection, then people are more likely to receive it. If you are not from a place with such 'accepted knowledge' support, then you are very unlikely to receive asylum. Nonetheless, an element of favoritism in what material gets selected is quite evident, as Denmark strongly favors Western sources, over sources from the afflicted countries themselves. This means that the "stocks of knowledge" chosen and legitimized through the authoritative power of the coordination committee are actively participating in upholding the 'knowledge divide' stemming from the enlightenment, where Western knowledge was heralded as the only real and valid type of knowledge, and that the knowledge of the Orient was underdeveloped and less reasoned (Mayblin and Turner 2021).

6.2 Balancing the scales of communication

“The man, who has equipped himself with many things for his journey, spends everything, no matter how valuable, to win over the gatekeeper. The latter takes it all but, as he does so, says, “I am taking this only so that you do not think you have failed to do anything.”” - Franz Kafka

This theme seeks to understand the element of communication in the asylum process, and more specifically how notions of 'proper' ways to communicate and layers of translation might affect the credibility of the asylum seeker. Modernity is conceptualized through its placement on a linear timeline, a concept that stems from the Enlightenment (Mayblin & Turner 2021, p. 26). This linear understanding of time brought about an understanding of the present as 'modern and civilized', and of the past as 'traditional and barbaric' (Mignolo in Mayblin & Turner 2021, p. 29). This allowed the West to look at countries that had not similarly established such schools of thought, and deem them underdeveloped or 'without history' and as result *without knowledge*. For this theme, we will explore if asylum seekers can win over their gatekeepers. If all they truly have to offer, within their control, is their narrative, then how so can it be leveraged to win over the gatekeeper? Especially if the gatekeeper

is obliged to accept your offer, but we know from the previous theme that your credibility is largely beyond your control, and beyond the control of most of the bureaucratic social actors you encounter. Then does the narrative and communicative part of the asylum determination process matter? And can it affect the credibility element?

6.2.1 Quick and not to the point

When posing the question of whether there was anything important to emphasize when helping asylum seekers have a successful asylum process, the most common line of response was 'to help them see things from a Danish perspective'. This of course implies that there is an 'Other' perspective, one that is not Danish and is not correct. Of course, if the objective is to obtain asylum in the Danish state, learning about Danish culture and how to communicate on Danish terms might be in the best interest of the applicant. However, what does this mean, communicating on Danish terms? And is it as simple as that; what about the other elements of the translation process, like interpreters? How does communicating on Danish terms and through interpreters affect the asylum seeker's credibility?

When asked what the most important skills to have for a successful asylum application were considered to be, one answer was “unfortunately, language skills, even though interpreters are available” - I3. I3 elaborated that this was paired with having general skills like “the ability to say ‘then this happened, then that happened’, being in the habit of taking notes and preparing for the interview”. These skills were considered ‘good advice’, and therefore not something that every asylum seeker automatically did. When asked why it was something that commonly had to be explained, I3 said that “(...)it has its background in education, and through that having skills in systematic thinking. Cause and effect, knowing the turn of events”. Likewise, when doing one's interview and presenting one's narrative, the key element to a successful application was according to I3 "chronology, if things are coherent and if you can explain it convincingly, and if it seems like something you could have experienced and be able to remember". The overall argument here is that getting a firm understanding of the course of events, and being able to lay it forth in a coherent, chronological, and even linear, way is essential to a convincing argument. The best way to do so was generally argued to be through creating a timeline over one's life, to be sure that one had a firm grasp over the chronology and have it settled in a solid linear fashion:

“Then we usually explain to people that if they have time before the interview, and even before filling out forms, (...) it is a really good idea to make a timeline over their lives, in a moment where you are sitting by yourself with a pen and some paper and have the time to do it. Then make a long line starting with where you were born and ending at where you are now.” - I5

The advisor's recurring recommendations generally center around making sure the applicant's story makes sense and exists in a linear and chronological order. This is explained by the fact that in Danish culture people are "raised to receive a specific question and then you answer very briefly and concisely", as I5 explains. They argue that Danes have an exceptional talent for communicating effectively and succinctly, which is not necessarily a talent that is generally shared by people outside of Denmark, not in Europe, not anywhere in the world. The problem then is when Danes expect this succinct and effective communication from others, people not familiar with how to appropriately communicate information are at a massive disadvantage. As an example, I5 highlights the difference between Danish and Syrian speech patterns:

“For example, a question might be asked, like “when did you move to Damascus from your hometown?”. Succinctly, a Dane might answer, “I moved there in 2007”, and that is the full answer. But a Syrian would never answer like that, they would be more like “I moved there because I could not live in my hometown anymore since it got bombed, and my sister lived in Damascus, and so I figured maybe I could stay with her, even if it wasn’t ideal since I had to move so far ...”. You know, it would be a half an hour explanation regarding all of the considerations leading up to the move, and that is not what was being asked. (...) But when they get the question, they are thinking, “why was it really I moved and what important events happened at the time, and how was I doing?”, and that is what they are trying to explain to the interviewer”

As I5 touches upon, despite this mode of communication being well-intentioned, it does often severely annoy the people asking the questions. These people are commonly case workers or judges trying to fact-check the asylum seekers' back story and whether they are eligible for asylum. Over-explaining and over-sharing information could be very damaging to the asylum seeker's credibility.

Overall, what we see in these quotes is a strong preference for a straightforward, linear, and concise form of communication, which is here considered to be inherently Danish and hard to accomplish. As touched upon in the literature review, people who talk in a manner that is considered 'less educated' are generally at a disadvantage before the law (Sørensen 2021), due to pervasive stereotypes linked to education as equated to moral goodness. Likewise, as we understand from Said, the construct of time as a linear and chronological concept is another byproduct of the colonial era and the Enlightenment. These conceptualizations of time are a part of the dominant structures enabled by colonization to subvert the legitimacy of non-Western knowledge regimes. This favoritism in the Danish asylum system for narratives presented in a particular fashion then becomes recurring imagery of these dominant colonial structures. With this in mind, does it really matter how applicants present their asylum narratives if the system is inherently built to subvert their knowledge claims? As touched upon in the previous section, the weight of the 'stocks of knowledge' varies depending on the country, its connection to the West, and its colonial history. The country's inherent credibility also varies. If the applicant is from a country where the 'stocks of knowledge' do not hold as much weight, the narrative could be leveraged in favor of the applicant, “if it seems like something you [the applicant] could have experienced and be able to remember” - I2. In such an event, the asylum seeker might be able to win over the gatekeeper, through a narrative that is linguistically appropriate, told efficiently and chronologically, and appears plausible to the gatekeeper. But how does a narrative come to be linguistically appropriate when the applicant is reliant on interpreters to tell their story?

6.2.2 Translation: Friend or Foe?

As Eades (2016) points out, language is highly contextual and generally operates on a context-dependent sense of understanding. Minute details and differences can completely change the original meaning of what was being said. Within the asylum system, communication is at all times filtered through multiple social actors and processes, as refugee narratives are translated back and forth throughout interviews, only to be written down in Danish, completely removed from their original context. This strips the narrative of its original discursive power and instead makes it fit within the power/knowledge discourse produced by the Danish government. More importantly, in the wake of the original narrative being given, it will then be shuffled between different briefs and reports, and reported by people with different ontological outlooks, all resulting in different interpretations.

As touched upon earlier, certain oppressive structures and stereotypes come into play in the court (Elsrud et al 2017, Sørensen 2021). Especially people who do not talk and behave in a way that is considered ‘proper’ or in a way that is associated with being ‘less educated’ will suffer negative social associations because of this. This has especially to do with the Westernized ideals of knowledge, as this study has discussed earlier, and utilizing the ‘knowledge gap’ to maintain a distance between the West and the Orient.

It is pertinent to keep in mind that the interpreter participates actively in the creation of a shared base of knowledge in the process (Jacobsen (2002). As Jacobsen (2002) further highlights, this can be understood as also problematic in Denmark as there are no official credentials for interpreters, which means that the individuals participating in the knowledge construction process might not have the proper credentials to do so. This, of course, is further supported by the works of Sørensen (2021) who points out that many Middle Eastern languages, especially Arabic, do not rely on a standardized form of conversational language, but instead on dialects. These dialects can be extremely region-specific which means there is a high probability that the interpreter either is not picking up on the cultural context cues of that dialect, thereby missing out on important information or just plain does not understand what the asylum seeker is saying. This issue has also been problematized by the interpreters themselves, emphasizing that there is a distinct lack of highly specialized interpreters for these fields (Sørensen 2021).

According to I1, immigration lawyers will generally have a few interpreters that they trust to do a good job translating, but therein also lies the implication that there are those interpreters they do not trust. The main burden of communicating effectively still lies largely on the asylum seeker, in the sense that it is their responsibility when telling their story, to explicitly explain the underlying implications of a situation, because the interpreter is not going to perform that role. As I1 puts it, "It is no use to tell the interpreter, ‘you know how it is’, because, sure, the interpreter knows since he is from there, but we don’t know, and the interpreter is just there to translate”.

I3, who has served in the role of assessor on multiple occasions notes on their preparation strategy:

“Sometimes I might say ‘No you have to explain ... To expand on how dangerous it was’. You should not just say ‘No, we did not go to school’, you have to say ‘No, my father did not dare to

send me to school’, if I know that is the case. So I can try to help the ones in question visualize it more, and make the situation more plausible. So not, ‘we went to the police’, instead ‘we put on Burkas and went to the police’.” - I3

However, as Sørensen (2021) touches upon, language is very complicated, and one's language skills and patterns are often highly individualized by one's personal experiences in life. In Sørensen's example, they discuss how there are three dominant strains of Arabic. Modern Standard Arabic which is taught in schools, and the two dominant dialects that are taught at home. Yet it often happens that translators are not familiar with spoken dialects or may only be familiar with Modern Standard Arabic (Sørensen 2021, p. 34). This means that even with an interpreter present, there is still a high margin for error.

“The applicant might be asked ‘who was there when this military person came to your home?’ and then he might say ‘It was my uncle and I’, and continue the interview with that. Then (...) the applicant notes ‘it was not my uncle, it was my brother who was there (...)’. You use different expressions differently in different languages. For example, many Africans use the word ‘brother’ about close friends, and in Denmark that is interpreted as a biological brother. Such things can easily be an element of confusion. If you read through it [the transcript] and read uncle, and it was actually brother, then it is going to appear incoherent when you read the rest of the interview, you would be like ‘where did that uncle go, now it is suddenly a brother’”
- I5

When this element of confusion occurs in the translation, it means that the applicant appears to be less credible, which damages their overall application. Mistakes do occur, as I2 expresses it: “We have had situations (...) where we have discovered that there has been fumbled during the process, by the interpreters for example, who are taking advantage of us not being able to verify their translations”.

All interviewees describe especially the last 30 minutes of the interview as the absolute most crucial ones in the asylum interview, as this is when the pages of the transcript get translated back to the asylum seeker. It is also in this period that they have to approve the translation by signing at the bottom of every page of the transcript. As I3 describes the moment:

“It is an enormously difficult point in the process. You want to go home and the case worker needs to leave to pick up their children. You really feel it in the room, the entire energy screams ‘we can’t do this anymore’ (...). So you really need to be persistent during that final half an hour (...) it is a really vulnerable time”

Another important note is that at this point, the information in the transcript has been translated multiple times. First, from the native language of the applicant to Danish for the transcript, and then back into the applicant’s native language. As we touched upon earlier, the more steps and elements of translation that are added to the translation process, the higher the margin of error is (Angermeyer 2015).

The overall conclusion for this theme is that the asylum seekers both should and should not offer extenuating information. They should not over-explain simple questions, like "what year did XYZ happen?", but they should also constantly be undergoing a deconstruction of their own culture and the implicit meaning of singular events. The burden of proof (see Joormann 2019), as well as the burden of knowing what is relevant cultural information, lies on the asylum seeker. This means asylum seekers face potentially damaging their credibility by oversharing, as well as damaging it by not discerning what cultural elements would be considered *critical* in a Danish court. As we established in the first section of this theme, the asylum seeker can leverage the refugee narrative to their advantage under the right circumstances, but being linguistically appropriate is an important element in that. Since the dominant structures within this system already find the applicant at a general disadvantage, the asylum narrative is an important opportunity to show an understanding of Danish culture and how to communicate on Danish terms. If the interpreter then lacks the appropriate cultural context points to fully understand the applicant, this renders the applicant at a further disadvantage. Non-Western languages, such as Arabic, are already at a continued disadvantage in front of the Danish asylum system, as non-Western languages are a part of Oriental knowledge regimes, which the Western conceptualization of knowledge was made to subvert and devalue (Mayblin & Turner 2021). The role of the interpreter is definitively crucial to the credibility of the asylum seeker and can make or break the applicant's credibility. To answer the questions first posed in this theme, the narrative can matter for the applicant's credibility, under the right circumstances. Likewise, the style of communication is also

important to the applicant's credibility but remains another element that is out of the applicant's control, as it largely comes down to the interpreter's skill set.

6.3 The Vanguard

As mentioned previously, the works of Toubøl (2019) center on the volunteer's role as a role of protest and contestation, born from a dissatisfaction with the unfairness of the socio-legal processes surrounding asylum seekers. As discussed previously, Doidge and Sandri (2019) point out that volunteer work also serves as a method for volunteers to process their emotions by working with refugees, as well as create community and lasting relations. During this section of the analysis, there will be a general attempt to understand the motivations of people who act as assessors and to map their roles in the process. As is generally agreed upon by all the individuals who volunteer as assessors, it is a very hard and exhausting role to have. It requires much of both the physical and mental stamina of the volunteers serving as assessors. So why do they do it? Why do they take on the gatekeeper before the law? What are the motivations that these volunteers feel, and what do their acts as assessors end up functioning as for the refugees' credibility?

6.3.1 Emotions and Protests

This section aims to understand the volunteer assessors' positionality in the asylum process, the motivations that lead to them contesting the system, and what these acts of protests potentially mean for the credibility element in an asylum seekers case. As we have touched upon earlier, the 'credible' asylum seeker must have a deeper understanding of Danish culture, and be able to translate that understanding into their refugee narratives by emphasizing what the Danish asylum system would consider critical information. Some of this in-depth understanding of Danish culture can come from the volunteers and their work with the asylum seekers. As I3 explains regarding the personal positionality of volunteers: “There is a big difference between what people do. A few invite people to their family Christmas parties, and others don't care for that”. Likewise, I6 expresses some of the difficulties of finding a balance between good intentions and what the asylum seekers feel they need from the volunteer relationship: “We as Northerners are used to bringing a little present when we visit people,

but it always gets put away, and this is something I really struggled with getting used to. That's not what they want my help with, they want my help getting free". As insignificant as small cultural quirks can seem, they might offer helpful insight into the cultural composition of the host country. Nonetheless, asylum seekers on average spend around one to two years living in the deportation centers, but some spend up to 20 years there, in conditions that have been strongly criticized by citizens and international organizations (Agerup 2019, Whyte 2015). It is fathomable how small cultural intricacies might seem less important for the asylum seeker. This frustration can also be seen mirrored in the volunteers' feelings about the asylum process: "I have functioned as an assessor and been there for interviews with the Danish Return Agency. It is so terrible, you just want to explode. Everything that goes on in there is so terrible, under such bad circumstances, with completely inexperienced people, and without a proper interpreter". This is I6's description of being in the role of assessor, a role that inhabits a lot of frustration and indignation on behalf of the asylum seeker. It is also, largely, a fairly powerless role. As stated by Bohmer and Shumann's (2007) work, the authoritative power of the case is relatively limited to determining the outcome of singular cases, and even then they do not influence the 'stocks of knowledge' they use to determine the outcome of these cases with. In the same manner, the role of the assessor, and the volunteer overall, is, in terms of power and authority, fairly limited. The volunteer has no real means to change the 'stocks of knowledge', and their affinity for affecting systemic change is limited. If knowledge and information is the dominant element of power in the field, there is a way to bring that to the asylum seekers. I5 is a professional aid worker, with their own NGO geared towards providing information to refugees:

"I started building [the NGO] because I realized there was a huge need for information on both ends. Both to the asylum seekers regarding their own rights, but also to the general public about the state of things. So that is much of what I do, different levels of information work".

I5 continues to highlight the problematic element, that asylum seekers do not have access to counsel regarding their case, until they have already failed the first round of asylum applications.

"I think it is in and of itself a huge problem that they [asylum seekers] don't have access to independent counsel before they have already begun their procedure. Everything they do and say affects their case, so when they are not properly informed of their options, or the purposes

of the procedure and how it works ... It is sort of like teaching children to swim by throwing them in the pool, right?"

It is this general sense of frustration and a general understanding that the system is flawed that in many cases seem to be one of the main motivators. Knowledge is central to the credibility of the asylum seeker, both in what is predetermined as 'in need' by the government, but also in getting a general understanding of what is expected of one in the process. This element of frustration is also what is expressed in volunteers' acts of activism on behalf of asylum seekers.

As one volunteer and long-time advocate for refugees' rights expresses, acts of protest against the asylum system can also be taken outside of the traditional knowledge production arena, when the producers of the dominant discourse refuse to listen:

“When we didn't succeed in getting the authorities to listen ... The Minister of the Interior said that I should not think like that, or if perhaps I thought I knew more than them. But since I could not get the authorities to listen, (...) I decided to hide [the refugees] underground” -I4

This of course was a more blatant act of contestation than acting as a translator of culture and knowledge but spurred by the same element of frustration. In this case, being disregarded by the authorities by being told: "that I should not think like that" is what spurred I4 to hide the asylum seekers underground rather than let them be deported.

“I hid them around the country, and so much time passed where the authorities did not know what to do. The Danish People's Party asked for me to be relieved of my position [as a priest]. This resulted in a court case against me, (...) where I first got convicted for hiding refugees and received a fine. Then the Ministry of the Church threatened to let me go. After that I sent out a letter, it wasn't intended as an official letter, but someone thought it was an official letter, where I requested that Lyngby police provide survival aid for the hidden refugees. After this I was once again indicted, and once again charged and fined” - I4

While some argue that community and relations might be one of the core reasons for volunteers to help refugees, this would go to show that emotion and conviction also serve as cardinal functions in the volunteer motivation process. As Toubøl (2019) mentions, volunteers within the refugee community are generally considered to be individuals with strong democratic values, but for this subgroup, they

tend to find themselves in opposition to the democratic government. We can see this in the quotes above, where I4 attempted to contact and communicate with the government and the relevant authorities on multiple occasions to reach a solution. This was not accommodated by the government and its authority figures, and therefore I4 ended up in a position of opposition to the democratic regime. So, as Toubøl (2019) also highlights in their study, it is the exposition to the system created by the democratic government that leads to people opposing it. All the people above have served as volunteer assessors, and have worked intricately with the Danish asylum system and its authorities, and find themselves in opposition to it. This is then spurred on by the emotions fostered through these encounters. The main emotions are elements of frustration and indignation with the Danish asylum system, and a strong willingness to act on behalf of others.

6.3.2 The assessor in the system

With this subsection, the study will focus on the assessor's positionality in the Danish asylum system, especially regarding their potential effect on the credibility assessment. With the previous subsection in mind, we know that often an assessor's disposition is one of frustration with the asylum system, as well as a willingness to act as a protector for others. This, as is demonstrated above, can result in actions of contestation and protest, but what can it mean for the credibility element?

The role of the volunteer assessor in the Danish asylum process does often become an act of protest and protection. Protection in the sense that they seek to protect the asylum seeker from the pitfalls of the Danish asylum system. This is something we have touched upon earlier, but acting as an on-the-spot fact-checker for the transcript when it gets read back is generally considered very important to protect the asylum seekers' credibility.

“In the end when the transcript is read back, the applicant has to sign it, page by page, and that is when I write, and write, and write, during that process. And I will always offer corrections if there were misunderstandings” - I3

“You really feel it in the room, the entire energy screams ‘we can’t do this anymore’ (...). So you really need to be persistent during that final half an hour (...) it is a really vulnerable time” -

I3

Then, in that last half an hour, the assessors become fact-checkers and vital parts of the knowledge-sharing process. Their presence can be seen as an act of protest in the sense that they stand in opposition to the Danish asylum system and seek to minimize the potential for errors and misunderstandings. Nonetheless, again, the assessor is limited in the range of their authority and influence to prevent all potential errors and misunderstandings from occurring. As I5 points out,

“it is problematic that if you are acting as an assessor and have comments, corrections, or clarifying questions, then they typically won’t be added until the end of the interview transcript, and not at the relevant point. So, when the members of the Refugee Appeals Board read through it (...), they won't get the information at the right time. So you might risk that they read half of the interview, and then put it down, and then they won’t know that there was a correction on that very last page”

As I5 touches upon here, the discourse produced by the ruling authority surrounding the interview might include the statements made by the assessor, but only as a post-script. In this way, these acts of opposition will be registered and accepted into the knowledge established about a single case, albeit in a seemingly small way. While this does affect the singular case of the asylum seeker, as discussed earlier, it is beyond the authoritative scope of both the case worker and the assessor to alter the dynamics of the 'stocks of knowledge'. These acts of opposition serve to contest the power/knowledge matrix of the Danish asylum system, albeit in a slight way, and therefore they also affect specific levels of discourse and knowledge production regarding asylum seekers. This means affecting what becomes normalized knowledge about asylum seekers and what is, at the caseworker level, considered credible knowledge.

Likewise, the acts of protest and opposition can be a comment that serves as a deeper mechanism for cultural translation, as is exemplified by I4 here:

“I have been following a case where someone had to talk to the Immigration Service, and they were already married when arriving in Denmark (...). The man receives asylum for a period spanning twice as long as hers before it has to be renewed. So, when we were in Sandholm to discuss their case with the Immigration Services, I had to ask if I could make a comment, which the case worker clearly was not fond of, but you are allowed to as an assessor, also when it

pertains to the extension of residence permits. So, I tell the case worker, who just told me not to say anything, that I just wanted to add that this particular case was actually about Inger Støjberg, and whether they had accounted for the critiques that had been leveled against her actions? Then the meeting was put on pause, for up to half an hour, (...) then he came back and said ‘yes, that is probably correct’ [that the case regarded Støjberg’s actions], but I could submit a complaint about the case. So I said ‘I expect that with this it is noted’, and then shortly after she received just as long a residence permit as the husband had.”

The case I4 is referring to here is the right-wing politician Inger Støjberg's illegal instruction to the Immigration Office, through which several young married couples were forcefully separated. In this case, Støjberg was as a result charged with her actions violating the European Human Rights Convention's article 8. After an ongoing trial, Støjberg was in December of 2021 found guilty at the Danish Court of Impeachment and relieved of her duties as a politician, as well as receiving 60 days suspended prison sentence. This quote also exemplifies the assessor's ability to function as a cultural translator and use that as a tool of opposition. Herein, the assessor could use their knowledge of Danish culture and politics to bring forth the underlying and unsaid levels of discourse for this particular case. By highlighting the implicit cultural elements that were at play in this specific case, I4 used the public debate to strengthen the credibility of the young woman who had to justify getting her residence permit extended.

As the last point to this analysis, I5 explains that while there are surely many benefits to bringing an assessor, as exemplified above, there are also disadvantages:

“It is no use to bring an assessor who knows nothing about the procedure or the person. Sometimes it can help with the social aspect (...), but if it is going to have a positive impact on the case, it needs to be someone who understands the procedure. Otherwise, the assessor might quickly do more damage than good. You should not comment or interrupt if it has no benefit for the case. You can quickly, accidentally, say something stupid or something you don’t understand. So, it is not always very smart to bring an assessor”.

As an example, I4 commented on the connection between current political controversy and the case they were functioning as an assessor on, did in that instance work out for the better. This was

contingent on their long experience with and insight into the Danish asylum system. As I5 points out, should the asylum seeker in question bring an assessor with them that has little to no understanding of how the asylum system works, the individual might inadvertently do more harm than good. The point of this is that good intentions are not the only quality an assessor needs to have a positive effect on the asylum seeker's application. An inexperienced or uninformed assessor might hurt the credibility of the asylum seeker by interrupting when it has no benefit to the case, or inadvertently saying "something stupid".

In toto, the role of the volunteer in the asylum process can be understood as elements of opposition and protest, as well as a way for the volunteers to process their emotions through the volunteer work. From there we can see how certain emotions are pervasive in the narratives of volunteers who also serve as assessors, and that these emotions are common expressions of frustration and indignation on behalf of others. These emotions commonly stem from their volunteer work where they have had the opportunity to acquaint themselves with the structures of the asylum system in Denmark, and it is through this exposure that came to be in opposition to the dominant system. Their actions become modes of opposition that largely center on knowledge and information improvement, on the individual case, on the case worker level. As we know from previous sections, the background materials, also called the 'stocks of knowledge', are what really determine an asylum seeker's credibility in the eyes of the system.

7. Discussion & Conclusion

Throughout this study I have sought to answer the main research question for this study; what are the key features of credibility assessment in Denmark? Supported by a critical stance looking at the construction of credibility and a historical perspective looking at the creation of knowledge from a postcolonial perspective. The shared key element for all of the themes is *knowledge* and the utilization of it in the asylum process. In these themes, knowledge has been explored at different levels of the

Danish asylum system, all in ways that highlight how vital the construction of knowledge is to the credibility element. We can understand the coordination committee to be the highest level of asylum knowledge production, as it pertains to the people who have the keys to the 'stocks of knowledge'. Also, this is the knowledge discourse that sets the tone for the other levels of the asylum process and decides what is considered 'truth' and as a result, normalized.

The second level of asylum knowledge production lies with the element of communication, both in form of translation and in the sense of what is communicated by the asylum seeker. There are many pitfalls to translation, especially when everything is translated back and forth at least twice. Moreover, there is a dual burden of proof, wherein the applicant both have the traditional understanding of burden of proof, and the burden of inherently knowing what cultural information would translate as relevant to the gatekeepers. Herein the crux is communicating the knowledge relevant to the Danish asylum system, which requires the insight to disseminate and critically assess what is relevant in one's own culture, which in turn requires insight into the Western knowledge ideal of *critical thinking*. If all of these combine in the favor of the asylum seeker, it might positively affect their credibility in the eyes of the case worker.

Lastly, the Vanguard, the volunteer assessors, can function as both an advantage and disadvantage in the credibility process. As argued, when an assessor is inexperienced or not familiar enough with the asylum system, they might inadvertently act to a disadvantage for the asylum seeker. An experienced and perspicacious assessor might be of benefit to the asylum seeker, especially in terms of highlighting subtle socio-political undertones or providing clarifying elements when needed to avoid confusion. Nonetheless, there are some larger structural issues in the official production of the interview discourse that minimizes the efforts of the assessors and leaves their work at a disadvantage.

The themes of this analysis were somewhat broad in nature, as well as talked about these issues from the very specific perspective of the advisor. Future research might very well focus on the inside workings of the Refugee Appeals Board and the coordination committee members, and gaining an emic understanding of the work done there. Likewise, further research could be conducted on the role of the volunteer in the asylum determination process. Much research focuses on the work of volunteers in camps (Doidge & Sandri 2019), their motivations (Jones & Williamson 2014, Koelsch 2017), or organizational capabilities (Iden 2011, Sætrang 2016), but there is a distinct lack of research on what

role the volunteer can play in a socio-legal capacity. Lastly, as was touched upon in the last research theme, there is rich potential for future research on refugee women's positionality before the law. This was a theme that came up in my data collection, and women's positionality as refugees was problematized on multiple levels of the law in Denmark, from camp to court, but sadly the framework of this study lacked the capabilities to explore this theme.

This study has overall identified three dominant themes of the credibility element in the Danish asylum system. These all center around the concept of *knowledge* and represent different levels of knowledge and knowledge production in the asylum system. We can determine the dominant level of the asylum determination process, as it is the one in which social actors have the authority to legitimize new knowledge and create structural change in the field. To that extent, in the second level, the social actors do have some authority, but it is limited to the individual case, and still has to be following the knowledge legitimized by the dominant level. In the third level, the social actors, the assessors, have authoritatively speaking very little power to legitimize knowledge and create structural change, as they exist outside the system. They use acts of protest and functioning as cultural translators as tools for enhancing the credibility of the asylum seeker. We have established that it is the highest level that decides how much background materials weigh for the different countries, by choosing what type and how much knowledge to legitimize and allow into the 'stacks of knowledge'. It is also this process that determines how much the credibility element weighs in the process. If the applicant's need is not heavily documented in the background materials, the credibility element holds more weight in the asylum determination process. This also means that it is more difficult to gain asylum. It is possible, hence the relevance of the role of the assessor (and lawyers). If the applicant succeeds in using 'official' knowledge, communication, and assessors to their credible advantage, they might succeed in defeating all three bureaucratic gatekeepers and be allowed into the law.

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Appendices

Appendix A

The interview guide, translated from Danish, meant to function as a general guide to questions and topics I wanted to be sure to remember to ask about. Likewise, also meant to function as a way to be sure the conversation did not stagnate.

Lawyers, Interview Guide

1. How would you briefly introduce yourself and your approach to the asylum determination process?
2. How would you describe your average process with an asylum seeker?
What steps do you usually go through? How is the first point of contact commonly?
3. When you help prepare an asylum seeker for court, what are some of the things you find important to stress?
4. What are in your experience, the most important components in a successful asylum application?
5. In your own words, what would you say are some of the unwritten rules of the field?
6. How do the Board's background materials affect your procedure in a case?
7. What are some of your experiences with the judges on the Board?

Appendix B

The interview guide, translated from Danish, meant to function as a general guide to questions and topics I wanted to be sure to remember to ask about. Likewise, also meant to function as a way to be sure the conversation did not stagnate.

Volunteers and aid workers, Interview Guide

1. What sort of work do you do with asylum seekers and how did you start doing it?
2. What are some things and activities that are common for your organization?
e.g., do you host seminars, perform protests, publish reports, etc?
3. What is your motivation for working with asylum seekers?
4. How often have you functioned as an assessor?
5. When you work directly with refugees, what does the first point of contact look like?
How do your assessor relationships typically function?
6. What do you believe to be some of the more critical points in the asylum determination process in Denmark? *What do you believe is important to talk about when discussing asylum seekers in Denmark?*
7. What are in your experience, some of the more important components of a successful application?