



LEGITIMACY, DISTANTIATION AND THE ECOLOGY OF KNOWLEDGE PRODUCTION IN THE NORWEGIAN ASYLUM PROCEDURE

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Abstract

The strict separation between the production of country of origin information (COI) and the assessment of asylum applications is a fundamental norm in the professional practice of COI producers. By looking at the Norwegian COI unit, this article examines the way this separation is materialized through an infrastructure of distantiation built around COI production sites. This apparatus is discernible not only in discourses and practices, but also in the organizational structures, spaces, and legal norms that contribute to the ecology of this specific site of expert knowledge production. It participates in the construction of the legitimacy of both institutions and individual actors involved in knowledge production.

Keywords

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COI
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Refugee status determination
Legitimation
Distantiation
Expertise
Ecology of knowledge

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Establishing the facts related to asylum seekers' countries of origin is an essential element of refugee status determination (RSD), in order to account for both the *general* local socio-political conditions and the *particular* circumstances of individual cases (Thomas 2011; Rosset 2015). The available knowledge on the countries of origin contributes to determining the validity of the asylum seeker's fear of persecution in the event of a return to their homeland. It is also mobilised in the evaluation of the credibility of the asylum-seeker's story, allowing state actors to pit the story against available knowledge on the countries of origin: do this particular place, that particular event, or the traditions that the asylum seeker mentions truly exist and do they match the way they were described?

The majority of administrations responsible for RSD in Western countries have created specific units dedicated to the collection, analysis, and circulation of knowledge on the countries of origin. Over the course of the last 30 years, the activity of these units has developed into a well-defined field of professional practice, as well as a fully-fledged field of knowledge (Engelmann 2015) – objectified under the acronym COI (for 'country of origin information') (Good 2015). One norm that importantly structured the development of COI affirms the necessity of separating knowledge production from its utilisation in the decision-making processes of RSD.

This separation manifests itself in a set of norms, procedures, discourse and organisational strategies, which constitute a complex apparatus, a genuine *infrastructure of distantiation* of COI production from the asylum procedures. This article addresses the infrastructure of distantiation within which the Norwegian COI unit, Landinfo, evolves. Grounded in an inductive approach, the analysis confronts different types of data drawn from various kinds of written sources – legal documents, parliamentary debates, administrative reports, press articles, COI output – as well as interviews with the head of Landinfo and two country analysts, which were conducted in Oslo in January and February 2016¹.

The paper is divided into two parts. The first section reviews the theoretical and thematic context of our case study. It elaborates on the notion of the infrastructure of distantiation – an apparatus that contributes to the 'ecological system' of COI as a situation of expert knowledge production and discusses the link between the COI standard of distance and the legitimacy of the institutions and individuals involved. The second part describes and analyses the multiple components of the infrastructure of distantiation, which separates Landinfo from the Norwegian asylum procedures.

1. Expert knowledge situation and legitimacy

1.1. *The Ecology of expert knowledge production*

Our theoretical framework addresses COI through an 'ecological' approach of its specific situation of expert knowledge production. While the modes of description, production and usage of expert knowledge have drawn much attention in the research agenda of several disciplines in recent years², a coherent body of literature has yet to emerge – if only due to the polysemy of the words 'expert' and 'expertise'. In order to overcome this difficulty and reach a more subtle understanding of expertise in action, the promoters of a 'pragmatic, ecological and political' approach to expertise suggest adopting first a contextual approach

¹ The quotes used in this article have been reviewed and, all but one, revised by the interviewees.

² For a review, see Dumoulin et al. 2005; Barbier et al. 2013.

and '[studying] the work of experts in the variety of situations where it takes place' (Barbier et al 2013: 37).

Looking at knowledge production through its context is not specific to 'ecological approaches' adopted in this article. Scholars from different disciplines such as the sociology of science, the anthropology of knowledge or cognitive sciences have long been incarnating the activity of thought by situating knowledge production 'in practices, in places, and in a world of object' (Latour 1994: 587). The ecological metaphor rather lies in the methodological approach it offers to these contexts. Atsushi Akera suggests a layered representation of the contexts of knowledge production where one can observe metonymic relationships between the elements of different layers (history, institutions, organisations, actors, etc.) and a larger whole (2007: 419). An ecological approach to knowledge production thus requires extracting and mapping part-whole relationships between objects and subjects located at the different levels, or layers, of the analysed context (Akera 2007: 418).

By focusing on a particular aspect of the contexts in which COI are put in practice – the norm of separation between COI and the asylum procedure – we aim at uncovering the links between the various elements of a coherent infrastructure of distantiation. This particular infrastructure can be considered as a Foucauldian apparatus (*dispositif*) on account of the networking of material and discursive elements (Foucault 1994: 299). The apparatus is not only the 'concretization of an intention through the establishment of built environments' (Peeters and Charlier 1999: 18), but is also built through the perpetuation and consolidation of these environments through discourse and practices. The ecological approach allows us to distinguish between the different layers within which the elements of an apparatus are to be found.

Identifying and describing the elements of the infrastructure of distantiation and their metonymic relationships is not enough however – its function must also be addressed. Distance in decision-making organisations can fulfil two roles, both traceable to Weber's ideal type of modern bureaucracy (1971 [1922]): the impersonality of functions and rationalism through the division of labour. Distance can first be considered as a way of providing moral detachment and responsibility diffusion. It is thus a mediating factor allowing individual actors to separate their actions from their consequences (Bauman 1989). In the field of migration administrations, this function of distance process has recently been analysed by Tobias Eule within the German *Ausländerbehörde* (2014) and by Nick Gill in the context of the UK asylum system (2016).

The second function of distance – and the one this paper focuses on – is that of *legitimization*. Drawing on expert knowledge can reinforce the legitimacy of an organisation by indicating that it '[adopts] the trappings of rational decision-making styles' (Boswell 2009: 11). Separating the production of COI from its use signals and materialises the knowledge producers' autonomy from the politically sensitive field in which the information is used, thus protecting them from bias. Distance is thus expected to reinforce the legitimacy of the whole RSD process.

Organisations' efforts to foster both internal and external legitimacy is an important topic in literature (e.g. Scott 1995; Brunsson 2002). While external legitimacy entails that an organisation 'demonstrates that its norms, structures and actions conform to expectations about what constitutes appropriate behaviour for the organization' (Boswell: 43), internal legitimacy rests on the permanent development and reproduction of norms and beliefs which secure the commitment of the organisation's members (*Ibid.*: 42).

Accordingly the legitimizing function of the infrastructure of distantiation must not be considered only in terms of the *institutional legitimacy* of the Norwegian asylum system in general and Landinfo in particular. Its impact on the *individual legitimacy* of the COI producers also needs to be examined.

1.2. COI and the norm of distantiation

The norms and ‘good practices’ linked to the production of COI have largely been identified as an area of concern and have been defined at the supranational level, especially at the European level. This can be explained by the fact that the national units have developed simultaneously and through interaction. Certain forms of international collaboration and common reflection on the nature, role and form of COI have been undertaken since the creation of the first COI units in some of the European asylum administrations in the mid-1980s. A first international seminar on COI in Dardagny (Switzerland) gathered representatives of asylum administrations from several Western European countries, the United States, Canada and Australia in 1989 for the purpose of discussing national practices and developing inter-state collaborations (UNHCR 1988: 19). The following year, participants in an international seminar organised by the UN High Commissioner for Refugees (UNHCR) in Evian discussed the nature and goals of COI, as well as their mobilization in different steps of the asylum procedures (UNHCR 1990)³.

These collaborations intensified at the turn of the century⁴, particularly in the context of the development of a common European asylum system. In the perspective of a system based on the equivalence of national procedures, a strong will to standardize the information about countries of origin emerged in the European countries. The 2004 ‘Qualification Directive’ of the European Union establishes a legal obligation for member states to resort to COI in RSD procedures (EU 2005). The five-year period which preceded its entry into force was particularly intense in terms studies, trainings and conferences on the topic of COI organised by a diversity of actors – NGOs, governments, international organisations (ICMPD 2002; 2006).

Standardisation efforts were not limited to defining the need to institutionalise COI in asylum procedures. They also manifested themselves in a reflection on the methodology and content of COI, as well as on their use in the asylum procedure. Several administrations (UK Home Office 2003; IRB 2007), inter-state organisations (UNHCR 2004; EU 2008) or civil society organisations (ACCORD 2004) have defined good practices for COI production. These documents all emphasize that the information should be produced independently of the procedure and that COI should not guide the ultimate decisions through any legal assessment. The document most often cited, ‘Common EU Guidelines for processing Country of Origin Information (COI)’, was drafted jointly by several national COI units⁵ in 2008. As Gibb and Good point out, these guidelines produced by COI practitioners focus ‘less upon the intrinsic weight and reliability of COI than on how, and by whom, that COI is “processed”’ (2013: 312). The guidelines stipulate that “[t]he need to meet the criteria of objectivity and impartiality should also be understood as implying that, whenever possible, the processing and the production of COI should be kept independent from the decision making process and policy making” (EU 2008: 2).

³ Besides national administrations, the UNHCR has also played a leading role in gathering and disseminating information on countries of origin since 1992 and creating, in 1996, the *Refworld* database (see www.refworld.org).

⁴ For a review of the development of the international collaboration on COI since the 1990s, see ICMPD (2002; 2006) and Engelmann (2015).

⁵ The Belgian, Dutch, Danish, French, German, Polish, Swiss and UK COI units.

This excerpt refers to a footnote which states that '[according] to the UNHCR, it is even a matter of credibility and authoritativeness' (EU 2008: 2). The quote makes reference to a UNHCR document in which the UN agency maintains that the reliability of the data produced and labelled as COI does not guarantee the authority and the respect this data will be granted (UNHCR 2004: 17). It is not enough therefore that the knowledge produced correspond to the established quality standards: it is also paramount that this quality be socially recognised. The questioning of the authority of the mobilised information challenges the credibility of the entire process. States thus need to guarantee the substantial and factual (or organisational) independence of COI producers so as to avoid that the decision-making process be called into question (UNHCR 2004: 17-18).

The legitimacy of individual actors as producers of expert knowledge is therefore inseparable from that of the administrative procedures and consequently of the state institutions themselves. The infrastructure of distantiation can thus be considered as an talking point for the asylum administrations and for the COI units' organisational 'talk' as defined Brunsson (2002). In addition to providing output (product or impact) and demonstrating reactivity to emerging issues, Brunsson argues, organisations must reflect certain norms and values in their formal structures and rhetoric (Brunsson 2002). The institutionalisation and the professionalization of COI participate in the construction of institutional legitimacy only insofar as COI production takes place in a realm perceived as independent – and distantiation is paramount to this perception.

2. The Norwegian Infrastructure of Distantiation

In order to understand the apparatus of distantiation, which materialises the norm of separation between the production of COI knowledge and the evaluation of the asylum applications, it is necessary to move away from the transnational level of the 'COI community' and turn to the level of national systems. It is indeed at this level that most of the practices at the centre of this article are situated and each COI unit operates in a particular national context. The organisational structures, resources, and practices in which the production and circulation of COI take place vary considerably from one "RSD regime" (Hamlin 2014: 9) to another (ICMPD 2006; Engelmann 2014). In each case, the infrastructure of distantiation will take a specific form and reveal a particular 'ecology.'

The case under scrutiny in this paper is that of the Norwegian COI unit *Landinfo*. As a non-EU country, Norway is not bound by European asylum directives. As a party to the Dublin agreements, however, it has sought to align its asylum policies with those of the other European countries (Liodden 2017: 9)⁶. Norway is an associate member of the European Asylum Support Office (EASO) which has been active in COI cooperation since its creation in 2011. Landinfo staff participate actively in this network, as they have done in the past in similar organisations (eg Eurasil and the European Country of Origin Sponsorship), as well as in other international networks, including the Intergovernmental Consultations on Asylum Policies, Refugees and Migration (IGC), whose Working Group on COI has existed since the mid-1990s.

In the landscape of European COI units, Landinfo distinguishes itself through its organisational autonomy, its relatively long-lasting policy of publishing its research online⁷, as well as the high number of fact-finding missions its country analysts undertake.

⁶ However, according to Brekke and Staver (2018), this tendency to align with European standards has been reversed since 2015, following a "renationalisation" trend in Norwegian migration policy.

⁷ Since the launch of the website www.landinfo.no in early 2006 (Pettersen 2006).

In the landscape of European COI units, Landinfo distinguishes itself by its organisational autonomy, its relatively long-lasting policy of publishing its research online⁸, as well as the high number of fact-finding missions its country analysts undertake. I have been able to perceive the good reputation of Landinfo within the "COI community", one interlocutor qualifying the unit as the "Rolls Royce of COI".

The unit employs 29 persons: one head, 21 country analysts, four documentalists, two administrative assistants and a person responsible for the database (Landinfo n.d.a⁹). Country analysts all have a university education in the social sciences or, for a minority, in oriental languages¹⁰. Within Landinfo, country analysts are divided into four geographical sections: Africa; Asia; Middle East; Europe, Central Asia and Latin America (Landinfo n.d.a).

The analysis of Landinfo's infrastructure of distantiation from the asylum procedure is structured around four aspects: its institutional organisation, its physical location, its internal reproduction of practices and its active communication. When deemed useful to illustrate the specificities of the Norwegian infrastructure of distantiation, the Landinfo case is put into perspective with other European COI units. Before getting into the thick of it and investigating the unit's implementation of the norm of distantiation however, it is first necessary to describe its role in the Norwegian asylum procedure¹¹.

2.1. Landinfo and the Norwegian asylum system

The administration responsible for decisions to grant asylum in the Norwegian asylum system is the Directorate of Immigration (*Utlendingsdirektorat* – UDI). Individuals whose asylum applications are rejected are offered legal assistance and can make an appeal the Immigration Appeals Board (*Utlendingsnemnda* – UNE). A negative decision of the UNE can be further appealed in the regular judicial system at the regional or local level. A further appeal can be brought to the Supreme Court on issues pertaining to law (Schjathvet 2014: 124)¹².

Landinfo's information can be requested by the authorities at each of these stages. The COI is generated and transmitted in various forms, most often in writing but sometimes also verbally. Detailed thematic reports (*temanotater*) analyse major themes tied to the situation of a particular country. Recent examples of such reports include 'Kosovo: the Police and the Legal System,' 'Somalia: Media and Journalism,' or 'Russia: Asylum System, Administrative Expulsions, and Forcible Returns'¹³. Other, more synthetic reports (*respons*) answer specific questions regarding topics on which the Norwegian migration authorities require information¹⁴.

⁸ Since the launch of the website www.landinfo.no in early 2006 (Pettersen 2006).

⁹ 2018 numbers.

¹⁰ Political science is the most represented discipline (9), followed by Arabic (4), social geography (3), sociology (2), religion studies (1) and anthropology (1). Profiles of Landinfo employees are available on the unit's website (Landinfo, n.d.a).

¹¹ It is useful to mention here that the asylum procedure is not the only context in which Landinfo operates. The unit can be solicited by any of the authorities implicated in migratory questions (for example other departments of the UDI and the UNE, the police or the Justice Ministry).

¹² For a detailed description of the asylum procedure in Norway, see EMN 2012. For an updated and in-depth analysis of the professional practices of civil servants implicated in this procedure, see the doctoral thesis of Tone Maia Liodden (2017) that deals with the notions of uncertainty and discretionary power in this context.

¹³ These reports and all others can be found on Landinfo's website (Landinfo n.d.b.)

¹⁴ A note entitled 'Bangladesh: Divorce' for example gave answers to the following questions in November 2015: 'How can one get a divorce? Is divorce common? Are there various possibilities of divorce according to the religion to which one belongs? Is the possibility of divorce different for men and women?'

These two kinds of COI output are publicly available on Landinfo's website – with a few exceptions where the confidentiality of certain sources of information is involved. Country analysts also answer more specific questions which are often linked to specific cases and directly submitted by the civil servants in charge of RSD at the UDI. These can be the subject of a phone conversation or of an email exchange. By way of indication, the unit produced 46 thematic notes and 73 *respons* documents and answered 1200 questions by email in 2015 (Landinfo 2016: 8-9).

The four Landinfo documentalists are responsible for updating the *Landdatabasen* database. This database, which is accessible to UDI and the Justice Ministry employees, contains various kinds of documents (e.g. official reports, civil society organisation reports, press articles, etc.) on 101 countries.

In addition to written formats, information about countries of origin is also subject to oral circulation. Country analysts provide presentations and training sessions to the different actors of the Norwegian migratory authorities (110 in 2015) as well as oral reports from *fact-finding missions* undertaken in the countries of origin. Finally, country analysts appear as expert witnesses both in UNE meetings and at hearings before the courts of justice – respectively 186 and 212 times in 2015 (Landinfo 2016: 9). They can be summoned at the request of both parties.

2.2. Institutionalising distance

Although Landinfo's services are available to all institutional actors in the Norwegian asylum system¹⁵, the unit is located organisationally within UDI. This situation results from a choice made at the time of its creation which was initiated in 2005 under the impulse of the Minister for Local Government and Regional Development¹⁶ from which UDI then depended. The new structure pooled UDI and UNE human resources dedicated to the production of COI, namely UNE's five country analysts and UDI's COI unit which consisted in seven country analysts, three documentalists and a head of unit.

The creation of a 'unit of knowledge about the countries' (*landkunnskapsenhet*) had been put forward in January 2004 within the framework of a reform of the migration control system. The reform was the subject of a governmental report debated in parliament – *Melding til Stortinget* (or *Stortingetsmelding*). This document sums up the argument for changing the prior system of COI and outlines the characteristics of the new unit (Norway 2004).

The main argument invoked by the document in favour of a unique structure is the potential confusion that could arise from discrepancies in the evaluation of the situation in the different countries and regions. A divergence in the knowledge produced by the two instances of the asylum procedure entails the risk of creating a confusing situation for the plaintiffs and their legal representatives in the preparation for an appeal. Moreover, a unique source of knowledge would contribute to more uniform practices between the different levels of asylum adjudication (Norway 2004a: 24-45). This line of reasoning was

¹⁵ One of my interlocutors stated that she also answers to questions from legal representatives of asylum-seekers, insofar as resources allow it. Landinfo's 2015 annual report (2016) indicates that while the unit always gives priority to their main users, they also organize presentations at the request of other actors, especially civil society organisations, if the resources allow it.

¹⁶ Erna Solberg, Norway's Prime Minister since 2013.

contested during parliamentary discussions by members from two minority parties, who invoked a reduction of legal security (Norway 2004b)¹⁷.

The possibility of creating a new, independent agency had been examined. However, two arguments spoke for its integration within the existing bureaucratic framework. The first argument was financial, as an independent unit would have required hiring administrative and technical staff that was already available in UDI. It was furthermore considered that a certain proximity between country analysts and civil servants responsible for RSD could allow the former to better evaluate the latter's information needs through an improved understanding of the procedure, the law and the arguments of the applicants (Norway 2004a: 25-26).

The *Stortingetsmelding* indicates that the new unit should be 'academically independent,' i.e. neither UDI nor UNE should have the authority to instruct them on the way to evaluate or present the situation in a country or a region (Norway 2004a: 26).

It is relevant to return here to the discussion of the norms and values conveyed by the formal structures of organizations (Brunsson 2002). Structures delimit not only the options, choices, learning and beliefs of the actors who evolve within them, but also include an ethical dimension. A structure that would not carry meaning for the daily work of individuals would not allow recognising the conformity of the bureaucrats' actions with the structure. Only the existence of an "ethics of the structure" makes it possible to define the responsibilities of the actors (Whitford 2012: 395).

The choice made by the Norwegian authorities to organizationally separate the production of COI from its utilization can therefore be interpreted as an important element of the infrastructure of distantiation. In an ecological representation, the organizational structure is thus both the materialization at the institutional level of the norm of distantiation and a framework defining the conformity of the actions of the individuals who evolve within it. The choice of a single unit also reinforces the legitimacy of the knowledge produced since it limits the risk of inconsistencies and questioning of knowledge within the institutions.

However, the *Stortingetsmelding* goes beyond the structural description of the new COI unit. It also refers to how this unit should operate in the asylum system, in particular that the new unit must be "academically independent" – neither the UDI nor the UNE has the authority to instruct it on how to present or assess the situation in a country or region (Norway 2004a: 26). This official document indicates that the distantiation between the site of knowledge production and that of its utilization was indeed the goal of the policy makers. This official document is not only a useful source for the researcher to identify the goals of the political decision-makers. As the leader of Landinfo indicates, it also institutionalizes the foundations of the unit's mandate:

A White Paper ("stortingetsmelding" in Norwegian) defines the framework for our work, consisting of two pillars: The first pillar is Landinfo's role which is limited COI. That means that we do not have a role in the decision-making and policy development. The White Paper clearly states the separation between decision-making process and the process of generating COI. The other pillar for Landinfo is our independence. We cannot be instructed by anybody with respect to COI-issues such as content or methodology.

The official written mention of Landinfo's mandate and the separation between COI and the decision-making process brings a meaningful contribution to the infrastructure of

¹⁷ Today, the French and Swiss asylum system are the only European examples where two COI units operate, respectively within the asylum administration and the appeal body.

distantiation. Although a *Melding til Stortinget* does not carry legal weight – it is meant to inform the parliament about an issue and possibly have it debated, but it is not subject to ratification¹⁸ – the document is nevertheless an officially sanctioned source and a reference to point to when the norm of distantiation is put into question.

2.3. Locating distance

The organisational autonomy of Landinfo is also materialised in space. Landinfo offices are located on the third floor of a commercial building in the centre of Oslo, in a location independent of the rest of UDI. This is the answer the head of Landinfo gave when asked about the advantages of separate locations:

The fact that we are geographically separated from the decision-makers' offices, is important. We do not even have the same cantina; we have our own kitchen. This may appear to be only symbolic, but it underlines our independence – not only for the case workers, but also for lawyers, journalists or NGO's.

This geographical situation therefore contributes to the social perception of Landinfo's autonomy. The importance of this perception concerns not only actors that are internal to the asylum procedure, but also external actors, such as journalists and civil society organizations. The lack of space for informal exchanges with COI users, such as a canteen, reinforces Landinfo's sense of independence. Beyond the symbolic function of geographical distance, a country analyst points to more practical advantages of limiting the possibilities of informal contacts:

I don't feel I interfere with their case processing at all. And also we sit, you know, very separately from them so it's not like they come in and ask us all the time 'look at this case, what do you think?' It used to be like that before we became that one unit, I think, but it's not like that.

It is unclear on what grounds this country analyst assesses the difference between the situation before and after the creation of Landinfo, as she started working there only after it occurred. However, the quote clearly indicates her belief that the physical separation of COI producers from RSD procedures prevents them from interfering in case work by limiting occasions for informal, non-procedural exchanges that would not be regulated by existing procedures.

2.4. Practising distance

How to produce and communicate information while avoiding any suggestion of the interpretation which should be inferred? This is essentially the methodological issue raised by the distancing of COI production vis-a-vis the asylum procedure. This question is at the centre of the everyday practice of country analysts and, according to the head of Landinfo, the capacity not to cross over into the domain of decision-making remains the concern that Landinfo staff most often addresses:

Since the establishment of Landinfo, one of the core themes we have discussed and elaborated on has been how to fill our role in order to be relevant to our users, but to avoid crossing the line to decision-making.

¹⁸ I am grateful to Henrik Westermarck from the Swiss Institute of Comparative Law for his help in clarifying the (non) legal nature of the *Melding til Stortinget*.

Despite a legally defined role and one which is well-understood by the different actors of the system (see next section), its implementation remains a concern in everyday practices. Maintaining posture and not crossing the line in the distribution of information is particularly difficult when country analysts make an oral statement in front of a court of justice according to my three interlocutors. This part of the job of Landinfo's country analysts is unique to the Norwegian asylum procedure. In no other asylum system do the country analysts from the administration's COI unit stand in court as expert witnesses.¹⁹ The head of Landinfo explains that:

On the paper and in theory it appears easy to differentiate between COI and decision-making. But in daily work, for example if the analyst provides oral witness statement in court, it can be more tricky to stay on the right side of the line between COI and decision-making. In most of the cases the judge wouldn't know too much about the country in question, and it could be difficult for her/him to find out whether the appellant's story is trustworthy, or whether it is safe to return a person to his/her home country. For the judge it can be tempting to ask the country expert of her/his opinion – but the analyst has to decline to comment on these questions.

A potential crack in the infrastructure of distantiation appears when the country analyst must assert and defend the posture dictated by the normative register of his/her profession. Country analysts find themselves in situations in which they are confronted with expectations that are incompatible with a role defined as separated from the decision-making. It is no longer a question of hiding behind the distancing infrastructure, but of defending it and putting it into practice.

The issues specific to the interactions with COI users do not stem solely from their inconvenient expectations or from particular social situations such as hearing in a courtroom. A country analyst indicates how "staying in one's role" can be manifested in written production, through vocabulary choices:

We have discussions on language: do we use terminology that can be understood from a legal perspective? How do we use words like 'torture'? When we say 'torture', do we say what that mean? Do we qualify something to being 'torture' or not? Or do we say 'according to' or 'Amnesty International refers to it as...' So we have long discussions on single words and what they might be interpreted as saying.

In order to avoid spilling over their role and entering into the decision-making ground, country analysts must take into account how the words they use will be interpreted by their clients. In this case, applying the norm of distantiation from decision-making requires being mindful of the threshold of interaction. Country-analysts must make sure not only that they do not exceed their prerogatives but also that other actors share this perception. In his research on the role of anthropologists as providers of country expertise in British asylum courts, Anthony Good (2007) also notes the importance of terminology in the separation of roles between knowledge producers and knowledge users. In the case under Good's scrutiny, providers of country knowledge are not professional COI researchers but academics (mainly anthropologists) who stand in court as expert witnesses. Good reports the misunderstandings raised by the anthropologists' use of words with a legal weight such as *credibility*: 'Whereas in academic contexts "plausibility" and "credibility" may seem virtually interchangeable, in legal circles "credibility" is a term of art, a judgment which only

¹⁹ For a general picture of the structural differences and access to country information in asylum appeal courts in Europe, see Gyulai 2011.

the court is entitled to make' (Good 2007: 199). Exceeding one's role by such clumsiness of language can disqualify an expert and, by extension, his expertise in the eyes of judges (ibid.).

The meaning that users of COI can attribute to certain expressions and the way in which they interpret them legally also engage the producers of this knowledge. In order to maintain the separation between knowledge production and decision-making, country analysts need to know the vocabulary of the procedure. The ability to operationalize the distantiation also relates to their level of understanding of the asylum procedure. This raises a certain paradox in the sense that a better knowledge of the procedure can allow to more effectively distance oneself from it. It is noteworthy that out of the 21 Landinfo country analysts, at least eight have previously worked in the decision-making in the procedure (Landinfo n.d.a)²⁰.

This section showed that the fundamental norm of COI distantiation is not taken for granted within the Norwegian COI unit. It is the subject of a constant reproduction that country analysts operate in their everyday practices. Thematising the question of the COI producers' role through discussions and methodological developments demonstrates the pro-active role that these actors play in building and reproducing the infrastructure of distantiation between the COI and the asylum procedure.

2.5. Communicating distance

The work of distantiation vis-a-vis the asylum procedure is not only reflected in COI production – it also has a performative dimension. This performative distantiation can be observed *internally* (within the asylum system) through the management of expectations and the clarification of roles, as well as *externally* for the wider society through a pro-active communication.

While the previous section showed that the professional practice of country analysts requires defending their posture in the interaction with other actors, the clarification of roles and the management of expectations also result from an institutional effort. In particular, Landinfo introduced a systematic training system for UDI caseworkers in charge of asylum decisions. The head of unit describes it as a role-learning tool:

We have designed e-learning modules for our users in order to clarify Landinfo's role and to make it easier for them to use our services according to our role.

The norm of role separation is thus the object of institutionalised teaching and learning. My interlocutors acknowledge that their particular role is well understood by their UDI clients. A country analyst mentions that the caseworkers are 'disciplined' ('they are very disciplined when they should ask us a question or not'). She also relates the recent evolution of the understanding of the COI's role amongst UNE judges:

the judge is always very aware of the way the questions should be asked. (...) and that has changed also, I think, in these years I have been working here. When I came in 2008, (...) they were not always thinking so consequently about that as they are now. I think it has happened a lot in the Appeal's Board during those years. They have become more aware. I think because [the head

²⁰ Here again, recruitment practices in COI units vary a lot from one country to another: while within OFPRA in France decision-making experience is a prerequisite for working in the COI unit, the SEM COI unit in Switzerland only recruits externally.

of unit] has regular meetings with the Appeal's Board. And they discussed these things. And we had the appeal's board coming here and had meetings with some of us, like me for instance we have had a lot of dialogue on how to address questions.

The role of Landinfo is not only brought up in the interaction with its users within UDI or UNE; it is also systematically highlighted in Landinfo's communication. Every thematic report is preceded with a disclaimer in Norwegian and in English which indicates that the information was collected and analysed in accordance with common COI quality standards and with Landinfo's internal guidelines regarding sources and information analysis. It is also specified that the 'Country of Origin Information presented in Landinfo's reports does not contain policy recommendations nor does it reflect official Norwegian views.' The *respons* documents present similar disclaimers.

Landinfo's website, on which these reports are published, also repeatedly highlights its independence from the migratory authorities and displays the *Storingsmelding* at the source of its creation (landinfo n.d.a.). It includes a section entitled 'COI Practices' (Landinfo n.d.c.) which contains two methodological documents specific to Landinfo and four documents drawn from international sources. This transparency is also underlined by the head of unit:

If you want to learn more about the methodology and the content of our work, you are invited to visit our homepage. Both our guidelines on source and information analysis and our reports are accessible on Landinfo.no.

This transparent communication – and communication on transparency – can be perceived as another element in the infrastructure of distanciation from asylum procedure. It notifies that while Landinfo is accountable for the knowledge it produces, the procedural interpretation of this information for decision-making does not fall under its responsibility. In fact, the general interpretation of country information for decision-making purposes is available on UDI's website in *praksisnotater*, country guidance documents for the caseworkers²¹.

Consequently, external assessments of decision-making policies on asylum applications from specific countries can also be separated from the evaluation of the country information these policies are based on. Potential criticism must thus be directed either at the COI or at its legal interpretation.

My research stay in Oslo in early 2016 coincided with a controversy on the government's decision to deport asylum seekers who had entered Norway through its Northern border with Russia²², which was considered a 'safe third country'. During a debate on national television between critics of this new policy and the Minister of Immigration, the latest Landinfo report on Russian asylum seekers was screened as an introductory element, setting the 'factual basis' for the discussion. Participants both sides frequently referred to it during the debate, but never questioned its content (NRK TV 2016). My interview with the head of Landinfo took place the day after this debate. He referred to it to illustrate the position of Landinfo in the public debate as a respected and reliable source of information.

²¹ UDI's website states that '[t]he memos are mainly normative descriptions of work practice. They may contain internal processing routines. The memos on practices and procedures are binding on case officers in the Norwegian Directorate of Immigration.' (UDI n.d.)

²² The so-called 'arctic route'.

3. Distantiation and legitimacy

Country of origin information constitute a particular situation of expert knowledge production. Their production is the subject of special public attention as they intervene within the politically sensitive domain of asylum. The social perception of an independent production of knowledge is essential for securing the authority and legitimacy of both individual actors and state institutions. The infrastructure of distantiation contributes to this perception by attesting to, if not allowing for, the independent production of neutral and objective knowledge.

By taking up the ecological metaphor, it appears that the Norwegian infrastructure of distantiation is perceptible across the multiple layers of the environment in which Landinfo and its staff operate. It is noticeable at an international and ideational level in the norm of distance that characterizes an accepted "best practice" in terms of COI. It materialises in official documents governing the rules and institutional structures that condition COI production. It is reinforced and reproduced by the Landinfo unit itself in its communication, both internally and externally to the Norwegian asylum system. Finally, it manifests itself in discourse and practices at the level of individuals. Quoting the head of Landinfo out of context, the analysis shows that his team has "its own kitchen" - it benefits from a symbolic and material space located *outside* the asylum procedure.

Landinfo also certainly implements its own internal procedures, informal rules and routines. These aspects, which also participate in the expansion or contraction of the infrastructure of distantiation, do not fall within the scope of this study. However, the description of the infrastructure of distantiation also uncovers potential areas of tension where the distantiation standard could be undermined. One of them concerns the apparent contradiction between the needs to know COI users and to distance oneself from them. Indeed, in order to assess how the produced information will be used and interpreted, country analysts need to know the language and functioning of the procedure. Their capacity to implement distance thus depends on a certain proximity. Another area of tension is located in the interaction of the country analysts with COI users and more particularly when they act as witness experts in courts. These specific social settings can push the country analyst to "cross the line" between knowledge and evaluation.

The infrastructure of distantiation should therefore not be taken for granted. While it frames the practices of expert knowledge producers, it also relies on the latter reproducing and reinforcing it. The discourses and reported practices of the actors that I interviewed show a strong adherence to the norm of distantiation, and their effort to put it into practice are not the result of unconsciously integrated discourses. It is rather a conscious and pro-active activity.

The converging interests of the different levels and actors can account for the manifest coherence between norms, structures, discourse and practices. The recognition of the country analyst's independence reflects on their authority as knowledge producers and on the legitimacy of the COI, which in turn legitimizes the administrative decisions as well as the institutions responsible for them.

Nevertheless, such a coherent and efficient legitimizing structure involves the inherent risk of a lack of internal contradiction. The creation of a unique COI production unit in the Norwegian asylum system has limited the venues for the production of contradictory knowledge within the system itself. The absence of internal contradiction as well as the extent of Landinfo's external legitimacy – as illustrated by the example of the television debate – further increases the risk that the knowledge produced should not be questioned whatsoever and that it should reach an unquestionable, hegemonic status.

Country of origin information constitutes a particular site of knowledge production. Operating in the politically sensitive field of asylum, their production draws particular public scrutiny. The social perception of an independent production is essential to anchor the authority and legitimacy of both individual actors and institutions. The infrastructure of distantiation participates in producing this legitimacy by signalling, if not allowing, the independent production of an objective and neutral knowledge.

A recent analysis of 150 appeals against UNE decisions lodged with the Oslo District Court, for example, revealed that the court placed considerable reliance on information produced by Landinfo at the expense of other sources of (possibly contradictory) information (Kirkeby Hauge 2016). The study cites a judgment stating that Landinfo plays a "more neutral" role than the UNHCR, presented as an interest group (*interessorganisasjon*), which implies that the knowledge produced by the Norwegian unit must be granted more weight than that produced by the UN agency (ibid .: 31). The crucial importance given to the role of the source of information in the asylum system to the detriment of the evaluation of the information itself reveals how the legitimacy of knowledge is constructed through its contextualisation.

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