

Challenging the borders of intimacy and legality
Migrant agency in response to Danish restrictions on transnational marriage

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Every day, 20,000 individuals cross the 7-kilometer Øresund Bridge to travel between Denmark and Sweden (Gilbert 2012). While some commuters are committed to Malmö's lower living costs or Copenhagen's higher-paid employment, others have a deeply personal motivation: asserting their right to choose a marriage partner. Since the Danish Government passed the stringent '24-year rule' limiting transnational marriages in 2002, some 3000 Danes have moved to southern Sweden to unite with spouses from outside the European Union (Rytter 2011:4). This new flow of couples in marital exile has become so significant that media discourses have nicknamed their route the 'love bridge' (Economist 2004).

In this presentation of my MSc dissertation, I explore the formation and consequences of the legislation behind this 'love bridge' phenomenon: Why was the 24-year rule passed, and how was it constructed? What have been its actual practical and symbolic effects as an immigration and integration policy – and what does it show about creative migrant agency through the strategic navigation of intersecting legal structures?

In my discussion, the '24-year rule' refers to the bundle of marriage migration restrictions first passed as the 2002 Danish Aliens Act (Danish Ministry of Refugee, Immigration and Integration Affairs [DMRIIA] 2002). This legislation establishes comprehensive regulations on marriage between Danish permanent residents and partners with non-EU nationality (third-country nationals, or TCNs), requiring that both partners are at least 24 years of age and setting strict requirements of income, residency, and 'aggregate/combined national attachment.' By 2006, the revised act introduced additional integration conditions, rules against kinship marriage, and partial exemption for long-term Danish nationals. Justified by a government platform opposing forced and arranged marriage practices of cultural minorities, the 24-year rule acts as both immigration control and integration regime, enshrining cultural norms of 'ideal' relationships and erecting barriers that target transnational marriage practices of certain immigrant communities.¹

From a practical perspective, it is clear that the 24-year rule has made a notable impact on marriage migration to Denmark. From over 13,000 family reunification migrants in 2001, the law's passage was followed by fewer than 5,000 family permits in 2003 (Economist 2004). This tightening has been especially felt by young Danes of immigrant origin, for whom up to 90% of marriages are conducted with transnational co-ethnic partners (Danish National Center for Social Research in DMRIIA 2003a:4). Rejection of immigration applications on suspicions of forced marriage also increased from 1% of applications in 2002 to 7.2% in 2007 (Schmidt 2011a:265). Grasping actual implications of these statistics, however, is difficult – even the Danish Government recognizes that accurate assessment of the law's intended reduction in forced marriages is virtually impossible (Danish Government 2007).

Whereas the law's exact statistical impact remains unclear, its significance has been widely commented upon. In the work I will present, I will briefly contextualize and unpack the construction of the 24-year rule, examining how its reflection and reproduction of Danish national identity is tied to state expectations of immigrants' cultural integration. I will then investigate the legislation's consequences,

¹ Generally defined, the concept of transnationalism means "the processes by which immigrants build social fields that link together their country of origin and their country of settlement" (Glick Schiller *et al.* 1992:1). As a descriptor, 'transnational' is used in this work to refer to migrants' cross-border activities and/or identifications (Jayaweera and Choudhury 2008). Throughout my work, the term 'culture/cultural' is broadly utilized to refer to the values, attitudes, and behaviors characterizing a group's 'way-of-life', encompassing but not synonymous with such areas as ethnicity, religion, and tradition (Grillo 2003; Spencer 2011:2003).

specifically exploring how migrants have reacted to the law's restrictions by invoking overlapping rights systems through migration to southern Sweden, challenging boundaries of national identity and authority by negotiating cultural, territorial, and legal borders.² Ultimately, I argue that the 24-year rule combines agendas of migration management, incorporation ideals, and cultural norms – with consequences holding implications for the future of Danish integration, European migration policy, and transnational migrants' agency amidst state control structures.

² My discussion is based on a working definition of 'structure' as the underlying societal frameworks that direct, order, and impact social relations (Scott and Marshall 2009) in interaction with 'agency', broadly understood as individual 'free will' or "the capacity for social actors to reflect on their position, devise strategies and take action to achieve their desires" (Bakewell 2010:1694). For an extensive theoretical discussion of the structure-agency relationship, see also Giddens 1984; Emirbayer and Mische 1998; Sewell 1992.

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