

— ARTICLES —

# From Precarious Work to Precarious Social Citizenship: Polish Workers' Experiences with the Identification Number System in Norway

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*In recent years, there has been growing interest in the proliferation, rescaling and internalisation of borders. EU citizens who come to work in Norway are registered either with a Fødselsnummer – an identification number designating them as residents of Norway – or with a D-nummer, designating them as temporary migrants in Norway. To be registered with a Fødselsnummer, EU citizens must prove that they intend to live in Norway for at least 6 months, usually with an employment contract of at least 6 months' duration. EU citizens who are unable to secure long-term employment may not be able to register as residents and may sometimes live with a D-nummer for years. Based on qualitative research with Polish workers and NGOs offering legal advice in Oslo, this article investigates the consequences of being registered with a D-nummer. The article finds that EU citizens with a D-nummer face various, mostly informal, barriers to public healthcare and welfare benefits. Conceptualising the D-nummer as a welfare-bordering technology, the article argues that the identification number system in Norway creates a framework under which precarious work leads to precarious social citizenship. The article offers new insights into the mechanisms of welfare bordering and the stratification between the rights of precarious EU workers and those in secure forms of employment.*

*Keywords: identification numbers, welfare bordering, EU citizenship, precarity, temporary migration, Norway*

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## Introduction

In recent years, there has been growing interest in the proliferation, rescaling and internalisation of borders (Balibar 2002; Jones and Johnson 2016; Yuval-Davis, Wemyss and Cassidy 2019). In many European countries, the welfare state has been an important site of internal bordering (Guentner, Lukes, Stanton, Vollmer and Wilding 2016; Misje 2020). This article conceptualises the Norwegian identification number system as a potential welfare-bordering technology and explores whether, as currently practiced, it results in the exclusion of EU citizens in precarious employment from welfare provisioning.

European Union (EU) citizens who want to work in Norway are registered either as residents with a *Fødselsnummer*, an permanent identification number, or as temporary migrants with a *D-nummer*, a dummy identification number. To be registered as residents, EU citizens must provide evidence of their intention to stay in Norway for at least 6 months, usually with an employment contract guaranteeing them at least 6 months' future uninterrupted employment. This means that EU citizens on precarious contracts – including short-term, flexible or part-time employment – and those working through agencies without guaranteed hours, may be unable to register as residents and live with a *D-nummer* for years (Seilskjær 2023). The existence of EU citizens who are not registered as residents but who live long-term or permanently in Norway has, until recently, not been acknowledged. Furthermore, very little is known about the situation of EU citizens registered with a *D-nummer* in Norway. They are not part of official immigration statistics (Berge 2021; Løyland and Sjøstedt 2016; Thorsdalen 2016) and research often includes only those who are residents of Norway. Thus, there is a lack of knowledge about the socioeconomic situation, rights and access to welfare provisioning of EU citizens with a *D-nummer*.

This article draws attention to this gap and explores, through the lens of welfare bordering, the consequences of being registered with a *D-nummer* for EU citizens' access to public welfare provisioning. Taking as a focus EU citizens living long-term with a *D-nummer*, the article examines how, through bureaucratic procedures, precarious employment can translate into precarious social citizenship. The article also investigates how the Norwegian identification number system intersects with the EU's *freedom of movement* for workers and what consequences this has for EU citizenship in Norway.

This article is the result of a wider research project exploring why some EU citizens in Norway face difficulties accessing public welfare provisioning even after living and working in the country for years. It is based on qualitative explorative research – including observation of non-governmental organisations (NGOs) that offer legal and practical advice to EU citizens in Oslo – and on interviews with Polish and NGO workers. The importance of the identification number for access to welfare provisioning in Norway was not anticipated and was, instead, discovered during the research process. Therefore, the article should be considered as an initial exploration of the topic and that further research is required to fully understand the issue.

In the following section, the concepts of welfare bordering and precarious social citizenship are introduced. Then, the EU's framework of *freedom of movement* and Norway's identification number system are explained, followed by a description of the methods and design of this study. The findings are presented in two parts. First, Polish workers' difficulties in obtaining a *Fødselsnummer* when working in unstable employment are discussed – and thus how precarious work can lead to a temporary status. Second, barriers to public welfare provisioning for EU citizens with a *D-nummer* are explored – in other words, how a temporary status can lead to precarious social rights. The article concludes with a discussion of the *D-nummer* as a welfare-bordering technology that amplifies the conditionality and precariousness of EU citizenship for workers in precarious employment.

## Theoretical lens: welfare bordering and precarious social citizenship

In recent years, there has been growing interest in the proliferation, rescaling and internalisation of borders (Balibar 2002; Burrell and Schweyher 2021; Burrige, Gill, Kocher and Martin 2017; Jones and Johnson 2016; Yuval-Davis *et al.* 2019). Researchers argue that, while previously taking place primarily at the geographical border between territories, border work and migration control are increasingly also conducted inside the territories of nation states, thus creating internal borders. In addition to controlling access to territories, governments have made efforts to exclude some migrant groups from access to various spheres of society, including legal employment, housing and welfare provisioning (Burrell and Schweyher 2021; Guentner *et al.* 2016; Humphris 2018; Tervonen and Enache 2017). In many Western European countries, the welfare state has been an important site of internal bordering. By demarcating categories of people and incorporating some and excluding others from public welfare provision, governments have drawn up exclusionary internal borders around public services and benefits (Guentner *et al.* 2016; Misje 2020). Guentner *et al.* (2016) note that welfare bordering can involve formally excluding particular groups from welfare provisioning by restricting their rights and through informal *de facto* exclusion from welfare provisioning. Thus, it is important to ‘examine not only formal rules of entitlement, but also the distributional mechanisms through which that entitlement is provided’ (MacAuslan and Sabates-Wheeler 2011: 61), as there can be discrepancies between migrants’ formal rights on paper and their ability to take advantage of them in practice. Formal policies can limit migrants’ rights to welfare provisioning, while physical, financial, relational and institutional constraints may hinder those who have rights to claim these in practice (MacAuslan and Sabates-Wheeler 2011: 63).

Welfare-bordering policies and practices have led to a proliferation of migration statuses with ‘ever more differentiated assemblages of rights and entitlements’ (Karlsen 2015: 41), creating ‘complex hierarchies of welfare rights’ (Misje 2020: 405). Furthermore, increasing numbers of local actors are tasked with assessing migration statuses and determining the rights of migrants, tasks in which they are rarely specifically trained and to which they bring their own judgements and prejudices (Burrell and Schweyher 2021; Yuval-Davis *et al.* 2019). Welfare bordering has thus led to the creation of ‘grey zones in which more and more immigrants live with diffuse rights’ (Synnes 2021: 173). They are physically present in a territory but do not qualify for certain rights or equal treatment, thus being ‘neither fully included, nor fully excluded, from a political community’ (Allen and Axelsson 2019: 116).

In this article, I explore the consequences of being registered with a *D-nummer* for EU citizens’ formal rights as specified in the legislation and their ability to successfully claim their rights in practice. Conceptualising the *D-nummer* as a potential welfare-bordering technology, I explore whether the Norwegian identification number system, as it is currently practiced, results in bordering EU citizens from welfare provisioning, particularly those in precarious employment. I argue that studying the functioning of the identification number system and its consequences for EU citizens in precarious employment in Norway offers insights into the mechanisms of welfare bordering more generally.

## EU citizenship as precarious citizenship

EU citizens enjoy wide-ranging transnational rights when moving within the EU or European Economic Area, which are referred to as EU citizenship rights. At the core of EU citizenship is the principle of *non-discrimination by nationality*. Based on this principle, EU citizens have the right to move freely, take up employment and access public welfare provisioning in other member states on equal terms as the citizens of that member state. However, these rights are subject to various conditions and limitations. Thus, EU citizens must have a *right of residence* in another member state in order to stay beyond 3 months and have the right to public welfare

provisioning. The main path to a *right of residence* is through employment and *worker status*. EU citizens who lose their job or become unable to work due to sickness or injury *retain* their worker status and thus their right to welfare provision if the unemployment is involuntary. However, *worker status* expires after 6 months of absence from the labour market unless they have worked continuously for at least 1 year (Directive 2004/38/EC). Furthermore, to have a right to non-contributory benefits, such as social assistance, EU citizens must, in addition to having a *right of residence*, be *habitually resident*. *Habitual residence* is about people's *centre of interest*, where they spend most of their time and have most of their connections (European Commission 2013). After 5 years of continuous *right of residence*, for example as workers, EU citizens can apply for permanent residence which ends the conditionality of their social rights on having *right of residence* and *habitual residence* (Directive 2004/38/EC).

As much of the literature on EU citizenship highlights, its inherent conditionality creates a divide between economically active EU citizens – who have rights and access to social provisioning – and economically inactive EU citizens, who can be excluded from even the most basic support in other member states (Heindlmaier and Blauberger 2017; O'Brien 2017; Pennings and Seeleib-Kaiser 2018). Dwyer, Scullion, Jones and Stewart (2019: 135) have thus described EU citizenship as 'a highly stratified status built around an exclusive ideal of the citizen as a paid worker, which has led to the creation of inferior social rights for many mobile EU citizens outside the paid labour market'. However, researchers have also highlighted that 'not simply work, but particular types of work and worker histories' (Anderson, Shutes and Walker 2014: 46) are required to qualify for welfare provisioning and 'well-paid, secure work has become central to how EU citizenship is imagined, constructed and governed' (Schweyher, Odden and Burrell 2019: 103). EU citizens with low-paid, low-status jobs or punctuated labour-market histories have their rights constantly questioned or limited to particular types of support and are at risk of losing their entitlements after short periods of absence from the labour market, while those in stable, well-paid employment have easier access to support and face a lower risk of losing their rights (Anderson *et al.* 2014; Lafleur and Mescoli 2018; O'Brien 2017; Schweyher 2023). Due to its inherent conditionality, EU citizenship is thus a highly precarious form of citizenship. As rights are dependent on the ability to secure employment and can be lost after periods of unemployment, the content of EU social citizenship is highly unstable, unpredictable and insecure. The insecurity and risk of losing one's rights are severely heightened for those in precarious employment, as they are less likely to meet the criteria – such as 1 year of continuous employment or 5 years of continuous *right of residence* – and thus limit or end the conditionality of their rights (Schweyher 2023).

### **Identification numbers and temporary migration: the Norwegian context**

Norway has been a member of the European Economic Area (EEA) since 1994 and, as a result, EU citizens' rights to free movement and equal treatment in Norway are comparable to those of EU citizens moving within the EU. Initially, accession to the EEA did not result in large-scale migration between Norway and the EU. However, after the 2004 and 2007 EU eastern enlargements, Norway experienced its largest immigration movement to date (Friberg 2016). The number of EU citizens from the new member states grew from approximately 18,000 in 2004 to around 190,000 in 2019, accounting for roughly 4 per cent of Norway's total population. Poles have been by far the largest national group among these new arrivals, accounting for about 99,000 – over half of all EU citizens from the region. Males represent 2 out of 3 EU citizens from the new member states and most have vocational training (Statistics Norway 2022a).

The Norwegian labour market is often characterised as being dominated by permanent employment, comprehensive worker protection, a compressed wage structure and high salaries (Andersen, Dølvik and Ibsen 2014). Nevertheless, many EU citizens from the new member states have not been able to secure the same

working conditions as Norwegian citizens. They became concentrated in a few industries, such as construction, shipyards and the fishing industry, hotels, transport, agriculture and cleaning, where many work in a relatively small spectrum of low-skilled, often physically demanding and less attractive jobs (Friberg 2016). This has led to a dualisation of the Norwegian labour market, with many EU citizens from the new member states working through agencies or in otherwise temporary and flexible employment, with their wages clustered around legal minimum rates, while most Norwegian citizens work in permanent employment with wages spread more evenly across different pay scales (Friberg and Midtbøen 2019; Official Norwegian Report 2022; Ødegård 2023).

Following the 2004 eastern enlargement, a large share of migration from the new member states consisted of temporary, circular and transnational commuter migration.<sup>1</sup> However, over the years, EU citizens increasingly brought their families over and settled in Norway (Bratsberg, Raaum and Røed 2014; Friberg 2012; Friberg 2016; Official Norwegian Report 2022). Statistics Norway distinguishes between long-term and short-term migration to Norway based on residency status. According to the Law on People Registration in Norway, persons who stay for at least 6 months should be registered as residents and assigned a *Fødselsnummer* (Lov om folkeregistrering § 4-2). Persons staying less than 6 months are assigned a *D-nummer*, designating them as non-residents who are assumed to have their residence in another country (Berge, Andreassen and Køber 2022; Løyland and Sjøstedt 2016; Thorsdalen 2016). Statistics Norway classifies EU citizens registered as residents as ‘immigrants’, while those registered with a *D-nummer* are referred to as ‘foreign commuters’, ‘short-term immigrants’ and ‘non-resident employees’ interchangeably (Berge *et al.* 2022). Thus, the statistics on immigration to Norway mentioned above include only EU citizens registered as residents in Norway. Statistics Norway does not publish specific statistics on temporary migration and very few official statistics include EU citizens registered with a *D-nummer*. As a result, most research on immigrants based on register data does not include them. Even other research based on surveys or qualitative data often only includes resident migrants or does not account for residence status. Thus, little is known about their demographics, socioeconomic situation or length of stay in Norway (Berge 2021; Løyland and Sjøstedt 2016; Seilskjær 2023; Thorsdalen 2016).

The main official source of information on temporary migration is the statistic on ‘employment among immigrants’ based on register data and includes a category called ‘wage earners not registered as resident’ (Statistics Norway 2022b). It shows that, in 2019, over 112,000 EU citizens from the new member states were working in Norway while not being registered as residents. More than 57,000 of them were from Poland. According to Berge *et al.* (2022), almost 80 per cent of workers not registered as residents are male and most of them work in construction and as agency workers. Furthermore, wage statistics show that EU citizens from the new member states who are not registered as residents have, on average, lower wages (Statistics Norway 2022c) and a higher probability of being a low-wage earner than those registered as residents (Jordfald, Svarstad and Nymoen 2021). While the data are patchy, researchers argue that EU citizens not registered as residents are the most vulnerable workers in Norway (Brunovskis and Ødegård 2022; Ødegård and Andersen 2021).

The statistics on wage earners not registered as residents do not include any information on the form of migration in which these migrants engage or their length of stay in Norway (Berge 2021). It is thus not possible to know whether a migrant is a cross-border commuter, seasonal migrant, on a one-off short-term stay or a person who is in fact living long-term or permanently in the country but is not able to register as a resident. No estimates exist on the number of persons who live in Norway long-term but are not registered as residents. By referring to EU citizens not registered as residents as ‘foreign commuters’, ‘short-term immigrants’ and ‘non-resident employees’, Statistics Norway implies that all persons who are not registered as residents are commuters or temporary migrants (Berge *et al.* 2022). However, as this article shows, registering as resident is not always possible, and EU citizens may therefore live for many years with a *D-nummer* in Norway. My aim is to draw attention to

this group, by showing that it exists, highlighting the reasons for its existence and exploring the consequences for those who find themselves in this situation.

### **Research methods and design**

This article is based on qualitative research conducted between April and November 2019 with Polish workers and staff of NGOs that offer advice to EU citizens in Oslo. It is part of a wider research project that aims to understand the nexus between precarity and access to public welfare provisioning for EU citizens in Norway. The research was conducted at the facilities of five NGOs which provide emergency night shelters, sanitary facilities, free meals and advice services to migrants who have limited rights or difficulties accessing public welfare provisioning in Norway. Three NGOs offer appointments with trained staff or lawyers to discuss EU citizens' individual situations and provide legal advice or practical help with registrations, welfare applications, complaints or court cases. I attended 40 appointments between Polish workers and Polish-speaking NGO staff and lawyers. As a Polish speaker, I could attend these appointments without a translator. Furthermore, I conducted in-depth interviews with 12 Polish workers seeking help from these NGOs and 13 NGO workers. I followed the development of the 12 Polish workers' cases over several months by attending follow-up appointments and having informal conversations with them. Additionally, I conducted follow-up interviews with a Polish worker and an NGO worker online in January 2022, after a preliminary analysis of the data.

The 12 Polish workers who were interviewed and followed over time were selected based on NGO workers' recommendations or after I met them during their appointments. The selected Polish workers had rich and complex experiences with the Norwegian welfare system and their cases illustrated many barriers to welfare provision. This kind of sampling is purposive and conceptually driven and has been called 'critical case sampling' (Miles and Huberman 1994; Yin 2009). Interviews were audio-recorded and took place in cafés, libraries, Polish workers' homes or the NGOs' facilities. The Polish workers were given detailed oral and written information about the research project before their individual appointments or interviews and signed a declaration of consent.<sup>2</sup> The interview recordings were transcribed and analysed manually. In the transcription process, the participants' names were replaced with pseudonyms. Open and pattern coding were used to analyse the empirical material (Flick 2018).

The 12 Polish workers were male, the majority in their 40s and 50s and 2 were in their early 60s. The men had predominantly secondary or vocational education. Most were single or divorced; those who were married lived in Norway without their partners. The majority had lived in Norway for more than 5 years. Four spoke Norwegian and one spoke English. The most common form of employment was contracts for temporary assignments. While 2 mostly worked through agencies, 3 were self-employed and 2 had only worked informally.

During the fieldwork, I was initially unaware of the relevance of the type of identification number for access to welfare provision. It was discovered during the fieldwork and the type of identification number had not been a selection criterion. Thus, at the time, only 4 of the interviewed Polish workers were registered with a *D-nummer*. The article thus relies on a comparison of the experiences of the Polish workers registered with a *D-nummer* and those registered with a *Fødselsnummer* as well as the experiences of the 13 NGO workers in supporting EU citizens registered with a *D-nummer*. Most NGO interviews were conducted towards the end of the fieldwork, when I was more aware of the relevance of the form of registration.

The sample of Polish workers interviewed is not representative of EU citizens in Norway. Instead, due to the aims of the wider research project and the recruitment strategy among users of NGO-run humanitarian and advice services in Oslo, it represents one of the user groups of these services. These are EU citizens who have been economically active in Norway but who, due to their precarious employment, find it difficult to access

public welfare provision. They often do not have the economic means and social networks to bridge gaps in employment without welfare support or pay for commercial health services when they cannot access public ones and may therefore have various unmet health needs and be at risk of homelessness and destitution when they seek help from NGOs. Thus, the sample represents a very vulnerable section of EU citizens. Nevertheless, as discussed further in the final section, the findings of this study may also be relevant for EU citizens in less vulnerable socioeconomic situations.

### **Findings: Polish workers' experiences with the identification number system in Norway**

The findings are presented in two parts. In Part 1, I explore how being in unstable employment can result in registration with a *D-nummer* – and thus how precarious work can lead to a temporary status for EU citizens in Norway. In Part 2, I examine the consequences of being registered with a *D-nummer* for EU citizens' access to public welfare provisioning – or in other words, whether a person's status as a temporary migrant can result in precarious social rights.

#### *Part 1. From precarious work to temporary status: the challenges of getting registered with a Fødselsnummer*

The Norwegian law on population registration only states that persons who move to Norway should be registered as residents if their stay is legal and they 'intend' to stay in the country for at least 6 months (Lov om folkeregistrering §4-1). Nevertheless, the tax administration, which is responsible for allocating identification numbers, requires EU citizens to provide 'documentation showing that (they are) going to live in Norway for at least 6 months' (Norwegian Tax Administration 2023), in order to be registered as a resident. On its website, the tax administration lists a number of ways to document an intention to stay long-term in Norway, including a confirmation of employment for at least 6 months, a house purchase contract or rental agreement, bank statements, an internet subscription or documentation of a move away from the previous country of residence (Norwegian Tax Administration 2023). However, according to the experience of the Polish and NGO workers participating in this research, without proof of at least 6 months of continuous future employment in Norway, it was not possible to obtain a *Fødselsnummer*. Four of the Polish workers had been registered with a *D-nummer*, because their first job in Norway was temporary employment or employment through a work agency. They were working in construction and cleaning, where short-term, assignment-based contracts or contracts without guaranteed hours were very common. None of them was initially aware of or informed about the difference between a *Fødselsnummer* and a *D-nummer* and their consequences for access to welfare provisioning in Norway. Two of those who *had* obtained a *Fødselsnummer* reported they had been given it only because someone had helped them to get the right contract. Marian obtained his *Fødselsnummer* because his brother-in-law, who owned a construction company in Norway, gave him a long-term contract, specifically to enable him to be registered as resident. Emil, a self-employed carpenter, was made aware of the importance of having a *Fødselsnummer* and was helped by a Norwegian friend to secure sufficient assignments to document that he has secured work for more than 6 months in Norway:

*He told me like this: 'Go and start up a company! I will give you work; my dad and I will call around'. (...) He had many friends, and his father was a doctor. They had connections and they called a number of people and managed to get us work for more than half a year.*

Three of the Polish workers initially registered with a *D-nummer* had later tried but not succeeded in securing long-term employment and therefore remained registered with a *D-nummer*. Jakub, who was also registered

with a *D-nummer*, reported that he had been actively discouraged by public authorities to change his *D-nummer* to a *Fødselsnummer* after securing long-term employment and had, therefore, not aware of the consequences, not insisted and not changed it when he had the opportunity:

*I tried several times to obtain a Fødselsnummer but, every time, I was told that I don't really need it, that it is not necessary, because I have everything registered under my D-nummer. (...) I opened my bank account with a D-nummer. I opened my company with a D-nummer. So, they told me, if I change it, I have to change all of this, and it will be a lot of work – and that it is, anyway, one and the same thing.*

Two NGO workers also reported that some of their clients, who were not aware of the consequences of registration with a *D-nummer* and had not insisted on being registered with a *Fødselsnummer*, had been registered with a *D-nummer* even though they were employed on a long-term contract. Several of the NGO workers highlighted a lack of knowledge and information about the importance of changing the identification number, as Paul explained:

*I think there are people who never got oriented on how to register in Norway and what the proper steps are. (...) People don't understand the difference between having a D-nummer and (...) a Fødselsnummer. (...) We are now facing this challenge that more and more of our guests didn't change, even though they have been living in Norway for, like, 15 years. (...) When you get a D-nummer, there is nobody telling you, 'Man, listen, in the following months, it's good for you to change to a Fødselsnummer. For a Fødselsnummer, you need to do this, this, this, this and this'. (...) People are not informed.*

According to the NGO and Polish workers, it is not possible to switch from a *D-nummer* to a *Fødselsnummer* by documenting that you have worked and lived in the country for the past 6 months. This means that EU citizens may miss opportunities to switch from one to the other, with consequences for their rights when they become unemployed. Nina elaborated:

*It's a lack of knowledge about the rules. (...) I sometimes say jokingly, 'They should give people information about how they should do this already at the airport'. If you have the [required] contract, immediately take care of this Fødselsnummer. Because if you don't take care of it when you have the chance, it's too late and there is nothing you can do about it. (...) You cannot wait until you lose your job. (...) Then, it's too late. Many, many people fell into this trap.*

The four participants who were registered with a *D-nummer* at the time of the fieldwork had lived in Norway for between 2 and 17 years. They had worked legally and full-time for most of that period. They were not commuting between Norway and Poland, did not have dependents in Poland and had not visited the country in years. None of them had accommodation in Poland or plans to return in the future. Nevertheless, because of the requirement for documentation guaranteeing 6 months' continuous future employment, none of them was able to register as a resident.

Overall, these experiences point to a discrepancy between the intended purpose of the *D-nummer* as an identification number for temporary migrants and the reality where some EU citizens who have lived with one for many years, even decades, are unable to register as residents in Norway. The participants' experiences suggest that the tax administration is using a restrictive approach to allocating the *Fødselsnummer*, making it difficult, sometimes impossible, for EU citizens in precarious employment to be registered as residents. The registration practice thus turned EU citizens in temporary employment into temporary migrants on paper, even



though, in practice, they intended to live and had lived in Norway for many years. The Polish workers registered with a *D-nummer* lacked any real connections to Poland. However, through a bureaucratic process, they were turned into persons who were assumed to be residents of Poland.

*Part 2. The consequences of temporary status: limited, unstable and ambiguous access to public welfare provisioning*

The consequences of being registered with a *D-nummer* for EU citizens' access to public welfare provisioning can be divided into five different types of barrier: (a) more limited formal rights compared to EU citizens registered with a *Fødselsnummer*, (b) additional status controls for EU citizens with a *D-nummer*, (c) barriers to infrastructures for claiming welfare benefits, (d) a more restrictive application of rules and (e) a lack of clarity regarding the role of the identification numbers.

*(a) Limited formal rights*

According to the Norwegian National Insurance Act, EU citizens who have a *right of residence* and are members of the National Insurance Scheme have the right to public healthcare in line with the country's own citizens. Thus, since persons employed in Norway are automatically members of the National Insurance Scheme, employed EU citizens should have equal access to public healthcare, whether registered as residents or not. Nevertheless, as experienced by the participants, EU citizens registered with a *D-nummer* in Norway do not have the right to sign on with a general practitioner (GP) in Norway – which would give a person the right to be prioritised over persons not registered with the GP (Regulations on GP arrangements in the municipalities). Thus, a person not registered with a GP can only get an appointment if no registered person needs one. In practice, none of the Polish workers with a *D-nummer* had been able to see a GP without being registered with them.

NGO worker Tanja explained that not being able to see a GP has severe and wide-ranging consequences for access to healthcare for EU citizens, since GPs are the main entry point to the public healthcare system and are responsible for the provision of basic healthcare, referrals to specialised health services, ensuring patient follow-up and continuity of treatment and writing sick notes and prescriptions. The Polish workers usually went to the emergency room (ER) when they had health issues. However, they were often turned away if their needs were not an emergency. They reported that they were given pain killers and told to see a GP to get further treatment. Tanja confirmed that ER staff often send EU citizens away if their health needs are not considered an emergency. Furthermore, EU citizens who go to the ER are given short-term sick notes and told that they have to make an appointment with a GP to get a long-term sick note. Thus, in practice, EU citizens with a *D-nummer* have to use commercial clinics to obtain healthcare for non-emergency health needs and long-term sick notes. According to Tanja, commercial clinics charge patients between 600 and 1,000 Norwegian kroner for an appointment to get a sick note. If patients do not speak Norwegian, they have to hire a translator, which often costs another 1,000 kroner. She explained that many of her clients with a *D-nummer* were not able to afford appointments at private clinics and had therefore not seen a doctor in a long time, despite various health needs – including mental health issues – and that some of them were self-medicating with alcohol, further worsening their overall health.

Even though, according to the Norwegian National Insurance Act, all EU citizens who work in Norway have a right to healthcare in line with the country's own citizens, the participants' experiences suggest that EU citizens without a *Fødselsnummer* are excluded from a significant part of the public healthcare system. The right to register with a GP is a formal right and not having it can have a significant impact on the ability of a person

to access public healthcare in Norway. Therefore, I suggest that excluding EU citizens with a *D-nummer* from this right is a case of formal welfare bordering (Guentner *et al.* 2016). However, it can be argued that, because EU citizens in employment have the formal right to healthcare in line with Norwegian citizens, not having the right to register with a GP is a question of access to rights in practice or informal bordering (Guentner *et al.* 2016). Those with a *D-nummer* are not formally banned from seeing a GP. However, without the right to register with one, it is very difficult to get an appointment and thus access general healthcare. Thus, they are excluded from using the mainstream avenue for accessing general healthcare and must either use commercial services or navigate complex alternatives, which are not universal, limited in their capacity and difficult to find. Therefore, their access to healthcare is precarious. Considering that a contract of 6 months' future employment is required to be registered with a *Fødselsnummer*, restricting the right to register with a GP for EU citizens with a *D-nummer* means that, in practice, EU citizens in precarious employment have limited rights and access to public healthcare.

(b) *Additional status controls*

Besides not being able to register with a GP, Polish workers registered with a *D-nummer* were sometimes denied free treatment by ERs. The Norwegian National Insurance Act states that membership in the National Insurance Scheme for persons who are not residents of Norway ends 1 month after their employment in Norway ends (National Insurance Act § 2-14). EU citizens who are not employed must *habitually reside* in Norway in order to remain members of the National Insurance Scheme after they become unemployed (Norwegian Labour and Welfare Administration 2022). *Habitual residence* is not the same as formal residence status but is about a person's 'connection to Norway' (Norwegian Labour and Welfare Administration 2023: 10). If an EU citizen is unemployed, an assessment must be made to ascertain whether or not the person is covered as a *habitual resident*. The participants' experiences suggest that EU citizens with a *D-nummer* are subject to more controls of their *habitual residence* status than those with a *Fødselsnummer*. On the one hand, none of the Polish workers with a *Fødselsnummer* had experienced situations where their right to receive public healthcare was questioned. NGO workers had also not heard of cases where EU citizens with a *Fødselsnummer* had been asked about their employment status, denied healthcare or asked to pay privately for treatment. On the other hand, Polish workers with a *D-nummer* were asked about their employment status before receiving healthcare. Two were told that they would have to pay privately for treatment when they sought healthcare at the ER while unemployed. Jakub's story was particularly stark. He had been living and working in Norway for 15 years when he developed a severe health condition. He went to the ER several times and received medication. However, his health continued to worsen quickly and he had to stop working. After several months, it was discovered that he had been misdiagnosed and his condition had reached a stage where he needed an operation. However, hospitals refused to perform the operation because he was unemployed and could not pay for it himself: 'The staff at two different hospitals told me, since I don't have money to pay for the treatment, (...) since I don't have a *Fødselsnummer* (...) they don't want [to treat] me, I should instead go to Poland'.

Tanja had asked the health directorate how hospitals determine the eligibility of a person with a *D-nummer*. She was told that when someone comes to the hospital and staff are not sure if the person is eligible, they can call an internal line to the health directorate and ask for an assessment of the status of the person in question.

These findings suggest that EU citizens with a *D-nummer* are subject to additional controls of *habitual residency* status by hospital staff, while EU citizens with a *Fødselsnummer* are assumed to be *habitual residents* due to their status as registered residents and are therefore not subjected to such controls when they attempt to make use of public healthcare. Those with a *D-nummer* are thus at risk of losing access to public

health care one month after becoming unemployed, while those with a *Fødselsnummer* are not. Considering the link between precarious employment and being registered with a *D-nummer*, the findings suggest that those who have been in precarious employment are at greater risk of losing access to free healthcare than those who have been able to secure long-term stable employment. I suggest that additional status controls are thus another form of welfare bordering experienced by Polish workers registered with a *D-nummer* (Guentner *et al.* 2016).

*(c) Barriers to claiming rights*

Another barrier to welfare provisioning experienced by those without a *Fødselsnummer* was that EU citizens not registered as residents cannot get *BankID*, Norway's main tool for a Level 4 – the highest security level – digital identity verification. Since the Norwegian e-government regulations came into force in 2014, most communication between public administration and residents happens online. For example, editing a tax report, applying for welfare benefits and accessing prescriptions and sick leave notes from a doctor are usually done through personal online accounts on public administration websites. *BankID* is the standard login for these online accounts. It is administered by Norwegian banks, is free of charge and is the most widely used digital ID in the country. However, according to the experience of both the Polish and the NGO workers, in order to obtain *BankID*, banks require applicants to be registered as residents with a *Fødselsnummer*. When Polish workers asked their bank for a *BankID*, they were told that because they had a *D-nummer*, they were not eligible.

According to the participants, applying for welfare benefits without *BankID* is complicated and prone to delays and failures. It is still possible to print out a welfare application on paper and send it via traditional mail but, according to the experience of NGO workers, paper applications have longer processing times, sometimes get lost and, most importantly, when benefit administrators require additional documentation to process an application or follow up on a client, they contact them through the online account, regardless. According to NGO worker Tanja, EU citizens without access to their public administration digital accounts never receive these requests for additional documentation and thus never reply to benefit administrators which, in turn, leads to benefits being cancelled or applications put on hold.

There is an alternative commercial digital ID with Level 4 security that can be used to log in to personal accounts on public administration websites. It is called *Buypass* and, at the time of the fieldwork, it cost a one-off fee of 900 kroner. However, according to NGO worker Tanja, many EU citizens do not know about this or cannot afford it when they are in a situation of need and want to apply for welfare support. The lack of access to *BankID* for persons with a *D-nummer* has led Tanja's NGO to buy *Buypass* for users who were in financial difficulties, to enable them to apply for public welfare benefits:

*People would come to me and they were not able to log in to the website of the welfare administration – to any of these [public administration] pages. People were unable to apply for unemployment benefit or to send their sick notes. [...900 kroner] is a lot of money for people; we have paid it for quite a few people to help them. We ordered them Buypass.*

Thus, even though EU citizens may have the right to welfare benefits such as sick pay or unemployment benefits, they may in practice not be able to claim their rights because they have a *D-nummer*. Again, here, EU citizens with a *D-nummer* are not formally denied the right to welfare benefits but the mainstream path to accessing those rights is blocked and they are forced to use costly commercial solutions or navigate complex, failure-prone alternative paths to claim their rights, which can in turn result in EU citizens not being able to claim their rights at all. Because long-term stable employment is so crucial for obtaining a *Fødselsnummer*,

ultimately this means that persons in precarious employment face barriers to claiming welfare benefits which persons in stable long-term employment do not face. I thus suggest that excluding EU citizens with a *D-nummer* from the use of *BankID* – and thus from digital infrastructures for applying for welfare support – is another form of informal welfare bordering of EU citizens in precarious employment (Guentner *et al.* 2016).

*(d) Restrictive application of rules*

Furthermore, the NGO workers had the impression that those registered with a *D-nummer* had more limited chances of getting social assistance than those with a *Fødselsnummer*. To be eligible, EU citizens must have the *right of residence* and *habitual residence* in Norway. As mentioned before, *habitual residence* is not the same as formal residence status and being registered as resident is neither sufficient nor an absolute requirement for being considered habitually resident in Norway (Norwegian Labour and Welfare Administration 2023). Nevertheless, several NGO workers had the impression that being registered with a *D-nummer* disqualified EU citizens from social assistance. Tanja explained: ‘I haven’t had a person yet who got social assistance when they had a *D-nummer*, (...) not a single person’. Similarly, Nina argued:

*Unemployment benefit and sick pay are connected to your last employment, the work you have done [in Norway]. But when it comes to other support, like social assistance, which is the last safety net, some [EU citizens] don’t get it because they aren’t registered as (...) residents of this country.*

NGO worker Paul spoke of a user for whom the welfare administration had granted temporary housing but was insisting that he needed a *Fødselsnummer* for social assistance:

*We have a Polish homeless man who is getting a place to stay from the welfare administration. (...) He got a proper flat to live in and his welfare administrator is telling us that it’s difficult to help him on a long-term basis if he is not changing the D-nummer to a Fødselsnummer. But why? You already gave him a place to stay. You already took him into the system, which means he has been paying taxes, which means that he is entitled to get the help that he is getting right now. (...) What is the difference between (...) a D-nummer and a Fødselsnummer? I mean, it doesn’t make any sense.*

The man was not able to change his *D-nummer* to a *Fødselsnummer* because he was unemployed and the tax administration required documentation of 6 months of future employment to be granted a *Fødselsnummer*.

Thus, even though registration as a resident is not an absolute requirement for eligibility for social assistance, the experiences of NGO workers suggests that, in practice, being registered with a *D-nummer* makes such support unlikely. Considering the requirement of 6 months’ future employment to be registered as a resident means that EU citizens in precarious employment have fewer chances of getting social assistance. I suggest that this restrictive application of rules for EU citizens with a *D-nummer* is another form of informal welfare bordering of EU citizens in precarious employment (Guentner *et al.* 2016).

*(e) Lack of clarity*

A final issue, that was brought up by many NGO workers was the lack of clarity regarding the rights of EU citizens with a *D-nummer*, which were perceived as intransparent and inconsistently applied. Three NGO workers had contacted different public administration offices and asked which role the type of identification

number played in their assessments of EU citizens' status and rights but had received only very vague replies and been told to contact someone else. Paul summarised his experience:

*I'm wondering a lot: Is it really in terms of having rights in the system? Is there really such a big difference between a D-nummer and Fødselsnummer, as long as you've been paying taxes for so many years in Norway? And we cannot find an answer. We have been googling it; we have been sending emails to lots of institutions and we are just forwarded, 'No, you have to speak to them'. 'No, sorry, it's not us. Just speak to the other one'. 'Yeah, but I spoke to them, and they sent me to you'. 'Yeah, but sorry, it's not us; it's them'. You cannot get this information anywhere.*

NGO workers also reported a perceived lack of knowledge and much confusion among frontline staff, including doctors, hospital social workers and benefit administrators, who seemed to not know the rights of EU citizens with a *D-nummer*. Tanja reported that many of her clients with a *D-nummer* had been asked by hospital social workers to register with a GP, even though this was not possible or by welfare administrators to get themselves a *Fødselsnummer* before applying for social assistance when they were unemployed and unable to register because of the lack of an employment contract. Jana, another NGO worker, observed:

*It's very strange. It seems like they don't want to relate to all of this. So, they just make systems that fit the ones who have no problems and who are, like, really in these clear categories. And none of our guests are like that. And then there are always problems.*

Several NGO workers suspected that the *D-nummer* was deliberately used to deny welfare support. For example, Paul suggested:

*The bureaucrats are hanging themselves up on you having a D-nummer, not a Fødselsnummer. (...) My personal opinion is that it's just bureaucracy. That they have this as the last argument to deny people [support] and they are, of course, using it until the end.*

Furthermore, both the Polish workers and the NGO workers had the impression that the information provided by the welfare administration and the processing of welfare applications from EU citizens with a *D-nummer* was inconsistent. Sometimes it was possible to get a benefit while registered with a *D-nummer*; at other times, it was impossible. Jakub, for example, was told that he could not get housing support due to his registration status but, when he went with an NGO worker, it was suddenly possible:

*When I went to the welfare administration's office with the NGO worker, he was doing all the talking. He knew my case and he had all the papers. He asked the same questions that I had asked the welfare administration many times before. But they had ignored me. But they did not ignore him.*

I suggest that a lack of clarity regarding the role of the *D-nummer* for access to welfare support represents another barrier to public welfare provisioning for EU citizens registered with a *D-nummer* and can be viewed as another form of informal welfare bordering associated with it (Guentner *et al.* 2016).

### From precarious work to precarious social citizenship: a concluding discussion

The cases discussed in this article show important discrepancies between the intended purpose of the *D-nummer* as an identification number for temporary migrants and the experiences of EU citizens who have lived for many years, even decades, with this form of registration in Norway. EU citizens without long-term employment may not be able to register a move to Norway and get a *Fødselsnummer*, even if they intend to stay long-term or have lived and worked in the country for extended periods of time. Thus, EU citizens in precarious employment can be forced into a prolonged temporary status in Norway. This study shows that EU citizens with a *D-nummer* have limited formal rights on paper compared to those registered with a *Fødselsnummer* and that they face various barriers to accessing their rights in practice. Their rights are less stable, secure and predictable than those of EU citizens with a *Fødselsnummer*. Considering that precarious employment can lead to a temporary status and that a temporary status can lead to more-precarious rights, I suggest that EU citizens in precarious employment may be forced into a precarious legal status with limited access to social protection.

Furthermore, I suggest that the *D-nummer* functions as a welfare-bordering technology that creates internal borders around welfare services, limiting access to welfare support for EU citizens in precarious employment in Norway. Bordering connected to the identification-number system is a two-step process. In the first step, EU citizens are, based on their type of employment and sometimes regardless of their real intentions and actual length of stay in the country, assigned a status as temporary migrants. In the second step, their rights and possibilities to access welfare provisioning are limited based on their temporary status. My research shows that the internal bordering of those with a temporary status comes in many forms: limited formal rights, additional status controls, limited access to infrastructures for claiming welfare benefits, a more-restrictive interpretation of the rules and a lack of clarity on them. Thus, internal bordering occurs through a combination of restricted formal rights and through what has been called informal bordering (Guentner *et al.* 2016). While, on paper, EU citizens with a *Fødselsnummer* and those with a *D-nummer* may have the same right, in practice, the latter find the main path to accessing their right blocked and with no clearly defined and universally accessible alternatives available. I suggest that the identification number system creates additional configurations of entitlement leading to ‘ever more differentiated assemblages of rights’ (Karlsen 2015: 41), which are complex and ambiguously defined and thus difficult to implement transparently, fairly and equally (Allen and Axelsson 2019; Burrell and Schweyher 2021; Tervonen, Pellander and Yuval-Davis 2018). I argue that the internal borders around welfare provisioning created by the identification number system thus lead to what Synnes describes as ‘grey zones in which more and more immigrants live with diffuse rights’ (2021: 173) in Norway.

The article also reveals tensions between the Norwegian identification number system and the principles of EU citizenship. On the one hand, the system distinguishes between temporary migrants and residents and, according to the experiences of Polish and NGO workers, gives preferential treatment to residents. On the other hand, under the EU citizenship framework, social rights are connected to the *right of residence* and, in some cases, *habitual residence*. Neither are equal to formal residency. The combination of requiring 6 months’ continuous future employment to be registered as a resident and using formal residence as a criterion for access to social rights is particularly problematic, as it implies that those in long-term employment receive more comprehensive access to public welfare provisioning while the rights of those in precarious employment are limited.

While this article has focused on the experiences of EU citizens who have lived in Norway registered with a *D-nummer* for many years, the barriers to welfare provisioning described in this article may in part also apply to EU citizens registered with a *D-nummer* on a short-term stay. These latter may not be *habitual residents* in Norway and therefore not have a right to social assistance but they have rights to public health care and other welfare benefits if they have a *right of residence* and may experience difficulties claiming these rights due to having a *D-nummer*.

As discussed in the methods section, this article is based on the experiences of a very vulnerable section of EU citizens. As seen in the findings, EU citizens with social networks find it less difficult to secure the required type of employment and other documentation that will enable them to be registered with a *Fødselsnummer* and therefore do not face the barriers to welfare provisioning associated with a *D-nummer*. Furthermore, EU citizens with a *D-nummer* who have strong financial resources and social networks are better able to overcome the barriers to welfare provisioning connected to a *D-nummer* and the consequences for their welfare are thus less severe than for persons in vulnerable socioeconomic situations. This, I suggest, reveals how precarious and fragile EU citizenship in Norway has become. It offers very little protection against destitution for the most vulnerable and is thus unable to deliver basic principles of social justice (Schweyher 2023).

EU citizenship is a deeply stratified status, with different sets of rights for the long-term and permanently employed, the precariously employed and those outside the paid labour market (Anderson *et al.* 2014; Dwyer *et al.* 2019; O'Brien 2016; 2017; Schweyher 2023). I suggest that the Norwegian identification number system further deepens this stratification of rights for EU citizens in Norway. Limiting the rights and access to welfare provisioning for persons who are unable to secure stable long-term employment increases the insecurity of these precarious workers and widens the gap between them and those in secure forms of employment. Thus, the identification number system amplifies the conditionality of rights on particular types of work inherent in EU citizenship (Anderson *et al.* 2014; Lafleur and Mescoli 2018; O'Brien 2016; 2017; Schweyher 2023).

Finally, this article focuses on the experiences of EU citizens who have lived with a *D-nummer* in Norway for many years, a group that has been largely invisible in Norwegian research and policy discourse (Seilskjær 2023). My aim is to draw attention to this group, by showing that it exists, highlighting the reasons for its existence and exploring the consequences for those who find themselves in this situation. However, further research is needed to quantify the issue and understand its wider context – for example, the role and perspectives of employers, welfare administrators and policymakers.

## Notes

1. Transnational commuter migration refers to EU citizens who commute to Norway on a daily basis – for example from Sweden – and EU citizens who work in Norway in shifts of several weeks but return regularly to their countries of origin between these shifts.
2. The article is based on data collected in a research project approved by the Norwegian Agency for Shared Services in Education and Research with the reference number 652219.

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No conflict of interest was reported by the author.

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