

**MIGRATION-SECURITY NEXUS IN THE EUROPEAN UNION THROUGH  
COPENHAGEN SCHOOL'S CONCEPTUALIZATION OF SECURITY:  
FRANCE AND THE UNITED KINGDOM AS CASE STUDIES**

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Approval of the Graduate School of Social Sciences

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## **ABSTRACT**

### **MIGRATION-SECURITY NEXUS IN THE EUROPEAN UNION THROUGH COPENHAGEN SCHOOL'S CONCEPTUALIZATION OF SECURITY: FRANCE AND THE UNITED KINGDOM AS CASE STUDIES**

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This study analyses the securitization of migration in the EU. To understand the current debate on the migration policy at the EU and the national level, there is a need to investigate how migration has turned into a security issue. Hence, this study examines the securitization theory of the Copenhagen School building on security-migration linkage. The analysis of the post-September 11 period including the 2004 Madrid and the 2005 London attacks examines how migration-security linkage has been formulated through picking the member states; France and the UK as case studies. This analysis enables to investigate how France and the UK relying on the manpower from their former colonies to strengthen their devastated economies in the post-Second World War period developed a security understanding towards migration. The researcher seeks an answer as to how the migration agenda of the EU and France and the UK is shaped by the political arguments. The research shows there is a tendency to construct migration as a security issue at the EU and national level. The research presented reveals; however, that

securitization did not considerably emerge after the infamous attacks on the US and on European soil. This leads to the conclusion that securitization concept is not entirely new but feeling of insecurity towards migrants has been escalated with the terrorist attacks. It has become almost unthinkable to refer to the fight against terrorism without special reference to the threats posed by migration.

Keywords: Securitization, Migration, the EU, the Copenhagen School, France and the UK.

## ÖZ

### **KOPENHAG OKULU’NUN GÜVENLİK ANLAYIŞI EKSENİNDE AVRUPA BİRLİĞİNDE GÖÇ-GÜVENLİK İLİŞKİSİNİN OLUŞTURULMASI: FRANSA VE İNGİLTERE ÖRNEĞİ**

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Bu çalışmanın amacı Avrupa Birliği’nde göçün güvenlik meselesi haline getirilmesini araştırmaktır. Günümüzdeki AB ve ulusal düzeyde göç politikalarını kavrayabilmek için, öncelikle göçün güvenlik meselesi haline nasıl geldiğini araştırmak gerekmektedir. Bu nedenle söz konusu çalışma, Kopenhag Okulu’nun güvenlikleştirme kuramını, göç-güvenlik ilişkisini göz önüne alarak incelemektedir. Bu inceleme, göç-güvenlik bağlamının, 11 Eylül sonrası dönem ve 2004 Madrid ve 2005 Londra saldırılarını da kapsayarak nasıl ilişkilendirildiğini, ulusal seviyede Fransa ve İngiltere örnek ülkelerini seçerek araştırmaktadır. Bu analiz, İkinci Dünya Savaşı sonrası harap düşmüş ekonomilerini inşaa etmek amacıyla eski sömürgelerinden gelen insan gücüne ihtiyaç duyan Fransa ve İngiltere’nin, göçe yönelik nasıl bir güvenlik anlayışı geliştirdiğine imkân sağlamaktadır. Araştırmacı, AB, Fransa ve İngiltere’de göçün siyasi argumanlar tarafından nasıl şekillendiğine cevap aramaktadır. Araştırma, AB ve ulusal düzeyde göçün



bir güvenlik sorunu olarak yapılandırılmasına yönelik bir eğilim olduğunu ortaya koymaktadır. Ancak sunulan araştırma, göçün güvenlikleştirilmesinin, ABD ve Avrupa topraklarında meydana gelen elim saldırılardan sonra oluşmadığını ortaya koymaktadır. Bu durum, güvenlikleştirmenin yeni bir kavram olmadığını, göçmenlere karşı ortaya konan güvensizliğin terör saldırıları ile arttığı sonucunu doğurmuştur. Böylelikle, terörle mücadele, göçten kaynaklı tehditlerle ilintilenmeden neredeyse imkânsız hale gelmiştir.

Anahtar kelimeler: Güvenlikleştirme, Göç, AB, Kopenhag Okulu, Fransa ve İngiltere.

*To My Family*

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## CHAPTER 1

### INTRODUCTION

... Insecurity is a situation with a security problem and no response. Both conditions share the security problematic. The statement, then that security is always relative, and one never lives in complete security, has the additional meaning that, if one has such complete security, one does not label it 'security'. Consequently, transcending a security problem by politicizing it cannot happen through thematization in security terms, only away from such terms.<sup>1</sup>

In this thesis I aim to explore 'securitization of migration' discourse at the EU and nation-state levels. Within this regard, I will look at the historical and institutional evolution of migration and its politicization and securitization within the territory of the EU.

In this vein, I will seek answers to the following questions: How and why did migration become a security issue in the European Union? On the argument that migration has become a threat as being constructed by social actors, (at the EU level; the Commission and the European Parliament and on the national level, Britain and France) then what is the capacity of the Copenhagen School in order to explain the security-migration nexus in Europe? What is the role of the supranational (The European Commission, Council and the Parliament) and national actors (France and the UK) in terms of developing and transforming migration as a security issue in Europe?

In the light with the research questions, I will investigate the migration policy at the EU and national level through selecting the member states; France and the UK. In doing so, I will examine the primary (the EU reports) and secondary (books and academic periodicals etc.) sources in order to reach a comprehensive understanding. Moreover, I will use the web sources of the EU institutions such as the European Commission, the Council and the European Parliament whilst

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<sup>1</sup> Waever, O. (1995). Securitization and Desecuritization. In R. Lipschutz, (Ed.), *On Security*. New York: Colombia University Press, p. 56.



researching on the migration policy of the EU in order to investigate my research questions. Besides, the political discourses of the member states; France and the UK will be introduced to the study. This will enable me to examine how national approach is embedded in the EU migration policy. I will structure my study within a theoretical framework. Accordingly, I intend to apply to the Copenhagen School's securitization theory citing to Barry Buzan and Ole Waever primarily in order to discuss and analyze the security oriented policy conducted in contemporary migration policy of the EU.

Migration has become one of the most contested issues of the globalized world. Every year millions of people driven by a wide range of reasons such as searching for better living conditions, prosperity, liberty, or escaping from persecution etc., flow into European territories. Today migration issue generates one of the hottest debates of the European Union's (EU) agenda as it has transformed the political and societal dynamics of the EU member states. Most countries are reluctant to receive migrants as they are thought to add more burdens on the existing socio-economic and political issues that their countries has to deal with. Migrants are also increasingly considered as a source of insecurity due to the security driven shift within the migration policy of the EU.

The goal of this study is to examine the question of how migration has become a security issue at the EU and at member state levels. Not until the early 1980s did receiving states possessed a considerable security approach towards migration issue. The recruitment of migrants was driven by economic concerns in order to fuel the economy of Europe following the Second World War. Today; however, there is a tendency to construct migration as a security problem paving the way for the development of a restrictive migration policy. It is significant to analyze how this shift affects the response to the construction of migration policy by the EU and the member states. To understand the current debate about the migration policy, there is a need to explore how migration has been politicized. Besides, the issue of how migrants have been presented as a threat to the social order of the EU and to the

domestic stability of the member states will be the concern of this study. This study will be divided into four chapters.

First chapter will start with the Copenhagen School's speech act theory in order to figure out how migration is constructed by social and political actors. Based on the theory of Barry Buzan and Ole Waever, the Copenhagen School defines security as a speech act. According to the Copenhagen School, this act is explained in the following way:

'Security' is thus a self-referential practice, because it is in this practice that the issue becomes a security issue- not necessarily because a real existential threat exists but because the issue is presented as such a threat... The process of security is what in language theory is called a speech act. It is not interesting as a sign referring to something more real; it is the utterance itself that is the act. By saying the words, something is done (like betting, giving a promise, naming a ship)<sup>2</sup>

In this sense, Copenhagen school is in line with a constructivist approach by rejecting the idea that security is out there, instead it is a process constructed by actors as threats to the security. Hence, securitization becomes the outcome of public and political discourses that will be located in the analysis of the EU's, France and the UK's practices in the following chapters. France and the UK cases are selected to examine how they have developed a security perspective towards migration issue. This provides an understanding regarding the evolving nature of migration which was regarded as an opportunity to heal the devastated economic structure of those states in the aftermath of the Second World War. In this regard, the first chapter will formulate the theoretical ground of the study in order to understand how security is embedded in the EU migration policy.

The second chapter will analyze how migration has become an issue of security at the EU's institutional level. This will lead to reach a comprehensive understanding of the securitization of migration in the EU policies since the foundation of the Union. Initially, the EU paid little attention to the migration policy because 'for a long time immigration was considered to be a national matter and the EU only had an indirect impact on immigration policies through the promotion of free movement of

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<sup>2</sup> Buzan, B, Waever, O. And J. De Wilde (1998). *Security. A New Framework for Analysis*. London: Rienner, pp. 24-26.

member states nationals'<sup>3</sup>. However, migration has been transformed from national level to the EU level with the formation of Schengen group in 1985. It was followed by the Treaty on the European Union (TEU) in 1993. With the entry into force of the Amsterdam Treaty (1999), the European Union gained a more institutional framework toward the implementation of migration. The significance of that agreement was that it abolished the Third Pillar structure created by the TEU and issues with regard to migration, asylum and refugees were moved to the First Pillar.<sup>4</sup> According to Andrew Geddes, the “boundary removal within the EU as a result of single market liberalization has raised new issues of territorial management and population control”<sup>5</sup> Hence, this process has been crucial to analyze the nature of migration and the negative portrayal of migrants within the EU.

After evaluating the historical and institutional background of migration at the EU level, the third chapter will analyze the reports of the EU actors; paying a particular attention to the European Council, and the European Parliament and also including the European Commission into the discussion in related parts. In doing so, the September 11 attacks and its reflection on the enforcement of security-migration nexus in the EU will be covered as well. This will pave the way for investigating how securitization of migration has been practiced at the EU level particularly, following the September 11 events. The security threat has not been a new phenomenon. It was rooted in the EU policy particularly with the establishment of the third pillar on Justice and Home Affairs in the Maastricht Treaty. “The issue was no longer, on the one hand, terrorism, drugs, crime, and on the other hand, rights of asylum and clandestine immigration, but they came to be treated together in an

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<sup>3</sup> Muster, v. R. (2009). *Securitizing Immigration. The Politics of Risk in the EU*. NY: Palgrave Macmillan, p.2.

<sup>4</sup> Commission of the European Communities. (1996). *Commission Opinion. Reinforcing Political Union and Preparing for Enlargement* (Brussels: CEC).

<sup>5</sup> Geddes, A. (2008). Borders, Territory, and Migration in the European Union. From the Politics of Migration in Europe to the European Politics of . In O. Schmidtke and S. Ozcurumez (Eds), *Of States, Rights, and Social Closure. Governing Migration and Citizenship* (pp.205-225). NY: Palgrave Macmillan, p. 213.

attempt to gain an overall view of the interrelation between these problems and the free movement of person within Europe”.<sup>6</sup> To put it differently, migration was not simply regarded as a freedom of movement enabling people moving from one place to another but also it was as framed as a threat factor to the economic and societal structure of the nation states greatly reinforcing the security-driven understanding towards migration. As Levy similarly argues security based migration policy was visible in the EU policy-making prior to the September 11 attacks.<sup>7</sup> Following the attacks, the trend of linking terrorism to migration was deepened. By declaring migration as an existential threat to the structure of the EU, “spillover from counter-terrorism legislation to legislation in the immigration and asylum area” became evident.<sup>8</sup> Therefore, it is highly crucial to trigger the debate about the discursive constructions of migration as a threat following the September 11 attacks. It is highly crucial to trigger the debate about the discursive constructions of migration as a threat following the September 11 attacks. Therefore, this chapter will set the ground to figure out how politicization and securitization of migration are applied to political practices of the Member states; France and the UK while discussing the security-driven policies evolved in both countries.

The last chapter will analyze the security oriented migration policy through introducing the national migration policy of France and the UK. The reason why the UK and France are selected is because they hold one of the biggest migration populations on their territories.<sup>9</sup> Relying on the manpower from ex-colonial countries had been vital for France and the UK to reconstruct economy as well as to develop

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<sup>6</sup> Bigo, B. (1994). The European Internal Security Field: Stakes and Rivalries in a Newly Developing Area of Police Intervention. In Anderson, M. And den Boer, M (Eds), *Policing Across National Boundaries*, (pp. 161-173). London: Pinter, p. 164.

<sup>7</sup> Levy, C. (2005). The European Union after 9/11: The demise of a liberal democratic asylum regime? *Government and Opposition*, 40(1), p. 54

<sup>8</sup> Den Boer, M. (2003). 9/11 and the Europeanization of anti-terrorism policy: A critical assessment, *Notre Europe*, (Policy Paper No. 6.), p.11. Retrieved on February 10, 2014 from [http://www.notre-europe.eu/uploads/tx\\_publication/Polycypaper6\\_01.pdf](http://www.notre-europe.eu/uploads/tx_publication/Polycypaper6_01.pdf).

<sup>9</sup> See migration and migrant population statistics at [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics).

policies against labor shortages following the Second World War. Therefore, making migration a state policy attracted growing groups mainly from former French colonies in West and Central Africa to France. This kind of policy had also been adopted by the UK in terms of allowing migrants overwhelmingly from New Commonwealth (like India and Pakistan) countries. Although the entry of people from former colonies led to the larger consideration regarding the accelerated number of migrants, entry restriction was not applied in France and the UK until the early 1970s. Along with sharing a similar history, these actors have a great emphasis on the security and migration management of the EU in terms of their political and economic capacity. Without analyzing the domestic migration policy of these member states, the migration question at the EU level will remain vague as migration is predominantly shaped in the national context. Therefore, it is important to analyze migration policies of both countries in attempt to figure out how migration issue turned into a challenge in determination of security based approach. Migration is still considered as an assault to the cultural, economic and political composition of the member states. Even though the EU functions on migration have become effective and addressed the problems of migrants in terms of distributing the equal rights, still it is member states that have an upper hand on rendering migration at domestic level. As Huysmans points out ‘this raises questions about how the development of a common migration policy feeds into the wider politics of belonging, that is the struggle over cultural, racial and socio-economic criteria for the distribution of rights and duties connected to membership of the national and European community’.<sup>10</sup> Regarding the UK and France cases, the main concern will be analyzing the public speeches of political actors along with the migration policies employed at national levels. The discourses matter since they ‘operate as background capacities for persons to differentiate and identify things giving those taken-for-granted qualities

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<sup>10</sup> Huysmans, J. (2000). The European Union and the Securitization of Migration. *Journal of Common Market Studies*, 38(5), p. 771.

and attributes, and relating them with other objects'.<sup>11</sup> This will also pave the way for the examination of post-September 11 period and how it has been articulated in terms of increasingly assessing migration issue in the security context through anti-immigration discourses developed by political actors; Sarkozy and Blair.

The discourses that will be analyzed in the last chapter will enable to examine how the discourse matches with the practices of the British and French migration policies. As a matter of that fact that, migration policies at national level and the reports of the Commission, Council and the Parliament at EU level will provide a clearer picture as it will be used to complete the theoretical and institutional ground of this study. Therefore, migration acts will be outlined in an attempt to highlight the common and different approaches along with the policy-makers' (Prime Ministers, Ministers and Presidents) discussions on migration question. This chapter will be concluded with the reflection of the security theory of the Copenhagen school in order to critically assess how security is constructed through the discursive practices of the political actors. Otherwise, the analysis of the securitization of migration in the EU will be deficient without including the nature of migration in these states.

Accordingly, this study has introduced the following findings:

1. Migration has been securitized at the EU and nation-state level. The evolving securitization process can be assessed from the historical and institutional development of the securitization of migration in the EU. The EU level policies and discourses of the EU actors; the European Council, European Parliament and European Commission including the nation- state actors; France and the UK support this argument.

2. The feeling of insecurity towards migrants has been apparent in the EU's policies towards irregular migration in particular following the September attacks. However, it has been observed that the 2004 Madrid and the 2005 London attacks escalated the fear of terrorism since terrorist attacks occurred on European soil, which made it closer to home. This led the member states; France and the UK to

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<sup>11</sup> Milliken, J. (1999). The Study of Discourse in International Relations: A Critique of Research and Methods. *European Journal of International Relations*, 5(2), p. 231.

strengthen their border management and migration policies and link terrorism with migration

3. Examining the migration policies of France and the UK enabled to investigate the security tendency of policy-makers in both member states. The analysis of the discourses of policy-makers revealed the impact of negative perspective on shaping the migration-security nexus. The rising fear towards migrants particularly following the attacks in Madrid and London strengthened the prejudices towards migrants and escalated the fear of insecurity in the sense that France and the UK like other European member states are not safe anymore.

## CHAPTER 2

### A CRITICAL EXAMINATION OF THE SECURITIZATION THEORY THROUGH THE COPENHAGEN SCHOOL

#### 2.1. Introduction

This chapter will focus on the Copenhagen School's understanding of security as a theoretical framework. The securitization theory of the Copenhagen School mainly based on the arguments of Buzan and Waever will enable to examine the securitization of migration at the EU and the national levels by analyzing how the speech act is reflected through the policy-makers and the EU actors in the following chapters of this study. To understand how migration has become a security issue, there is a need to put emphasis on the process of securitization. This chapter aims at exploring the securitization concept going beyond the traditional security understanding, which reduces security to military threat. According to realism, there is an anarchical situation and there is no higher authority than state.<sup>12</sup> In this anarchical world, state the concern of the realists rest on the protection of the state from the threats. As Waltz puts forward, "the ultimate concern for states is not for power but for security."<sup>13</sup> However, this chapter aims at exploring the securitization concept going beyond the traditional security understanding, which reduces security to military threat. Hence, the arguments of Buzan and his colleagues from the Copenhagen School will be applied to establish a linkage between migration and security. The purpose of so doing is to investigate the migration policy that has predominantly become a heated topic on the agenda of the EU. The analysis of the security concept through the constructivist framework plays a crucial role to

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<sup>12</sup> Nye, J. S. (2009) *Understanding International Conflicts: An Introduction to Theory and History*. London: Pearson Longman, p. 4.

<sup>13</sup> Waltz, K. (1988). The Origins of War in Neorealist Theory. *The Journal of Interdisciplinary History*, 18/(4), 615-628, p. 616



critically assess the threat construction and to explain how the European Union and the member states response to migration issue that has increasingly arisen as a security question.

This chapter will base its arguments on the Copenhagen School in particular on the arguments of Buzan and Waever in reference to speech act and securitization process. This will open up discussion for examining how anti-migration discourses are developed around four axis; a societal, a criminological, an economic and a political one to portray a full picture on migration issue by addressing multiple dimensions related to the migration.

This theoretical argument will also help to examine the dilemma of the EU concerning the direction of its migration policy. On the one hand, internal security considerations and anti-terrorism measures call for restrictive migration policies and exclusionary borders. On the other hand, humanitarian concerns and pragmatic economic needs require the flow of economic labor and employment of a more liberal migration policy. The analytical focus in this chapter will be tied to the security discourse of policy-makers in the following chapters to explore how and why myths related to migration are created and inherited in security context. In doing so, it is intended to reach a comprehensive understanding not only on the institutionalization of migration but also on the emerging internal security regime of the EU.

## **2.2. Copenhagen School: Formulating the Securitization Theory through a Constructivist Approach**

Security is one of the most cited areas in the discipline of International Relations. In today's world politics not only state survival but also other source of threats dominate the agenda of security studies. There is wide range of issues such as human rights, criminal matters, social injustice, environment etc. which are associated with security. Not only national security but also human security has

become a particular concern in understanding the security. Therefore, constructivist method of the Copenhagen School which re-defines the traditionalist security concept will be introduced to provide a comprehensive security analysis.

To provide a specific definition might become quite difficult as many scholars respond to security issue from different approaches. In broadest term, security ‘involves the alleviation of threats to cherished values.’<sup>14</sup> This is a subjective definition since the agents and referents of security in question are not the same and the so called ‘cherished values’ might change over time. According to Williams, during the Cold War period the security ‘was about strategy inasmuch as the core intellectual and practical concerns revolved around devising the best means of employing the threat and the use of military force.’<sup>15</sup>

The Cold War period associated security with the state survival and focused on military enforcement. According to Baldwin, “If military force was relevant to an issue, it was considered a security issue; and if military force was not relevant, the issue was consigned to the category of low politics”.<sup>16</sup> This understanding confined security studies to a conservative approach. The agenda of International Relations was occupied with military matters ignoring other social, political, environmental problems. “From this perspective, security is understood as a commodity (i.e. to be secure, actors must possess certain things such as property, money, weapons, armies and so on). In particular power is thought to be the route to security: the more power (especially military power) actors can accumulate, the more secure they will be”.<sup>17</sup> However, “already during the 1970 and 1980s there were voices arguing about the need to broaden the concept of security”.<sup>18</sup> The debate was to take the non-state actors into consideration. The maximization of power and the state survival would

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<sup>14</sup> Williams, P. (2008). *Security Studies: an introduction*. NY: Roudledge, p. 1

<sup>15</sup> Ibid, p.3

<sup>16</sup> Baldwin, D. A. (1997). The Concept of Security. *Review of International Studies*, 23, p. 5.

<sup>17</sup> Williams, P. (2008). *Security Studies: an introduction*. NY: Roudledge, p. 7.

<sup>18</sup> Stivachtis, Y. A. (2008). International Migration and the Politics of Identity and Security. *Journal of Humanities and Social Sciences*, 2(1), p. 12.

not be enough to explain the post-Cold War period as the dynamics of the international politics shifted with the end of the bipolar world structure.

The prevailing definition of security was criticized by Wæver, who developed a new concept of security. Wæver, Buzan and other scholars who have come to be known as the Copenhagen School are engaged with the process through which an issue becomes socially constructed and recognized as a security threat. According to Wæver and his colleagues, security issues come into being through a discursive process that dramatizes and prioritises them. “Security thus a self-referential practice, because it is in this practice that the issue becomes a security issue- not necessarily because a real existential threat exists but because the issue is presented as such a threat”.<sup>19</sup> During the Cold War the pursuit of security was predominantly based on the realization of the military force. Buzan in *People, States and Fear* described security as an ‘underdeveloped concept’<sup>20</sup> since reducing security to war would be incapable of explaining the post-Cold War security concept. The key reason was with the end of the Cold War, West-East confrontation turned into non-military aspect. This led other concerns beyond military to fall into security studies. For Buzan and other scholars, the central concern was to bring a different definition to the state behavior, which would be evolved by norms.

Copenhagen School introduced a constructivist approach to the traditional security understanding. According to Buzan, security was not a ‘given’ but ‘constructed’ issue as different countries respond in different ways to threat construction. In this regard, ‘security for whom’ and ‘security for what values’ captured the understanding of security studies. Another analysis that is asserted by Buzan was the ‘speech act’ to investigate the process of securitization. In other words, by labelling an issue a ‘security issue’, the securitizing actor “moves a particular development into a specific area, and thereby claims a special right to use

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<sup>19</sup> Buzan, B., Wæver, O. And Wilde de Jaap. (1998). *Security: A New Framework for Analysis*. London: Lynne Rienner, p. 24.

<sup>20</sup> Buzan, B. (1991). *People, States and Fear: The National Security Problem in International Relations*. UK: Harvester Wheatsheaf Books, p. 3.

whatever means are necessary to block it”.<sup>21</sup> For securitization to be successful the securitizing actor declares an issue which is depicted as an existential threat to the survival of a referent object. This might consist of a state, national identity etc. The discourse is taken by the audience of the speech act that might include the government, public opinion, etc. Not only formulating an issue as a security problem; however, would be enough. For the efficiency of the speech act, the audience ought to be convinced as well. Unlike the Cold War security structure, “existential threat can only be understood in relation to the particular character of the referent object in question”.<sup>22</sup> Building upon the theoretical framework of the Copenhagen School, in particular, Buzan and Waever, it is understood that securitization is not fixed but changes over time.

To explore the rhetorical arguments put forward by political and security elites and reproduced by the media, anti-immigration discourses need to be developed around four main axes: a societal, a criminological, an economic and a political one based on the arguments of Weaver and other theorists. This will provide a better understanding to establish the link between security and migration addressing how constructivist approach addresses security concept in the international system of the post-Cold War era.

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<sup>21</sup> Waever, O. (1995). *Securitization and De-securitization*. In R. Lipschutz, (Ed.), *On Security*. New York: Colombia University Press, p. 55.

<sup>22</sup> Buzan, B., Waever, O. And Wilde de Jaap. (1998). *Security: A New Framework for Analysis*. London: Lynne Rienner.

## **2.3. Discursive Constructions of Migration as a Threat**

### **2.3.1. The Societal Axis**

According to the Waever, the societal axis is “the ability of a society to persist in its essential character under changing conditions and possible or actual threats”.<sup>23</sup> In this context migration may be labelled as a security problem when it is declared as a threat to the societal structure of a receiving country.

In Western Europe, migration was initially treated as an economic issue. It was applied to reconstruct the devastated domestic economic structure following the end of the Second World War. However, over time migration started to be highlighted as a threat to the cultural and identical values of the host country. This insecurity is the outcome of the fear fed by the belief that presence of migrants would shift the ethno-cultural, linguistic and religious composition of the host country. This fear has been captured by various political parties in the member states of the EU and has contributed to the strengthening of the negative identification of migrant groups in Europe. “Representations of security and threat can be central in this regard, serving to define who ‘we’ are and the ‘other/s’ from whom ‘we’ need protection”.<sup>24</sup> As Ceyhan and Tsoukala argue, ‘us’ and ‘them’ distinction results in “position(ing) the migrant as the ‘cultural other’ and shap(ing) the migrant’s relation to the society in a conflictual way”.<sup>25</sup> In that way, migrants are implicitly presented as inferior and/or dangerous. They are blamed for the social problems such unemployment, crime etc. As Bigo notes, “the securitization of immigration then emerges from the correlation between some successful speech acts of political leaders, the mobilization they create for and against some groups of people, and the specific field of security

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<sup>23</sup> Waever, O. (1993). *Identity, Migration and the New Security Agenda in Europe*. NY: NY St. Martins Press, p. 23.

<sup>24</sup> Williams, P. (2008). *Security Studies: An introduction*. NY: Roudledge, p. 7.

<sup>25</sup> Ceyhan, A and Tsoukala, A. (2002). The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies, *Alternatives*, 27, Special Issue, p. 29

professionals”.<sup>26</sup> In this view it is no surprise that immigrants become “outsider, inside the State”.<sup>27</sup> Faist portrays the situation in the following way:<sup>28</sup>

Recent political conflicts around social rights of immigrants have often been based on the claim that the willingness to share social goods distributed by the welfare state needs a basis of common feeling. It is thus not surprising that those political actors opposed to (further) immigration, and/or to granting certain social rights to immigrants, have tended to refer to the alleged threat immigrants pose not only as economic competitors in the labor market and for social policies (‘they take away our jobs and our benefits’) but also as a threat to the cultural homogeneity of the national state.

This results in excluding the third-country nationals from the society of the receiving country but privileging of national citizens. This leads to control-oriented and restrictive policies of the European countries. The political rhetoric has increasingly associated security with migration, which will be discussed in the last chapter where discourses of policy-makers are analyzed. Therefore, securitizing discourse on migration in Europe is based on the idea of distinguishing self from the other which will be examined in details in the following chapters. However, in Ceyhan and Tsoukala’s view not every European country had been subjected to the same migration flow and had gone through the same process. Therefore, the legal status and identification of migrants might differ from one country to another.<sup>29</sup>

Accordingly, the cases from France and the United Kingdom would be significant to develop an understanding on the distinguishing migration policies of both countries. The reason of selecting France and the UK as case studies stems from the fact that they share a similar history in terms of the migration profiles they have. To put it another way, both countries hosted their ex-colonies in order to strengthen their economy, which confronted a severe downfall following the Second World

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<sup>26</sup> Bigo, D. (2002). Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives* 27, Special Issue, p .63.

<sup>27</sup> Ibid, p. 66.

<sup>28</sup> Faist, F. (1995). Boundaries of Welfare States: Immigrants and Social Rights on the National and Supranational Level. In Miles, R. And Thaenhardt, D. (Eds.). *Migration and European Integration: The Dynamics of Inclusion and Exclusion*. London: Pinter Publishers, p. 189.

<sup>29</sup> Ceyhan, A. and Tsoukala, A. (2002). The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies, *Alternatives*, Vol. 27, Special Issue, p. 20.

War. However, within the progress of time the presence of different ethnic, cultural and religious identities turned into challenges that France and the UK had to face with. Those challenges became more apparent with the economic recession after the 1973 oil crisis, which severely dominated domestic policies of the member states of the EU. Afterwards, France and the UK started to transform their liberal approach regarding the arrival of the migrants and to introduce tough regulations in terms of restricting the numbers of migrant groups, which will be the concern of the Chapter IV. Moreover, Stivachtis has argued that “how and why migrants are perceived as cultural threats is a complicated issue, involving initially how the host community defines itself. Cultures differ with respect to how they define who belongs to or can be admitted into their community... Thus the most plausible explanation for the willingness of states to accept or reject migrants is ethnic, cultural and religious identity and affinity”.<sup>30</sup> As Stivachtis points out, the definition of threat and sense of security is not static but it shifts over time depending on how an issue is turned into a security issue by gaining a different understanding through security discourses. This could also bring an explanation while examining the changing migration policies of France and the UK. Overall, developing control oriented policies relating to the migration issue at EU level affected decision-making procedures at national level given the impact of the EU on the development of the France and the UK’s migration policies. In this regard, Chapter II will provide a basis for examining the nature of the EU competencies in the migration field and for investigating the historical developments which closely connected to the construction of the current national preferences and therefore led to the far-reaching changes in national migration policies of France and the UK since 1980s. Building upon this understanding the analyses of the Chapter 2 and Chapter 3 will pave the way for understanding to what extent and how France and the UK have been in relationship with the EU in terms of securitization of migratio

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<sup>30</sup> Stivachtis, A. Y. (2008). International Migration and the Politics of Identity and Security. *Humanities and Social Sciences*, 2(1), p. 19.

### 2.3.2. The Criminological Axis

Similar to the societal axis this approach sets out the linkage between migration and security. According to the criminological axis, migrant groups are framed as a potential threat to the receiving country. In other words, migrants who are seen as a challenge to the cultural, religious and ethnic identity, are also associated with criminal activities, drug trafficking and organized crime etc. In Bigo's view, "the issue was no longer, on the one hand, terrorism, drugs, crime, and on the other, rights of asylum and clandestine immigration, but they came to be treated together in the attempt to gain an overall view of the interrelation between these problems and the free movement of persons within Europe".<sup>31</sup> Associating terrorism with migration has been on the rise with the September 11 attacks. Hence, migrants who used to be related to internal market policies have become central to the internal security policies in Europe.

Connecting terrorism to migration will be analyzed in the following chapters while examining the institutionalization of migration in the European Union and the impact of the September 11 on the securitization of migration. Yet to mention briefly, September 11 may be the most important factor in generating some xenophobic sentiments and causing the rise of anti-migrant discourses leading to the migration-security linkage. Migration became prominent in the discussion of the campaign against terrorism initiated by the Bush administration as the foreign policy of the U.S. straight after the attacks on the American homeland. The European Union reinforced the security logic of migration right after the attacks. The policies run by the EU after September 11 and the rhetoric used in reference to immigrants and asylum seekers indicated migration as an issue directly linked to terrorism. The fact that September 11 attacks were attempted by 'foreigners', although some were home grown, escalated the feeling of insecurity towards migrants. They were more than ever coupled with terrorist activities. Hence, it became almost unthinkable to refer to

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<sup>31</sup> Bigo, B. (1994). The European Internal Security Field: Stakes and Rivalries in a Newly Developing Area of Police Intervention. In Anderson, M. And den Boer, M (Eds). *Policing Across National Boundaries*. London: Pinter, p. 164.



the fight against terrorism without special reference to the threats posed by migration.

Even though the September 11 attacks triggered terrorism-migration nexus, some European countries had already adopted such rhetoric prior to the attacks. To illustrate, Margaret Thatcher's statement in 1989 that '(w)e joined Europe to have free movement of goods . . . not . . . to have free movement of terrorists, criminals, drugs, plant and animal diseases and illegal immigrants'<sup>32</sup> is crucial to explore how migrants were often placed in the criminological axis along with other public order threats prior to the September 11 attacks.

Undoubtedly, some migrant flows could facilitate illegal and criminal activities by terrorists given the fact some smuggled migrants are forced to carry drugs or to commit crimes in the receiving countries. However, blaming migrants only on the rise of crime and drug trafficking would become an exaggerated assumption. "The measures adopted by the EU in the light of the terrorist attacks and the rhetoric used in reference to migrants set the stage for the European Union to fall back to a policy of 'exclusion' before 'inclusion' for non-European citizens and a return to more restrictive immigration and asylum policies".<sup>33</sup> This might result in conceptualizing migrants as criminals, which is reproduced in media and political sector in many European Member states. It strengthens the idea that migrants are inherently suspected of engaging in criminal activities. This will shed light on examining the characteristics of securitization in the EU's migration policy in the following chapter.

### **1.3.3. The Economic Axis**

High number of migrants in host countries stipulated the relevant assumption that migrants posed economic threats in the receiving country. Increasing numbers of

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<sup>32</sup> Tesfahuney, M. (1998). Mobility, Racism and Geopolitics. *Political Geography*, 17(5), p. 506.

<sup>33</sup> Karyotis, G. (2007). European Migration Policy in the Aftermath of September 11: The Security-Migration Nexus. *Innovation*, 20(1), p. 2.

migrants<sup>34</sup> arriving into the EU each year has prepared the ground for the debates of high unemployment and slowing economic growth. Unlike reflecting the real picture, it is mostly the socio-economic stigmatization, which portrays migrants as a challenge to the economic stability of the receiving country. This often paves the way for the depiction of migrant groups as invaders, profiteers and raises the fear of migrants. According to Huysmans, “in a welfare state struggling to guarantee an acceptable level of socio-economic rights, these metaphors portray immigrants, asylum-seekers and refugees as a serious threat to the survival of the socio-economic system”.<sup>35</sup>

Therefore, the idea that immigrants might create unemployment problem and take advantage of a welfare system triggers the dimensions of the security discourses in the economic axis. In addition, fear of competition with low-paid immigrants preserves the legitimacy of declaring migration as a burden to the welfare states. This linkage between nationality and welfare belonging is what Huysmans refers to called as ‘welfare chauvinism’.<sup>36</sup> In light of such arguments Stivachtis gives an explanation to the reason of hostility towards migrants in the following way:

National societies, or specific social groups within them, may react to an influx of migrants first, because of the economic costs the latter impose on the receiving state; second, because of the migrants’ purported social behaviour, such as welfare dependency which affects the host country’s individual tax payers; and third, because migrants may displace local people in employment because they are prepared to work for lower wages. Created by economic considerations, social hostility may undermine the socio-political cohesion of states thereby affecting their security.’<sup>37</sup>

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<sup>34</sup> 1.7 million People outside the EU were estimated to migrate to the EU-27 during 2012. See migrant and migrant population statistics at European Commission (Eurostat). Retrieved on November 15, 2013 from [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics) on 22 July 2014.

<sup>35</sup> Huysmans, J. (2000a). The European Union and the Securitization of Migration. *Journal of Common Market Studies*. 38(5), p. 769.

<sup>36</sup> Huysmans, J. (2000b). Contested Community: Migration and the Question of the Political in the EU. In Kelstrup, M. and Williams, M. (Eds.). *International Relations Theory and the Politics of European Integration: Power, Security and Community*. London: Routledge, p. 161.

<sup>37</sup> Stivachtis, A. Y. (2008). International Migration and the Politics of Identity and Security. *Humanities and Social Sciences*, 2(1), p. 17.

The arguments that migration affects domestic economy of the host country may not reveal the facts. In most of the European member states migration has become a driving force to boost economic growth given the ageing population of the native citizens. Besides, it is most of the time migrant groups who are recruited in the sectors where native citizens are unwilling to work. For that reason, arguing that migration has a negative impact on the host economy is being convincingly challenged, which is agreed by George Borjas who considers that migration has long-term benefits for the economy, because it provides needed skills. Borjas in his study on the economic analysis of migration investigates migrant workers' impact on the economy of the host country. In his view, highly-skilled migrant workers contribute to the national income to a great extent. As for low-skilled migrant workers, they mostly fill jobs such as catering, cleaning, child-care etc. with low wages. These are the occupations native citizens are mostly unwilling to compete for.<sup>38</sup> Given the gain made by employers, it is no surprise to estimate that host country's economy grows due to the lower wages of the migrant workers. As the UK's Home Secretary David Blunkett put forward, in 2001 migrants contributed £2.5 billion more in taxes than they consumed in tax-supported services in the UK.<sup>39</sup>

Besides, it is a fact that European birth rate is falling and population is ageing.<sup>40</sup> Therefore, many European countries will be in need for migrant population to sustain their economic growth. How migrants have contributed to the economy of the receiving country will be mentioned in the following chapters. This will formulate the arguments how and why immigrants pose a threat to the welfare system of the member states of the EU selected for this study.

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<sup>38</sup> Borjas, G. J.. (2001). Does Immigration Grease the Wheels of the Labour Market?. *Brookings Papers on Economic Activity*, No.1. pp. 69-119.

<sup>39</sup> See the Memorandum by the Home Office. Retrieved on May 30, 2014 from <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldconaf/82/8011502.htm>.

<sup>40</sup> See population structure and age rate at European Commission (Eurostat). Retrieved on May 24 2014 from [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Population\\_structure\\_and\\_ageing](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Population_structure_and_ageing).

#### 2.3.4. The Political Axis

According to the political axis, not only do immigrants affect the domestic policy but also bilateral relations between the sending and the receiving country. To illustrate, the sending country may use the migration population in order to fulfil its political interests in the host country. Besides, diaspora may try to put pressure on the receiving country to manipulate its policies towards the sending country. “Additionally, ethnic Diasporas may become hostile to the host countries and its activities may undermine the host states’ internal stability”.<sup>41</sup> In other words, in the political spectacle there is a strong belief that migration threatens the nation-state ideology and fosters state insecurity. However, the biggest issue with migration is that it might be used by the politicians to legitimize their policy discourses and to influence the electoral power. According to Bigo’s explanation, this is called as the ‘professionals of security’. At the national and EU level, politicians and security agencies such as police advocate the security discourse. In this sense, “welfare chauvinism is not only a strategy in the socio-economic fight for the protection of social and economic rights for nationals of the Member States. It is also played out in a directly *political* struggle in which immigrants, asylum-seekers, foreigners and refugees are constructed as scapegoats to remedy declining political legitimacy”.<sup>42</sup> Another aspect of migration is position of migrants can become an important driver of social conflict. Implementing policies on the recognition of cultural difference and migration rights may challenge the myth of national cultural homogeneity. This may imply a negative portrayal of the politicians in the society. As Leitner points out, population movements “call into question the very meaning of national boundaries and citizenship” and therefore “nation-states feel compelled to deal with such

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<sup>41</sup> Stivachtis, A. Y. (2008). International Migration and the Politics of Identity and Security. *Humanities and Social Sciences*, 2(1), p. 17.

<sup>42</sup> Huysmans, J. (2000). The European Union and the Securitization of Migration, *Journal of Common Market Studies*, 38(5), p. 769.

challenges to state power, sovereignty and national identity”.<sup>43</sup> Producing pro-migration policies, in other words, therefore, turn out to be costly in election time. Moreover, right-wing parties mostly adopt anti-immigrant and even racist discourses to get public support considerably in almost all European countries, in particular after the September 11 attacks. “In France, for instance, the National Front has utilized anti-migrant slogans to increase its electoral power”<sup>44</sup>, which will be the mentioned whilst examining political parties and their discourses in the last chapter.

Yet, sustaining a radical political strategy aiming at excluding migration flow and labelling migrant groups as potential criminals would raise the security problems at the EU and national levels. According to Baldwin, “the pursuit of security always involves costs, i.e., the sacrifice of other goals that could have been pursued with the resources devoted to security”.<sup>45</sup> As argued by Baldwin, these costs might influence solidarity, integration, social cohesion and equal distribution of rights in negative terms. Therefore, examining the underlying reasons of connecting migration to social, economic and political problems and labelling it as a security issue will be the concern of the following chapters. In doing so, how migration is institutionalized and securitized will also be analyzed critically. In addition, why the discourses of securitization by politicians have strong effect in daily life will be formulated to understand the argument about security. From this perspective, the migration policies and in relation to that how migrants are represented in the EU focusing on two specific countries of France and the UK will be framed in the last chapter.

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<sup>43</sup> Leitner (1995). International Migration and the Politics of Admission and Exclusion in Postwar Europe. *Political Geography*, 14(3), p. 263.

<sup>44</sup> Stivachtis, A. Y. (2008). International Migration and the Politics of Identity and Security. *Humanities and Social Sciences*, 2(1), p. 18.

<sup>45</sup> Baldwin, A. D.. (1997). The Concept of Security. *Review of International Studies*. 23, p. 16.

## 2.4. Conclusion

The Copenhagen School developing a constructivist approach foreshadowed the established security concept, which used to privilege military enforcement and reduce security to national security. Buzan and Weaver established a new thinking about security concept by emphasizing on the social construction of security. “For the Copenhagen School, security is defined in opposition to a conception of ‘politicization’ or ‘normal politics’ that is defined by the rule of law, open political deliberation, and is ultimately suggestive of a Western liberal democratic state”.<sup>46</sup> This constructivist approach has enabled an understanding establishing the linkage between security and politics. Therefore, the Copenhagen School focused on ‘speech act’ to analyze how security actors, who speak on behalf of the nation claims a right to raise an issue as a security problem. According to Waever, we can regard security as a speech act. “The world security is the act, pronounced as such by elites in order to produce hierarchical conditions in which security issues are dramatized and presented as supreme priorities of the state or the actor in question”.<sup>47</sup> From this perspective a specific issue such as migration might be related to security. Through security discourse ‘other’ and ‘us’ differentiation has been operated in a series of migration policies in the European Union. This has become apparent through four security sectors i.e. political, criminological, societal and economic.

Migration has increasingly been constructed as a challenge to the socio-economic and political cohesion of the European countries. Particularly, in the post-September 11 context, linking terrorism to migration formulated the ground of the political debate in various European Union member states. Securitization of migration became widely used in the practices of state elites and the term gained popularity starting 2000s onwards. ‘Panic politics’ as described by Williams has become inherent in the concepts of security. In this regard panic arises from

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<sup>46</sup> Williams, P. (2008). *Security Studies: An Introduction*. NY: Roudledge, p. 70.

<sup>47</sup> Karyotis, G. (2007). European Migration Policy in the Aftermath of September 11: The Security Migration Nexus. *Innovation*, 20(1), p. 2.

stereotyping a specific group or entity and constructing it as a security issue. Hence, evaluation of the Copenhagen School has become important to find out how “security politics is reduced to the imposition of will, and politics therefore resides in the motivation of the actor (the original author/speaker)”.<sup>48</sup>

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<sup>48</sup> Gad, U. P. and Petersen K. L. (2011). Concepts of Politics in Securitization Studies. Sage, 42 (4-5), p. 318.

## **CHAPTER 3**

### **HISTORICAL AND INSTITUTIONAL DEVELOPMENT OF THE SECURITIZATION OF MIGRATION IN THE EUROPEAN UNION**

#### **3.1. Introduction**

This chapter will focus on the institutionalization of migration policy in the EU. This is significant to examine the heterogeneous positions between national and EU levels in terms of securitization of migration in the following chapters. Therefore, this chapter aims at providing an overview regarding the development of a common migration policy. Today, migration appears one of the top issues on the agenda of the EU. Many member states of the EU have been exposed to migration flows due to significant number of political, economic and historical reasons. Particularly, following the end of Cold War, migration flows from the former communist countries peaked. Migration has already been coupled with security concern with the Single European Act (SEA). However, the post-Cold War period contributed to the development of migration as a security issue, which will constitute the scope of this chapter. Therefore, the EU countries saw the need to adopt common policy towards migration and asylum. It was not only military security threat but also other cross-border movements which European actors had to tackle since massive flows were perceived as a threat to the socio-economic and political stability of the Union.

This understanding strengthened the consensus on the idea of providing efficient migration policy in an area without borders. From this point of view, to understand migration issue in the European Union, policies attempted in the European Economic Community (EEC) period ought to be analyzed. This will provide a better perspective regarding how the migration is developed at the EU bureaucratic level. In doing so, it is likely to reach a comprehensive understanding on how the securitization of migration has been processed on the political level in the following chapters.



The SEA will be treated as a first step towards a common migration and asylum policy. Whilst examining the development of supranational legislation, the role of security in shaping a supranational migration policy will formulate the framework of this chapter. The analysis of the Single European Act will be followed by the Schengen Convention, Maastricht and Amsterdam Treaties, which have become cornerstones in shaping the migration and security practices within the EU. Therefore, tracing the development of the migration policy will predominantly pave the way for investigating the discourses of the Member States; France and the UK and EU actors (the European Commission, Council and the Parliament) that have reflected security as a major concern in the initiation and development of a European politics of security

### **3.2. An Outlook to the Institutionalization of the Securitization of Migration**

European states sought to reconstruct their economy in the aftermath of the Second World War. Therefore, by the end of 1950s, many European countries initiated recruitment programs with countries such as Italy, Turkey, and Portugal including the North African countries to rebuild their devastated economies. To illustrate, Germany introduced guest worker (*gastarbeiter*) program to employ foreign workers outside the Europe particularly from Turkey. Even though France allowed the entry of workers mainly from North African countries (Algeria, Morocco, Tunisia) and South European countries (Spain, Portuguese) France also encouraged workers from Turkey through recruitment agreements.<sup>49</sup> Initially, European countries tended to welcome the presence of migrants who were

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<sup>49</sup> Schain, M. (2008). *The Politics of Immigration in France, Britain, and the United States: A Comparative Study*. NY: Plagrave Macmillan, p.47.

considered as opportunity for the economic progress.<sup>50</sup> However, with the economic turmoil of the 1970s, liberalized approach encouraging the arrival of increasing numbers of migrants shifted. Migration, which was set out in the economic sphere, began to be addressed as a threat factor to the identity of the Europe. Immigrant workers who were expected to leave the country soon remained permanent. Economic-driven policies have been contradicted with the political and social concerns. This could be explained with the rise of the diverse ethnic groups as millions of migrants started to become more visible in the society creating the migration issue in the receiving countries. Liberalized policies turned into the restrictive ones and migrants, who were once welcomed, were labelled as ‘foreigners’, ‘others’ and even ‘unwanted’. The rise of unemployment was deemed to nourish the negative discourses in the EEC states. According to Brochmann, presenting migrants as potential danger through discourses such as ‘flood’, ‘invasion’ “reinforces the threat images of immigration, and has contributed to a tendency of *politicization* of immigration”.<sup>51</sup> Within this context, the rise of the economic recession changed the positive outlook on migration.

### **3.3. The Single European Act and the Emergence of the Security Concern in the EC**

Approaching migration as a security problem was formulized with the SEA. Therefore, a closer look at SEA is significant to reflect the historical logic of current security arrangements. SEA entered into force on 1 July 1987 as the revision of the 1957 Treaty of Rome. SEA aimed at creating a single internal market while providing the free movement of people within the European Community. The legal

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<sup>50</sup> Kastoryano, R. (2002). *Negotiating Identities: States and Immigrants in France and Germany*. Princeton: Princeton University Press.

<sup>51</sup> Brochmann, G. (1999). Controlling immigration in Europe. In G. Brochmann and T. Hammar (Eds.), *Mechanisms of Immigration Control. A Comparative Analysis of European Regulation Policies*. Oxford: Berg, p. 331.

basis was defined in Article 8a in the following way: “The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty”.<sup>52</sup> It is important to note that this Act elaborated inter-governmental cooperation on the management of internal borders. However, the SEA which was predominantly accorded with market purposes developed a paradoxical situation with regard to the free movement. As Andrew Geddes argued, ‘this apparent paradox of liberalization replicated those within EU member states, which combine free movement within their own national markets with controls on entry, movement and residence by non-nationals.’<sup>53</sup>

It was noticeable that abolishing the internal borders led to the restrictions on external borders to control the flow of the third-country nationals outside the European countries. This could be understood with the fear of the member states with a claim that free movement of the third country nationals would no longer be controlled once they get access to the European countries. Therefore, free movement principle for EC nationals did not apply to migrants who were “perceived as a threat to the major societal values of the receiving country”.<sup>54</sup> This led migrants to be perceived as a burden that receiving countries had to carry over their shoulders due to the economic and social reasons, such as claiming the rising unemployment and the tensions due to the ethnic and cultural differences. In this vein, national powers, which showed a tendency to build migration on a strict legal framework, were unwilling to bring migration into the framework of the Union.

Not every EU member state has gone through the same experience concerning migration. Therefore, Europeanization of migration would mean to employ a common policy towards the migration issue and also to restrict the authority of the

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<sup>52</sup> The Single European Act. Retrieved on January 7, 2014 from [http://ec.europa.eu/economy\\_finance/emu\\_history/documents/treaties/singleeuropeanact.pdf](http://ec.europa.eu/economy_finance/emu_history/documents/treaties/singleeuropeanact.pdf).

<sup>53</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p.74.

<sup>54</sup> Weiner, M. (1993). Security, Stability, and International Migration. *International Security*, 17 (3), p. 103.

member states within that field. The unequal treatment of non-nationals was argued by O’Keeffe in the following words: “If the Community is to have an area without internal frontiers, it becomes progressively absurd that non-Community nationals established in the Community should not be afforded the protection of Community law”.<sup>55</sup> The European Commission only gained an observer status and remained outside the inter-governmental cooperation. Member States had a fear to lose their sovereignty as they considered migration and border controls as a national issue. Furthermore, The European Parliament and European Court of Justice (ECJ) were not granted any rights.<sup>56</sup>

It is not likely to isolate the security dimension which had been prominent in the Single European Act even though the initial goal was to speed up economic benefits. Implementation of the SEA is highly crucial as it proved the inadequacy of national policies and raised the need for a common policy. The Commission driven action did not play a pivot role in the management of the securitization of migration. “The dynamics were thus largely intergovernmental, but the underlying changes in the conceptualization of Europe’s borders that were necessarily linked to economic integration did provide a new frame for the conceptualization of migration as a ‘European’ issue in the sense of some interdependencies rather than necessarily requiring a common EC policy.”<sup>57</sup> In other words, it was still member states holding the upper-hand in the decision-making procedures. This was also associated with the divergent migration policies at national levels due to the each EU member state’s different experience with migration. Accordingly, migration was considered as an issue which needed to be addressed in accordance with the needs and interests of national states while developing policies adapting to EU level political structures.

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<sup>55</sup> O’Keeffe, D. (1992). The Free Movement of Persons and the Single Market, *European Law Review*, 17(1), pp. 16-17.

<sup>56</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p. 70.

<sup>57</sup> Ibid, pp. 72-73.

### **3.4. One Step Forward to the Borderless Europe: Creating the Schengen Zone**

Another important step on the securitization of migration at the European level was realized with the Schengen Agreement, which was signed on 14 June 1985 near the town of Schengen in Luxembourg. This had been a decisive attempt to strengthen the nature of the common immigration policy by lifting all checks on persons at internal borders. The decisions that were taken by Germany, France, and the Benelux countries were concluded not before the 1990 Schengen Convention. According to Geddes, this considerable delay should be assessed in the context of the changing world order. With the fall of Berlin Wall “Schengen’s provisions needed to be extended to cover the ex-German Democratic Republic, so that East Germans would be exempt from visa requirements when entering the territory of the other signatories”.<sup>58</sup> In the meantime; however, EC member states initiated ambitious projects to reframe Europe’s border policy. As Monar puts forward, “from 1986 to 1991 the Member states created over 20 new intergovernmental bodies dealing with issues such as police and custom cooperation issues relating to the abolition of internal controls, asylum, immigration and external border controls and drug-trafficking”.<sup>59</sup> Structural changes resulted in relaxing the internal border yet introduced new strict regulations for foreigners flowing into the Schengen area. Restrictive actions on the free movement of non-nationals were embedded in Article 7 of the Schengen Agreement in the following way:<sup>60</sup>

The parties shall endeavor to approximate as soon as possible their visa policies in order to avoid any adverse consequences that may result from the easing of controls at the common frontiers in the field of immigration and security. They shall take, if possible by 1 January 1986, the steps necessary with a view, in applying their procedures for the issue of visas and admission to their territory, to taking into account the need to assure the protection of the

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<sup>58</sup> Ibid, . p. 84.

<sup>59</sup> Monar, J. (2001). The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs. *Journal of Common Market Studies*, 39(4), p. 754.

<sup>60</sup> Schengen Agreement (1985). Article 7. Retrieved on December 28, 2013 from <http://ials.sas.ac.uk/postgrad/AGIS-035/Materials/Vervaele/10.pdf>.

entire territory of the five States against illegal immigrants and activities which could jeopardize security.

Although international dynamics after the Cold War period brought an end to the military confrontation, member states began to face new security problems on their borders with the removal of the internal borders. This led signatory countries to safeguard the internal security by maximizing security at external borders. “Even sovereign states have begun to view security as a collective management of sub-national or transnational threats and the policing of borders and internal realm, rather than just the defense of territory against external attack”.<sup>61</sup> In this regard, migration was labelled as a security problem and enabled security professionals to possess a discursive link between the free movement and the internal security. “Since Schengen, the association between free movement and security would become a standard reference in all policy documents on free movement; from then on, it was no longer a question of free movement alone but a question of free movement and compensatory measures.”<sup>62</sup> This also explains the core reason behind the cooperation on internal borders to control and limit huge migrant flows. Therefore, Schengen Agreement, which formulated a link between free movement and compensatory measures, is of central importance to the securitization of migration. In doing so, Schengen Agreement introduced the institutional settings by adding the security discourse to migration issue.

Trevi Group had been another important attempt to strengthen a common strategy to deal with terrorism and internal security. Trevi group has its origin in 1975 with a Dutch initiative at the European Council in Rome. In this regard, Member States agreed upon police cooperation among themselves. This group, which was gathered twice a year “under the chair of the minister for home affairs

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<sup>61</sup> Faist, T. (2002). Extension du domaine de la lutte: International Migration and Security Before and After September 2001. *International Migration Review*, 36(1), p. 9.

<sup>62</sup> Munster, van R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. London: Palgrave Macmillan, p. 21.

from the country holding the EC presidency”<sup>63</sup> created an impetus for exchanging information to combat terrorism among Member States. Trevi group expanded its operation to other fields after 1980s. “The most significant move, at least from the perspective of the Europeanization of immigration as a security issue, was the creation of the new ad hoc working group ‘Trevi 92’ at the 1988 European Council in Athens”.<sup>64</sup> In this light, there had been a growing emphasis on other issues such as ‘illegal’ migration and organized crime to counterbalance security losses. The existence of Trevi groups played an important role in the promotion of the inter-governmental structure that was built under the Schengen Agreements and institutionalized under the third Pillar of the Treaty on European Union. TEU played a significant role in terms of reforming and strengthening the political and economic structure of the European Union as a result of which the EC has been named as the EU.

### **3.5. Establishing the European Union: From Schengen to the Treaty on European Union (TEU)**

The TEU which was signed on 7 February 1992 and came into force on 1 November 1993, introduced Justice and Home Affairs (JHA) as a third pillar. This treaty built the basis of an intergovernmental approach towards the implementation of a common migration policy. The EU action manifested itself in management of migration and external borders along with other security problems such as international fraud, drugs, customs cooperation, and police cooperation, civil and judicial cooperation. In terms of its content, this action did not limit the influence of member states on migration and asylum matters. Although the TEU addressed a

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<sup>63</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p. 75.

<sup>64</sup> Munster, van R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. London: Palgrave Macmillan, p. 26.

series of developments with the establishment of third pillar, Huysmans, assessed this agreement as a “restrictive migration policy and the social construction of migration into a security question”<sup>65</sup> In terms of the institutional setting, the Commission remained weak as the Commission gained a restrictive authority over JHA. However, it opted for a pragmatic approach to foster cooperation-oriented policy on the management of migration. “The Commission, therefore, squared the circle by setting itself the initial target of establishing its credibility, not so much through the traditional First Pillar route of tabling a number of legislative proposals but by tabling communications of a more general nature covering some of the subjects in Title VI”.<sup>66</sup> The goal was to identify the root causes leading to ‘illegal’ migration instead of introducing firm policies to counter migration movements.

This new attitude towards the management of migration became evident in Commission’s report on *Immigration and Asylum Policies*.<sup>67</sup> The Commission had stressed its stance towards the management of migration policy in the following way: “Some have called for a complete halt to immigration: this is neither feasible nor desirable: what is necessary is proper management of immigration policy. The Community has always been a multi-cultural and multi-ethnic entity whose diversity enriches the community itself and benefits all its citizens, but not without creating challenges for society as a whole and its immigrant communities”.<sup>68</sup> This indicates that the Commission hoped to accommodate an institutional premise and exercise a control over JHA activities to some extent. As noted by Geddes, “the predominant structures of power, authority and capacity in the areas of migration and asylum

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<sup>65</sup> Huysmans, J. (2000). The European Union and the Securitization of Migration. *Journal of Common Market Studies*, 38 (5), p. 753.

<sup>66</sup> Fortescue, J. A. (1995). First Experiences with the Implementation of the Third Pillar Provisions. In J. Monar and R. Bieber (Eds.). *Justice and Home Affairs in the European Union: The Development of the Third Pillar*. Brussels: Interuniversity Press, pp. 24-25.

<sup>67</sup> COM. (1994). 23 Final of 23 Feb. Retrieved on January 8, 2014 from <http://aei.pitt.edu/1262/>.

<sup>68</sup> Ibid, p. 1.



remained largely national and centered around security”.<sup>69</sup> Nevertheless, as analyzed so far, all arrangements agreed upon proved member states’ willingness to adopt a certain cooperation undermining national legislations.

According to Lahav, “given traditional differences, the interesting question is not why the immigration issue has become politicized in the EU, but why states would cooperate, and on what bases they would converge if at all”.<sup>70</sup> Therefore, the TEU had been a crucial step in terms of reframing the conceptualization of migration and raising the cooperation between member states and EU institutions. “The Treaty itself and its aftermath also illustrate how freedom and security became more closely bound in the 1990s. Economic freedoms linked to the single market were closely linked to new EU mechanisms of population control in this new European space”.<sup>71</sup> To put it different, the fall of Iron Curtain had shaken up the internal and external dynamics of the EU and pushed national officials to redefine their security agenda accelerating the interdependency among member states. The dynamics of state security altered with the end of the Cold War. Therefore, it has become obvious that traditional security understanding of the realism fostering boundaries between capitalist and communist countries would not address the challenges of the new world order any more. The importance of the TEU, therefore, seems to lie in facilitating cooperation and including the EU member states to gain a new understanding on the new security threats having emerged with the movement of people within the borderless Europe. Therefore, migration became an issue which needed to be dealt with under the Treaty on the EU.

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<sup>69</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p. 89.

<sup>70</sup> Lahav, G. (2004). *Immigration and Politics in the New Europe. Reinventing Borders*, Cambridge: Cambridge University Press. p. 2.

<sup>71</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p. 92.

### 3.6. Reform Process in the Legal System of the EU: The Amsterdam Treaty

The Treaty of Amsterdam introduced a fundamental shift by abolishing the third pillar structure of the Maastricht Treaty and defining the EU as an area of freedom, security and justice. The goal of the first pillar was to “ensure the free movement of persons... in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration”.<sup>72</sup> Hence with 1997 Amsterdam Treaty immigration and asylum issues were moved to the first or Community pillar inserting the Schengen *acquis* into the structure of the treaty. This transition increased the involvement of Commission by enabling shared initiative power between member states and the Commission. The intergovernmental dynamics of the Union gained a further supranational aspect with the introduction of an ‘area of freedom, security and justice’. “However, it seems implausible to attribute a leadership role to the European Commission in this area, as it more often followed member state agendas”.<sup>73</sup> As argued by Geddes, although the Treaty of the Amsterdam proved to solidify the communitarized approach in the policy area, measures to manage and regulate migration remained to be national. To clarify, member states tended to show reluctance towards transferring their sovereignty in the decision-making procedures within the field of migration. It is noteworthy that “communitarization of the migration policy” would not mean to be a “farewell to states but rather a new form of protecting their security”.<sup>74</sup> One of the motivations behind the cooperation on EU level was not primarily to intensify harmonization of national migration policies but to strengthen the autonomy of the government

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<sup>72</sup> European Union. (2002). Consolidated Version of the Treaty on European Union. 24 December 2002, Brussels. Retrieved on February 8, 2014 from [http://europa.eu.int/eur-lex/lex/en/treaties/dat/12002M/pdf/12002M\\_EN.pdf](http://europa.eu.int/eur-lex/lex/en/treaties/dat/12002M/pdf/12002M_EN.pdf).

<sup>73</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press, p.113.

<sup>74</sup> Walker, N. (2004). (Ed.) *Europe's Area of Freedom, Security and Justice*. Oxford: Oxford University Press. p.16.

officials to prioritize migration as a security problem. Yet, “Amsterdam Treaty was seen by some as a compromise between concerns related to security, emphasized in the Schengen Agreement and Maastricht Treaty, and concerns having to do with justice”.<sup>75</sup> Maintenance and development of a common immigration and asylum policy was ensured gradually.

The Amsterdam Treaty showed that internal security also depends on enacting regulations and creating an area where not only EU nationals but also non-nationals enjoy their freedom. Although post-Maastricht period brought a subsequent change in the area of internal security, routines on migration prolonged the status quo. To put it different, migration and asylum issues gained more importance on the agenda of the EU. However, the Member States retained to control over these policy fields. Therefore, it would not be wrong to say that states remained to have a significant impact on influencing the decision-making process to operate migration policies.

According to Walker, “...in each case, the development of institutional strength and policy capacity in Freedom, Security and Justice was preceded, accompanied, and endorsed by a policy attitude and language that sought to address or contain new or extended threats to the security of the European Union in the form of new types or intensities of transnational crime and new ‘push’ and ‘pull’ factors in the sphere of immigration and asylum”.<sup>76</sup> Therefore, it would be wrong to conclude that the major deficiencies on the operation of the migration policy was resolved by the Amsterdam Treaty.

European Council meeting held in Tampere in 1999 had been a profound step to achieve a common policy on the area of migration, freedom and justice which had been initiated with the Treaty of Amsterdam. An efficient and consistent approach was stressed throughout the meetings. The Commission gained more power in the related policy area and the Council proposed the Commission to monitor “a timetable

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<sup>75</sup> DeBardeleben, J. (2005). (Ed.). *Soft or Hard Borders?: Managing the Divide in an Enlarged Europe*. UK: Ashgate, p. 109.

<sup>76</sup> Walker, N. (2004). “In Search of the Area of Freedom, Security and Justice: A Constitutional Odyssey. In Walker, N. (Ed.). *Europe's Area of Freedom, Security, and Justice*. Oxford: Oxford University Press, p. 12.

of progress with regard to each goal outlined in the Tampere Conclusions”.<sup>77</sup> It is noteworthy that this attempt fostered the collective action and opened up the space for a broader common internal EU policy. The strengthened position of the Commission; however, did not shift the focus towards a security-oriented migration policy and did not succeed in developing a root-cause approach to migration. The failure of the Commission’s efforts had become evident in the European Council meeting held in Seville in June 2002, stating that “in accordance with the Tampere European Council conclusions, an integrated, comprehensive and balanced approach to tackling the root causes of illegal immigration must remain in the European Union’s constant long-term objective”.<sup>78</sup>

To great degree Member States’ sensitivities about migration constituted the scope of the migration and asylum policies. It became apparent that, several member states were unwilling to leave their own nationality laws dictating security provisions. “Thus while the ‘big bang’ of the Amsterdam did provide some opportunities for dislocating the security frame, internal security officials have nonetheless been effective in shaping the ‘problem’ of immigration”.<sup>79</sup> In this light, even though the Amsterdam Treaty placed the migration and asylum issues into the first pillar, still internal security was shaped by security-driven policies. As Geddes puts forward, “at Amsterdam, the member states did bring free movement, immigration and asylum into the first pillar, but brought with them Council dominance and unanimity”.<sup>80</sup> In relation to that Monar discusses that “the consequence of the intergovernmental origins of today’s AFSC (Area of Freedom, Security and Justice) has been that most of its *acquis* has been based on

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<sup>77</sup> Munster, van R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. London: Palgrave Macmillan, p. 81.

<sup>78</sup> EU Council. (2002). Common Consular Instructions on visas for the diplomatic missions and consular posts. Brussels, 16 December 2002, OJ C 313, p. 10.

<sup>79</sup> Munster, van R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. London: Palgrave Macmillan, p. 91.

<sup>80</sup> Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press. p. 113.

intergovernmental consensus favoring agreements on the lowest common denominator. The lowest common denominator, however, has in most cases meant restrictive measures”.<sup>81</sup> The divisions between the Member States and the EU actors in particular, the Commission over a flexible migration policy free from a ‘national security’ concern builds a dilemma within the Union policy. This was embedded in freedom, justice and security definition of the Tampere Conclusions as put in Paragraph 3 in the following way: “This freedom should not, however, be regarded as the exclusive preserve of the Union’s own citizens take for granted. It would be in contradiction with Europe’s traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory. This in turn requires the Union to develop common policies on asylum and migration. These common policies must be based on principles which are both clear to our own citizens and also offer guarantees to those who seek protection in our access to the European Union”.<sup>82</sup>

Unanimity criteria and opt-outs from the free movement secured by Britain, Ireland and Denmark in the Amsterdam Treaty have become the key aspects with regard to the inefficiency of pro-migrant policies in the Union. However, negative portrayal of migrants and security-driven policies affect not only migrants but also receiving countries as it increases xenophobic practices and decreases the chances of integration set as a policy goal of the some EU member states although it would be difficult to mention it as a common policy of the all Member States. This also shapes the political agenda of some right-wing parties and promotion of security discourses in some national member states. In this regard, to understand the security and migration nexus in Europe, there is also a need to investigate how security has been constructed at the national level in the European Union as will be analyzed in Chapter IV.

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<sup>81</sup> Monar, J. (2002). The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs. *Journal of Common Market Studies*, 39(4), p. 761.

<sup>82</sup> See Tampere Conclusions. (1999). Tampere European Council 15 and 16 October 1999 Presidency Conclusions. Para. 3. Retrieved on January 25, 2014 from [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm).

### **3.7. Conclusion**

This chapter has addressed the historical developments in the post-Cold War European migration politics after the mid-1970s. The signing of the SEA in 1986 began to shape border management along with establishing a common market in Europe. Control-oriented policies of the Member States had gone through drawbacks in terms of dealing with migration governance. The post-Cold War period shifted the security definition. The concern of the international security has been broadened from military to other dimensions. It was no longer military security but also political, societal and environmental security issues which started fall into the security agenda of states. Therefore, unlike the Cold War conception migration was not regarded as a 'low politics' issue any longer. From this perspective, the Single European Act, which attempted to abolish internal frontiers, remained ineffective to transform migration control and migrant integration to the national level. In fact, migration policies were not a common concern.

Under the inter-governmental framework the Schengen Agreement realizing the free movement of people in a borderless Schengen initiated the control-oriented policies at external borders. Therefore, it was understood that free movement could not be isolated from migration and asylum. The Maastricht Treaty in 1992, introducing the Justice and Home Affairs, fostered the link between security and migration since migration had been perceived as a threat to the national identity and welfare provisions. In this light, the Maastricht Treaty embedded security discourse into the policies of the European Union. All these series of developments institutionalizing migration as a security problem gained a further momentum with the creation of an area of freedom, justice and security. Within this regard, the Amsterdam Treaty had been a revolutionary attempt as it disrupted the pillar structure and redefined the decision-making mechanisms on migration since Maastricht. As argued so far, the Amsterdam Treaty did have little power to influence internal security policies. Although the Commission gained the capacity to get involved in the making of migration policy, security notion was predominantly

framed by Member states. To increase the capacity of security, freedom was limited. What is more, the root-causes of migration remained mostly in proposals of the Commission problematizing migration in terms of security. As noted by Munster, ‘as a consequence, the Commission’s resources did not match the political priorities of the Amsterdam Treaty’.<sup>83</sup> In this regard, the institutional steps which started with the Maastricht Treaty and followed by the Amsterdam Treaty launching the Area of Freedom, Security and Justice, failed to mark a transition from security-oriented immigration policy as national concerns conflicted over the supranational structure.

In this context, the following chapter will introduce the post-Amsterdam period. In relation to that it would be noteworthy to examine how the September 11 attacks influenced the security notion with regard to the migration policy of the European Union.

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<sup>83</sup> Munster, van R. (2009). *Securitizing Immigration: The Politics of Risk in the EU*. London: Palgrave Macmillan. p. 79.

## CHAPTER 4

### ASSESSING THE EU GOVERNANCE IN SECURITIZATION OF MIGRATION THROUGH ANALYSIS OF THE EUROPEAN COUNCIL, EUROPEAN PARLIAMENT AND EUROPEAN COMMISSION REPORTS (2001-2011)

#### 4.1. Introduction

In the year after 2001 ‘war on terror’ gained an international dimension. The attacks were operated on the U.S. homeland yet it led to a rapid response by the Western countries to re-conduct their counter-terrorism policies. September 11 events fostered the articulation of terrorism and migration issues by perceiving cross-bordering as a threat to security.

With September 11 attacks, it has become noticeable that security concerns were embedded to a great extent in the border control policies of the EU countries. The EU Member States revised their legislations in order to strengthen border control. As put forward by van Kireken “it comes as no surprise that, in the wake of the 2001 events, border control and the increased screening of migrants and would-be migrants became an issue of the utmost urgency in many countries”.<sup>84</sup> In this sense, although security-migration linkage was not a new phenomenon, it has become more central over the migration policies in the European Union. Therefore, the analysis of the EU migration policies straight after the September 11 attacks aims at providing a critical understanding about the identification of migration, freedom of movement and border control in accordance with terrorism. This is crucial to portray the dialectic picture within the EU. On the one hand, the EU aims at employing policies to ensure the free movement of persons. On the other hand it reinforces

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<sup>84</sup> Van Krieken, P. (2005). Terrorism and the Changing Paradigm of the Migration Movements. In Henke, H (Ed.) *Crossing over: Comparing Recent Migration in the United States and Europe*. Oxford: Rowman&Littlefield Publishing Group, p. 53.



security-oriented practices, which results in limiting the rights of migrants. Thus, the binary situation with regard to the security-migration issue, which has become a heated topic on the EU agenda, needs to be carefully examined. This will pave the way for exploring how security-migration nexus has been embedded in the EU migration policies since the September 11 attacks. In order to do that, the securitization approach of the EU will be deeply investigated through the analysis of documents issued particularly by the European Council and the Parliament whilst including the Commission's approach to the discussion. Examining specifically the rhetoric on the securitization of migration, this chapter seeks to understand how migration has been constructed in the security context. This will also set the ground for the Chapter 4 to find out how the EU member states (France and the UK) approach two central issues; migration and terrorism.

#### **4.2. Securitization of Migration in the EU Level in the Aftermath of the September 11 Events**

Migration-security nexus has gained a different perspective in the aftermath of the September 11 events. Security notion has not only been connected with terrorism but also with other categories ranging from organized crime to asylum-seekers and 'illegal' migration. Following the September 11<sup>th</sup> Justice and Home Affairs Council held a meeting with utmost urgency by concluding with a statement that "the seriousness of recent events has led the Union to speed up the process of creating an area of freedom, security and justice and to step up cooperation with its partners, especially the United States".<sup>85</sup> It is likely to interpret the JHA Council decisions following the September 11 attacks as an attempt to broaden the cooperation between EU and the U.S. This has become a clear illustration of the political attitude in the European level and the objective of strengthening the border control mechanisms.

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<sup>85</sup> European Council. (2001). *Conclusions adopted by the Council (Justice and Home Affairs)*. Brussels, 20 September 2001. (SN 3926/6/01- REV 6). Retrieved on March 1, 2014 from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/ACF6BA.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/ACF6BA.pdf).

The Commission issued a proposal to agree on “a uniform definition of terrorism, essential to implement the proposed European arrest warrant” and the proposal was affirmed by the Council on September 21 2001. The extraordinary European Council meeting purposed to develop legal instruments to strengthen police and judicial cooperation and launched a debate to accelerate counter-terrorist actions. Accordingly, the EU showed its willingness to have a single voice on combating terrorism.<sup>86</sup> In addition, EU described its ‘Anti-terrorism Roadmap’ following the second informal European Council meeting convened in Ghent, Belgium on 19 October 2001.<sup>87</sup> However, these decisions were not treated as a legislative force but merely as a guideline for the member states since border policy was treated a domestic issue.

The Leaken Summit, which was convened three months in the aftermath of the attacks, was significant in terms of setting up the European Union’s future security policies. The European Council singled out its goal for the reinforcement of external border controls to combat terrorism. This was exemplified in the final resolution stating that what the EU needed would be a “better management of the Union’s external border controls, as it will help in the fight against terrorism, illegal immigration networks and traffic in human beings”.<sup>88</sup> The Leaken resolution has been a crucial step as the EU paid a special attention to the implementation of Tampere decisions. According to the Tampere Summit, “maximum benefit should be derived from co-operation between Member States’ authorities when investigating cross-border crime in any Member state. European Council calls for joint investigate teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism”.<sup>89</sup>

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<sup>86</sup> Lodge, J. (2002). Sustaining Freedom, Security and Justice- From Terrorism to Immigration. *Liverpool Law Review* 24, p. 54.

<sup>87</sup> See the EU Anti-Terrorism Action Plan: Legislative Measures in Justice and Home Affairs. Retrieved on March 6, 2014 from <http://www.statewatch.org/analyses/no-6-analy6.pdf>.

<sup>88</sup> European Council. (2001). Presidency Conclusions European Council Meeting in Leaken 14 and 15 December 2001. (SN 300/1/01 REV 1). p. 12. Retrieved on March 2, 2014 from [http://ec.europa.eu/governance/impact/background/docs/leaken\\_concl\\_en.pdf](http://ec.europa.eu/governance/impact/background/docs/leaken_concl_en.pdf).

The document explicitly reveals that employing strategy against terrorism has been on the EU's agenda since Tampere decisions. Thus, it would not be wrong to say that the September 11 attacks did not inaugurate immigrant-terrorist linkage but strengthened the security actions of the European Council to address the growing security threat which the EU had been confronted. It is also noteworthy that in the US and in the EU it had been mostly foreigners and migrants in particular with Muslim origins who had been considered as a threat due to the security concerns.<sup>90</sup> As put forward by the Copenhagen School, with the September 11 attacks migration has been securitized through employing extraordinary measures which have portrayed migrants as a threat. However, in the discursive level, the Commission portrayed a different picture than the European Council.

The Communication report of the Commission to the Council and the European Parliament, *on an open method of coordination for the community immigration policy*, has set out an action plan to initiate the EU's objectives over management of migratory flows. However, it has stressed the importance of cooperation between member states to employ the legislative framework on fighting against illegal migration, smuggling, and trafficking without underestimating the humanitarian side of the issue. Thus, the Commission provided a critical stance towards the illustration of 'illegal' migrants as criminals by stating that they should also be considered as victims of human smugglers.<sup>91</sup> Overall, EU's activity in fighting against terrorism has served a base for the development of restrictive policies on migration and asylum.

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<sup>89</sup> European Council. (1999). Presidency Conclusions of the Tampere Meeting. October 15th and 16th, 1999. B IX par. 43.

<sup>90</sup> Cinoğlu, H. and Altun, N. (2013). Terrorism, International Migration and Border Control. *European Scientific Journal*. 9(20), p. 103.

<sup>91</sup> European Commission. (2001). Communication from the Commission to the Council and the European Parliament on an open method of coordination for the community immigration policy. COM (2001).0387 Final. Retrieved on March 1, 2014 from <http://eur-lex.europa.eu/legal-content/EN/ALL/;jsessionid=yKz0TfhQ8VWc66xH5mZC8ympXyrh19PxDznYgGJGmLWlhfhNhCL4J!-281488224?uri=CELEX:52001DC0387>.

### 4.3. Expanding Securitization of Migration through Discursive Level

Seville European Council convened in 2002 has become a crucial step in terms of the institutionalization of security-driven migration policy in the EU level. In April 2002, the JHA Council agreed on establishing “minimum standards for the reception of asylum seekers to be implemented within two years of its adoption” due to the oppression directed by the European Council.<sup>92</sup> This led to a legislative action, which is also known as the *Santiago Action Plan*, on common actions such as illegal migration and human trafficking. The Spanish Presidency stressed the importance of cooperation against ‘illegal’ immigration to promote the EU security policy throughout the European Council meeting convened in Seville in 2002. The then President of the European Commission, Romano Prodi shared the similar concern to consolidate the idea of the control-oriented policy at external borders in the following words<sup>93</sup> :

I very much welcome your decision that in Seville we should address our citizens’ understandable concerns about illegal immigration and human trafficking. Unless we are seen to be finding effective responses to these issues, it will be increasingly difficult to take forward the necessary debate on how to manage legal migration and the proper respect of our obligations under the Geneva Convention. (...) I thought it would be useful to suggest some concrete points that I would like to see addressed in Seville and which I am convinced should enable us to send out the sort of positive signals that people are looking for: - We should strengthen the control of the external borders by developing the concept of an integrated and comprehensive ‘border strategy’ for the EU. (...)

As abovementioned it has become explicit that ‘illegal’ migration has been conceptualized as a threat which needed to be tackled collectively. It has also been emphasized that measures on preventing ‘illegal’ migration would pave the way for the development of legal migration, which remained to be a high priority for many member states. However, it is clearly seen that the Commission adopted a rather comprehensive approach as opposed to the Council. The European Council has predominantly focused on returning ‘illegal’ migrants and embraced a negative

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<sup>92</sup> Lodge, J. (2002). Sustaining Freedom, Security and Justice- From Terrorism to Immigration. *Liverpool Law Review* 24, p. 67.

<sup>93</sup> Letter from President Prodi. (2002). European Council meeting in Seville on illegal immigration. Seville, 21-22 June 2002. Retrieved on March 6, 2014 from [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/immigration/letter\\_en.htm](http://ec.europa.eu/justice_home/news/information_dossiers/immigration/letter_en.htm).

approach to illegal stays declaring that “in accordance with the 1951 Geneva Convention, it is important to afford refugees swift, effective protection, while making arrangements to prevent abuse of the system and ensuring that those whose asylum applications have been rejected are returned to their countries of origin more quickly”.<sup>94</sup> Hence, it might be concluded that in 2002 merging migration with terrorism has been firmly reinforced in the EU policies through proposals underlying police and judicial cooperation to guarantee security at borders. The Council asked to concentrate on “an integrated, comprehensive and balanced approach to tackling the roots causes of illegal immigration”<sup>95</sup> to provide an effective external borders management. However, this attitude remained quite weak in the Conclusion in comparison to the legitimate instruments adopted to fight against illegal migration. It has become evident that September 11 events influenced the political atmosphere of the EU by implementing strict regulations in the domain of border controls and migration management. This led to regarding migration as a threat instead of opportunity by placing migration solely in the form of border checks. In Boer’s view, counter-terrorism practices provided the basis for the “spill-over from counter-terrorism legislation to legislation in the migration and asylum area”.<sup>96</sup> This has become visible in the arguments of the European Council. In the meantime, flows of ‘illegal’ migration and terrorist events found a different answer at the European Parliament wing compared to the proposals offered by the European Council. The Parliament launched a report paying a particular attention to asylum and internal security matters in July 2002. According to the report, *on asylum: common procedure and internal security*, the EP signaled its concerns over the Council’s directives on migratory flows, asylum and returns policies. In the report whereas the

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<sup>94</sup> European Council. (2002). *Seville European Council 21 and 22 June 2002 Presidency Conclusions*. (13463/02). p. 7. Retrieved on March 2, 2014 from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/72638.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/72638.pdf).

<sup>95</sup> Ibid, p. 9.

<sup>96</sup> Den Boer, M. (2003). 9/11 and the Europeanisation of Anti-Terrorism Policy: A Critical Assesment. Policy Papers, No.6, September 2003, p. 11. Retrieved on March 6, 2014 from [http://www.notre-europe.eu/media/policypaper6\\_01.pdf?pdf=ok](http://www.notre-europe.eu/media/policypaper6_01.pdf?pdf=ok).

combating terrorist activities in the aftermath of the September 11 was given credits, it was strongly stressed that the EU must not contradict with the human rights and freedoms which it guaranteed to protect.<sup>97</sup> It is also clearly stated that “such measures must only therefore be considered as a part of the war against terrorism and not the solution, especially as it seems unlikely that a terrorist would subject him or herself to the scrutiny of the asylum procedure”.<sup>98</sup>

In this vein, the Parliament has shared its fear with the securitizing move and revealed its expectation to take an active role in the decision-making process. The Parliament has called for placing the asylum and migration issues into the co-decision procedure.<sup>99</sup> As opposed to the Council, the Parliament views “that arrangements for the protection of refugees and asylum seekers must be given the same importance as policy designed to control migratory flows and combat the activities of organized criminals seeking to exploit would-be migrants and asylum-seekers”. Thus, the Parliament introduces a different perspective by bringing the vulnerability issue of migrants to the fore and by highlighting the lack of practices to ensure the lives of those people. Furthermore, the Parliament warns the Commission and the member states to be very cautious before labelling someone as terrorist. The related concern over anti-terrorism measures is put forward in the following way “The 'serious reasons' for believing that someone has been involved in terrorist activities cannot be evidence that the individual has spoken in support of the aims of a group that has used violence to achieve those aims. Rather, the individual must be assessed on evidence of actual participation in terrorist acts”.<sup>100</sup>

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<sup>97</sup> European Parliament. (2002). *Report on asylum: Common procedure and internal security* (2002/2053(COS), FINAL A5-0257/2002), p.13. Retrieved on March 4, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A5-2002-0257+0+DOC+XML+V0//EN&language=EN>.

<sup>98</sup> Ibid, p. 13.

<sup>99</sup> Ibid, p.11.

<sup>100</sup> Ibid, p.13.

It has been evident that abovementioned Parliament statements offer a remarkable contrast to the discourse produced by the Council. By looking at the concerns raised by the European Parliament, it becomes obvious that the Parliament devotes itself to the protection of migration rights and declares it an acute need within the internal and external security of the EU. This attempt would not have a wide impact on the EU level; however, the EP has deserved credits given the expansion of the humanitarian aspect in the security framework of the Union.

The European Council meeting held in Thessaloniki on 19-20 June 2003 furthered the securitizing practices on the prevention of ‘illegal’ migration. In this regard, the Council proposed to the Commission to build up influential policies with visas. Thus, the development of Visa Information System (VIS) and Schengen Information System II (SIS) remained to be the top issues occupying the Council agenda.<sup>101</sup> In addition, the Council published a proposal to establish Immigration Liaison Network (ILN).<sup>102</sup> Hence, it would not be wrong to say that the trend highlighting the entry restrictions was also placed into Thessaloniki Conclusions.

Analyzing the Council report, it is noticeable that the Council emphasized the enlargement issue and associated it with ‘illegal’ migration for the first time. This could be explained by the incoming enlargement issue. Due to the approaching accession of Eastern European countries, the Council was cautious about the flow of immigrants including the security of the citizens residing in the member states. This concern was singled out in the published report in the following way: “The European Council stresses that with the forthcoming enlargement the Union’s borders are expanding, and recalls the common interest of all Member States in establishing a

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<sup>101</sup> European Council (2003). *Thessaloniki European Council 19 and 20 June 2003 Presidency Conclusions*. (11638/03). Retrieved on March 1, 2014 from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/76279.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/76279.pdf).

<sup>102</sup> See [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons/asylum\\_immigration/114511\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons/asylum_immigration/114511_en.htm).

more effective management of borders, in particular with a view to enhancing the security of its citizens”.<sup>103</sup>

By making this statement, the European Council illustrates that not only EU’s southern borders but also eastern borders would be posed to invasion threat by the migrants. The Council demonstrated its willingness to embrace a functional implementation of membership criteria in accordance with cross-border control. The European Council’s objective was to “invite the Commission to examine in due course, drawing on experience of the Common Unit activities, the necessity of creating new institutional mechanisms, including the possible creation of a Community operational structure, in order to enhance operational cooperation for the management of external borders”. Therefore, that call underlined “the development of a common policy on illegal immigration, external borders, the return of illegal migrants and cooperation with third countries” as indicated in the Council conclusion.<sup>104</sup> In this context, the topics such as cooperation on a common visa policy, combating terrorism and human trafficking and partnership concerning the return of immigrants gained a new competence as a consequence of the Enlargement. Following the 2003 Council meeting it became absolute that ‘illegal’ migration needed to be dealt with in a rather comprehensive perspective due to changing structure of the EU. This also could be explained by the Council’s call for the Commission to analyze how to develop legal migration tools to reduce illegal migration. The call upon the Commission has been a clear example for a different way of outlook on management of migration among member states.

By analyzing the report published by the European Parliament in 2003, it is seen that the Parliament has adopted a rather security-driven approach unlike the previous report. The report, in the aftermath of the Thessaloniki Council meeting, affirms the security logic placed into migration policy by introducing the following

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<sup>103</sup> European Council (2003). *Thessaloniki European Council 19 and 20 June 2003 Presidency Conclusions*. (11638/03). Retrieved on March 1, 2014 from <http://www.european-council.europa.eu/council-meetings/conclusions.aspx>.

<sup>104</sup> Thessaloniki European Council 19 and 20 June 2003 Presidency Conclusions. D/ 03/ 3. Brussels. pp. 3-4. Retrived on March 1,2014 from [http://europa.eu/rapid/press-release\\_DOC-03-3\\_en.htm](http://europa.eu/rapid/press-release_DOC-03-3_en.htm).



explanation: “The ongoing threat to the internal security of the EU posed by cross-border terrorism, organized crime, illegal immigration and trafficking in human beings and drugs has already prompted Parliament to draw up a report which sets out various priorities concerning measures to improve the protection of external borders”.<sup>105</sup> The new trend developed by the Parliament offered a departure from the humanitarian discourse. By describing ‘illegal’ migration as an ‘ongoing threat’ the Parliament crystallized it as a substantial problem. In this vein, the report sets up a discursive support with the Council rapporteurs. In addition to this statement, the Parliament has called for burden sharing and cooperation to secure external borders.<sup>106</sup> Nevertheless, it is noteworthy to mention that the Parliament has still seemed unwilling about categorizing all ‘illegal’ migrants as a threat to the security of the EU through touching on the humanitarian dimension of the issue.

This has become clear in the following statements: “we would probably do the same, if we were in the same situation... whereas people who leave their country to migrate to the European Union are people who, in their own eyes, have good, often vital reasons for doing so: whereas each of us, in the same economic, social, psychological and emotional conditions, would do likewise; whereas not all illegal immigrants are dangerous but rather people in danger; whereas it is of the utmost importance that the victims of trafficking in human beings are not regarded as criminals but as victims of crime”.<sup>107</sup> Hence, the Parliament acknowledges that there is much still to be done in the area of freedom, security and justice to enhance the standards. Although the Parliament has showed support with a joint action in the management of external borders, it has become critical of restricting the capacity of member states over border controls. In this sense, the Parliament offered a different

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<sup>105</sup> European Parliament. (2003). *Report on the communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents- Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs*. A5-0419/2003. 27 November 2003, p. 12.

<sup>106</sup> Ibid, p. 7.

<sup>107</sup> Ibid, p. 10.

practice in comparison to the Council. The following statement is illustrative of the state-oriented approach developed by the Parliament: “First of all, it must be made clear once again that the protection of external borders is a fundamentally national matter and must therefore remain a Member State competence...”<sup>108</sup> Thus, the Parliament has backed up the Member States who have already raised their concerns about the institutionalization of the border management.

The analysis of the report also showed that the Parliament absorbed the Councils’ discourse by justifying the securitization process with regard to return policies. Under these circumstances it can be concluded that the emergency-driven actions following the September 11 attacks had an impact on the Parliament’s security approach to external border management and illegal immigration. Hence, major understanding has been to portraying illegal immigration as a threat to the European Union.

Overall, it has become evident that the European Parliament failed to prolong its critical approach towards the European Council in 2003.

#### **4.4. Monitoring the Linkage between Terrorism and ‘Illegal’ Migration: The Madrid and London Bombings**

The next step to produce an effective strategy in counter-terrorism and illegal immigration fields was realized through the establishment of the Hague Program after the European Council meeting held on 4-5 November 2004. The key objectives were to defeat terrorism, to exchange information among member states and to put an end to the technical and financial resources which terrorists could access. The European Council singled out a new agenda to address a number of issues with a specific attention to migration policies which would be relevant for the next five years (2005-2009). According to Balzacq and Carrera, Hague program has bolstered security biased approach unlike strengthening freedom in the area of freedom, justice

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<sup>108</sup> Ibid, p. 12.

and security.<sup>109</sup> It is worth mentioning that the Madrid attacks triggered that approach. In this regard, implementing security measures on external borders were affirmed by many member states. The Commission also adopted measures relating to migration management at external borders with respect to the rights of these people. In addition to that the Commission asked the member states to employ policies increasing the space for legal migration.<sup>110</sup> Therefore, it has become visible that the Commission embraced a broader perspective towards the cross-border threat although it shifted the use of vocabulary through linking illegal immigration with terrorism. In doing so, the Commission seemed to adopt a similar discourse with the Council.

In Bendel's view, this security concern has been placed into immigration and asylum policies and has also been re-produced by the proposals launched by the European Council. This has led to the creation of the *European Agency for the Management of Operational Cooperation at External Borders* and *Europol*. However, border management has still been seen as a domestic issue although member states paid a closer attention to the development of cooperation.<sup>111</sup> *The Schengen III Treaty* which was signed by the seven EU states; Austria, Belgium, Germany, France Luxembourg, Netherlands and France in May 2005, enabled data exchange (DNA, fingerprint, any personal and non-personal information) within the Schengen zone to prevent terrorist attacks.<sup>112</sup> The Council identified its roadmap for 2005-2010 with putting a special emphasis on 'the fight against terrorism',

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<sup>109</sup> Balzacq, T. and Carrera, S. (Eds). (2006). *Security Versus Freedom? : A Challenge for Europe's Future*. UK: Ashgate Publishing.

<sup>110</sup> See Roadmap for the implementation of the Hague Programme. Retrieved on March 4, 2014 from <http://www.euractiv.com/security/hague-programme-jha-programme-2005-10/article-130657>.

<sup>111</sup> Bendel, P. (2007). Everything Under Control? The European Union's Policies and Politics of Immigration. In Faist, T & Ette, A. (Eds.). *The Europeanization of National Policies and Politics of Immigration: Between Autonomy and the European Union*. NY: Palgrave MacMillan, p. 37.

<sup>112</sup> Council of the European Union. (2005). Prüm Convention. Brussels, 7 July 2005. (10900/05). Retrieved on March 6, 2014 from <http://www.libertysecurity.org/IMG/pdf/Prum-ConventionEn.pdf>.

‘migration management’, ‘internal and external borders’, a ‘common asylum area’ and on the ‘fight against organized crime’.<sup>113</sup>

The July 2005 London bombings deepened the consensus to adopt legal instruments to fight against terrorism and ‘illegal’ migration. EU confronted a rapid shock having been exposed the same tragedy following the Madrid attacks. In November 2005 the European Council developed *European Counter-Terrorist Strategy*. The European Council called for an extraordinary meeting on 13 June 2005 and came up with a conclusion on the *Retention of Telecommunications Data* in October 2005. The EU Data Retention Directive which was initially proposed by the Commission was taken into consideration by the European Council within the emotional climate that EU had gone through. This Directive aimed at storing the personal means of communication data (e-mail communication, phone calls, and texts) up to two years.<sup>114</sup> This decision was severely criticized by the member states as it was perceived as the violation of fundamental rights since it would lead to interference with the rights to privacy. According to Breyer, it is noticeable ‘the retention of traffic data can have most serious consequences for individuals ranging from embarrassing interrogation or observation procedures, right up to life prison sentences- possibly as a result of wrong presumptions’.<sup>115</sup> Interestingly, the Council stressed this decision with the claim that it would be for protecting individuals from terrorist activities. Fear of crime has served a base for the surveillance of high number of foreigners, immigrants and others in the name of providing security. Developments proceeded by the European Council have become significant to examine the institutional trend which co-existed with the security logic.

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<sup>113</sup> The Hague Programme (2005). The Hague Programme, revised action plan and anti-recruitment strategy. Briefing Paper 10. p. 2. Retrieved on March 4, 2014 from <http://www.qcea.org/wp-content/uploads/2011/04/bp-terror10-newactionplan-en-2005.pdf>.

<sup>114</sup> The European Commission. (2005). *Data Retention Directive*. MEMO/05. 21/09/2005. Retrieved on March 6, 2014 from [http://europa.eu/rapid/press-release\\_MEMO-05-328\\_en.htm](http://europa.eu/rapid/press-release_MEMO-05-328_en.htm).

<sup>115</sup> Breyer, P. (2005). Telecommunications, Data Retention and Human Rights: The Compatibility of Blanket Traffic Data Retention with the EHCR. *European Law Journal*. 11(3). May 2005, p. 370.

In addition to the policies restricting freedom, some other legally binding instruments have been implemented on EU level with regard to immigration and asylum. Bearing in mind the existing regulations, it would not be wrong to say that in most of the cases freedom has been overbalanced by the security. According to the scholars, Balzacq and Carrera, although Hague Program listed terrorism, cross-border crime and irregular migration as top issues on its agenda, ‘only irregular migration and terrorism have received much attention’.<sup>116</sup> It is likely to say that key issues in terms of employing a liberal immigration and asylum policy and of guaranteeing fair treatment of ‘illegal’ immigrants have mostly remained unaccomplished by the EU.

In spite of the increased security and control attempts on migration and asylum, the EU was hit by the refugee crises which broke out in Ceuta and Melilla, in the autumn of 2005. Thousands of immigrants sought to enter Europe storming the fences of Ceuta and Melilla, two territorial cities between Morocco and Spain. Spanish officials claimed that those cities were already overpopulated by the immigrants and could no longer tolerate the further flows. The Spanish government called for a collaborate action to address illegal immigration issue.<sup>117</sup>

The action taken in the wake of the events was to adopt a *Global Approach to Migration: Priority Actions Focusing on Africa and the Mediterranean*. The Council declared the following statement to stress “the urgent need in the short term for broad-ranging concrete actions, which form part of ongoing work to ensure that migration works to the benefit of all countries concerned”. The European Council identified illegal immigration as a threat which needed to be dealt with globally and agreed on establishing cooperation with Mediterranean countries and Africa. In this vein, the document purposed to “use all available frameworks for cooperation with Mediterranean partners, ... to prevent and combat illegal migration and trafficking in

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<sup>116</sup> Balzacq, T. and Carrera, S. (Eds.). (2006). *Security Versus Freedom? : A Challenge for Europe's Future*. UK: Ashgate Publishing, p. 19.

<sup>117</sup> Jiménez, G. P. (2012). The Migration-Security Nexus in Short: Instruments and Actions in the European Union. *Amsterdam Law Form*. 4(1), p.45.

human beings, build capacity to better manage migration, and explore how best to share information on legal migration and labor market opportunities, for example through the development of migration profiles and through strengthening sub-regional fora”.<sup>118</sup> It is noteworthy to mention that this has been the first action plan attempted in response to illegal immigration in the region. It was also crucial to promote a global approach by including the African states in the border management.

The EU also prioritized the readmission agreements with Libya, Algeria and Morocco to reduce the high number of ‘illegal’ migrants. To achieve this, the European Council emphasized the need for supplying financial assistance “in areas concerning or related to migration” along with focusing on the root causes of migratory flows. The understanding behind this is that the European Council has focused not only on the flow of migrants but also on the core reasons pushing these people to cross borders. It goes without saying that cooperation with third countries would play a paramount role in achieving this goal. Moreover, by launching campaigns to raise awareness about the risks of ‘illegal’ migration and to encourage people to migrate using the legal procedures, the European Council purposed to reduce ‘illegal’ migration. This objective has contributed to a great extent to promote human rights and individual rights of people who seek asylum.

Another rapid action plan offering Euro-African partnership on migration (so-called Rabat Plan) was implemented on 10-11 July 2006 bringing African countries at the same table. The Council put a strong emphasis to strengthen Euro-African partnership on topics including readmission agreements, border controls, financial and technical aid. According to Jean-Marie Cavada, *French Member of the European Parliament and Chairman of the EP Committee on Civil Liberties, Justice and Home Affairs*, this meeting has been a significant step since “for the first time countries of emigration, countries of transit and countries of destination came together to discuss

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<sup>118</sup> Council of the European Union. (2005). Global Approach to migration: Priority actions focusing on Africa and the Mediterranean. (15744/5). pp. 3 and 6. Retrieved on March 6, 2014 from <http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&gc=true&sc=false&f=ST%2015744%202005%20INIT>.

the problem and examine possible measures in common”.<sup>119</sup> However, the Conclusions made it obvious that pushing only third countries for agreeing on combating illegal immigration would not produce a considerable solution to the problem. Therefore, in December 2006 Presidency Conclusions, the Council asked the member countries to launch development strategies for “providing financial and technical assistance to third countries in support of their efforts to ensure more effective management of all aspects of migration flows”.<sup>120</sup> This view has not only sent a clear message to member states but has also become a good illustration of the development logic which purposed to dominate the migration field.

Nevertheless, there has seemed to be no big change in the Council’s existing attitude towards cross-border and migration issues. Although numerous declarations addressed the humanitarian aspect of the migratory flows, securitization process has not been on decline. The underlying logic has been to illustrate migrants as a threat to Europe’s socio-economic and political structure. This could be found in the articulation of discursive such as ‘flows’, ‘influx’, ‘management’, ‘control’, ‘illegal’, ‘surveillance’ etc. in all the Council meeting Conclusions, which have been examined so far. The goal has been to enhance the surveillance capacity by utilizing negative vocabulary in the directives proposed. Bendel argues that “surveillance will not, however, be enough. This raises the question of which other policies are envisaged in order to restrict further undocumented immigration and whether they will be introduced as the member states’ individual responsibility or as a common responsibility”.<sup>121</sup> Unfortunately, it is likely to say that the conduct of control-driven policies proved to create a negative impact on immigrants since thousands of

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<sup>119</sup> European Parliament. (2006). *Illegal immigration: close partnership needed*. 18 July 2006. Retrived on March 1, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?type=IM-PRESS&reference=20060717STO09891&language=EN>.

<sup>120</sup> European Council. (2006). Brussels European Council 15/16 June 2006 Presidency Conclusions, (10633/1/06), p. 4. Retrieved on March 6, 2014 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/90111.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/90111.pdf).

<sup>121</sup> Bendel, P. (2007). Everything Under Control? The European Union’s Policies and Politics of Immigration. In Faist, T & Ette, A. (Eds.). *The Europeanization of National Policies and Politics of Immigration: Between Autonomy and the European Union*. NY: Palgrave MacMillan, p. 39.

immigrants regardless of their backgrounds have been exposed to strict practices as a consequence of combating terrorism.

The strong linkage between migration, terrorism and security has become more explicit with the creation of FRONTEX, *European Agency for the Management of External Borders*. The Council calculated 1.82 billion Euros budget for the period between 2007 and 2013, consisting of 30% land borders, 35% sea borders, 20% airports and 15% external borders.<sup>122</sup> Hence, it would not be wrong to say that the development of semi-autonomous agencies established for carrying border management has been progressed by FRONTEX. Thus, measures against terrorism and illegal migration invaded the agenda of the European Council once again. However, policing and securing the borders has been predominantly perceived as a sovereignty issue. In the Council Regulation under Article 1.2., it is explicitly stated that “the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render ... by ensuring the coordination of the Member States’ actions in the implementation of those measures”.<sup>123</sup> This statement clearly illustrates the reluctance of the member states to lose their authority on the basis of border issue, which has been interpreted as a national issue. Hence, it is possible to speak of the difficulty with harmonizing domestic policies on migration and asylum issues within the Union.

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<sup>122</sup> The Migration Policy Institute. (2007). *Europe’s Disappearing Internal Borders*. Migration Facts. December 2007 No:20. p. 4. Retrieved on March 6, 2014 from [file:///C:/Users/raphael/Downloads/FS20\\_SchengenDisappearingBorders\\_121807.pdf](file:///C:/Users/raphael/Downloads/FS20_SchengenDisappearingBorders_121807.pdf).

<sup>123</sup> Council Regulation (EC) No 2007/2004. Establishing a European Agency for the Management of Operational Co-Operation at the External Borders of the Member States of the European Union. 25 November 2004. Official Journal of the European Union. (L 349/1), p.1. Retrieved on March 4, 2014 from [http://frontex.europa.eu/assets/About\\_Frontex/frontex\\_regulation\\_en.pdf](http://frontex.europa.eu/assets/About_Frontex/frontex_regulation_en.pdf).



#### **4.5. The European Parliament: Illustrating a Different Picture toward the Terrorist Attacks**

In the light of the securitization thesis it has been evident that the European Parliament offered a different outlook than the European Council in response to the attacks on the two metropolises of the EU.

In the report issued by the EP in May 2005, the Parliament reviewed the existing migration policies and offered a critical outlook in response to the proposals put forward by the Council. Although any attempts in the fight against illegal migration and terrorism have been credited, the Parliament paid a special attention to ensuring the rights of individuals in accordance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.<sup>124</sup> Besides, the Parliament has stated that the efforts in the field of migration management ought to require a close collaboration with the Parliament by calling “upon the Commission to consider - in association with the European Parliament - ways of better coordinating all the various structures and agents involved in the management of migration flows and to ensure that the relevant funding programs are properly utilized and widely disseminated”.<sup>125</sup> This has meant that the Parliament has aimed at receiving the right of initiative while ensuring respect with fundamental rights and freedoms. This would enable the Parliament to heighten up its capabilities to conduct a balanced policy between humanitarian and security aspect of the migration issue.

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<sup>124</sup>“ European Parliament. (2005). Report on the links between legal and illegal migration and integration of migrants (2004/2137 (INI), FINAL A6-0136/2005). p. 7. Retrieved on March 1, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2005-0136+0+DOC+PDF+V0//EN>.

<sup>125</sup> Ibid. p. 5.

## **4.6. Analyzing the Impact of the European Council Conclusions on the Securitization of Migration in the EU**

### **4.6.1. Evaluating the European Council's Approach from 2007 to 2010**

Looking at 2007 and 2008 conclusion meetings, it has become visible that the European Council developed no changes with its rhetoric toward the border control and migration management. However, it is noticeable that the Council has gained a great desire and motivation to deepen the third country cooperation to build a “coherent migration policy which combines measures aimed at facilitating well-managed legal migration opportunities and their benefits”<sup>126</sup> In the Council Conclusions coordinating multilateral cooperation on migration has been one of the key objectives to handle the security concern.

With a special reference to the FRONTEX, the Council has stressed to determine EU level governance in the field of migration and asylum to ensure the security at external border controls. Additionally, member states were encouraged to cooperate further on the development of the visa information system (VIS) which has been found essential to stimulate the security of the Member States and the European Union. In this regard, the Council “welcomes the recent agreement on the Regulation on the Visa Information System and the exchange of data between Member States on short stay-visas as well as the Council Decision on access for consultation of the VIS by designated authorities of Member States and by Europol for the purposes of prevention, detection and investigation of terrorist offences”.<sup>127</sup> However, pressures on maintaining surveillance has created high criticism towards the operations of Europol due to EU's increasing inadequacy of sustaining democratic tools to exchange data with the U.S.<sup>128</sup> The European Council also asked the *Coastal Patrol*

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<sup>126</sup> European Council. (2007). Brussels European Council 21/22 June 2007 Presidency Conclusions (11177/1/07). p. 4. Retrieved on March 6, 2014 from <http://ec.europa.eu/research/era/docs/en/council-eu-11.pdf>.

<sup>127</sup> Ibid, p. 5.

*Network* to be launched in the short term to detect entry of ‘illegal’ migrants crossing sea borders. Taken as a whole, it has become apparent that the European Council promoted EU commitment to restrictive measures through upgrading migration as a security imperative. Following the Presidency Conclusions of 2007, the Council convened on another meeting on 19 June 2008.

The Council has stated that the key factor for future achievements in the area of migration would be achieved through establishing a strong connection between migration and development. With reference to readmission and return policies, the Council “welcomes the progress made on the proposal on common standards in this area and underlines the importance of enhancing the cooperation on readmission with third countries, including through the implementation of obligations under existing rules instruments, and consequently stresses the need to conclude readmission agreements urgently with all major countries of origin and transit”.<sup>129</sup> The analysis of the report has concluded that there has not been a considerable shift in 2008 compared to the previous Presidency Conclusions.

In 2009 the European Council requested a continued EU-level commitment to fighting against the illegal migration. In the aftermath of the events happened in Cyprus, Greece, Italy and Malta, the European Council asked to take rapid initiatives to strengthen EU’s southern maritime borders with the utmost urgency. In this regard, “a determined European response based on firmness, solidarity and shared responsibility” is asked “in line with *the European Pact on Immigration and Asylum and the Global Approach to Migration*”.<sup>130</sup> This Pact has been significant since it addressed the agenda of the EU concerning attempts on migration up until 2015.

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<sup>128</sup> Peeers, S. The Exchange of Personal Data Between Europol and the USA. Statewatch Analysis No:15. Retrieved on March 1, 2014 from [www.statewatch.org/news](http://www.statewatch.org/news).

<sup>129</sup> European Council. (2008). Brussels European Council 19/20 June 2008 Presidency Conclusions (11018/1//08). p. 3. Retrieved on March 4, 2014 from [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/101346.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/101346.pdf).

<sup>130</sup> European Council. (2009). Brussels European Council 18/19 June 2009 Presidency Conclusions (11225/2/09 REV 2). p. 14. Retrieved on March 4, 2014 from [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/108622.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/108622.pdf).

Accordingly, the Pact reflected clear objectives in decision-making procedures through introducing global provisions on migration and asylum.

#### **4.6.2. Analyzing the Period from 2010 to 2013**

It has become visible in the report issued by the Council in 2010 that efforts seeking to address migration did not constitute a crucial priority on the European Council's agenda. Proposals announced by the Council predominantly reiterated to introduce a global action towards the worldwide financial crisis that EU has confronted. The state of crisis and measures to fight against the economic recession including the growing unemployment were identified by the European Council as top issues on which EU was expected to implement strategies. However, by the end of 2010 migration gained an utmost priority to seek a solution to migratory flows from the North African countries. With regard to the reduction of 'illegal' migration, the Council offered several initiatives to develop an effective policy framework in the field of immigration.

The Council has stressed the importance of mobility partnerships with Southern and Eastern neighborhood countries to investigate the root causes of flows. This would become a tool to meet the challenges of border control. In addition, the Council has paid a special attention to strengthening of Frontex once again. Accordingly, "the functioning of Frontex and other agencies needs to be continuously monitored to ensure their continued efficiency in assisting Member States in managing external borders, in fighting 'illegal' migration and in dealing with refugees. Frontex will cooperate with the third countries concerned".<sup>131</sup> Thus, EU has aimed at multiplying its channels through gaining networks with local authorities and countries to reach a comprehensive management of migration both in countries of origin and countries of destination. Otherwise, merely patrolling of

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<sup>131</sup> European Council. (2011). European Council 23/24 June 2011 Conclusions. (EUCO 23/1/11 REV 1), p. 9. Retrieved on March 6, 2014 from [http://ec.europa.eu/commission\\_2010-2014/president/news/speeches-statements/pdf/20110624\\_1\\_en.pdf](http://ec.europa.eu/commission_2010-2014/president/news/speeches-statements/pdf/20110624_1_en.pdf).

external borders through FRONTEX and embracing migration as a border issue would not sustain the development of migration and asylum policies.

#### **4.7. A Critical Understanding on the Role of the European Parliament in the Securitization of Migration Process in the EU**

##### **4.7.1. Analysis of the European Parliament Reports: From 2007 to 2013**

In 2007 the European Parliament published a report; entitled on an area of freedom, security and justice: Strategy on the external dimension, Action Plan implementing The Hague Program. The report has put forward that security-oriented approach would not be sufficient to solve the problem. It has been advised that control-driven measures should not underestimate the goal to ensure human rights. In this regard, the Parliament has declared that “irregular migrants must not be treated like criminals” and has stressed that “many of them risk their lives seeking freedom or the means of subsistence in Europe”. Hence, in Parliament’s view, “it is the politicians' responsibility to implement a coherent and effective policy to fight illegal immigration, whilst taking into account the safeguards and the fundamental rights of the individual”.<sup>132</sup> This has meant that the Parliament has been unsatisfied with regard to the border management practices adopted in the European Union. The discourse of the Parliament made it absolute that EU could no longer ignore the human tragedies happening in the field of asylum and immigration since thousands of people have become victims while crossing the borders. Accordingly, the Parliament has drawn attention to the real criminals through calling “on the institutions, the Member States and Europol to mobilize to implement the medium-

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<sup>132</sup> European Parliament. (2007a). Report on policy priorities in the fight against illegal immigration of third-country nationals (2006/2250(INI), FINAL A6- 0323/2007). p. 7. Retrieved on March 6, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0323+0+DOC+PDF+V0//EN>.

term action program against trafficking in people, targeting it on traffickers, 'people smugglers' and mafias".<sup>133</sup>

Another issue addressed by the Parliament has been related to the data sharing with the U.S. The Parliament has criticized the unbalanced data exchange between the EU and the U.S. with a claim that U.S. government has been over-limiting its power. This could be detected in the report *on an area of freedom, security and justice: Strategy on the external dimension, Action Plan implementing the Hague program*. The EP "expresses its deep concern at the inadequate legal safeguards for EU citizens in cases of personal data being made available to third countries, notably in cases such as PNR, SWIFT and the collection of telecommunication records by the FBI... believes that data sharing with the US must take place in the proper legal context for transatlantic cooperation, and on the basis of EU-US agreements, while bilateral agreements are not acceptable".<sup>134</sup> Furthermore, the European Parliament has made an explicit reference to the limited capacity of the Parliament in the co-decision mechanism. Within this regard, the Parliament "urges the European Council to follow Parliament's present and future recommendations dealing with EU external strategy in the AFSJ; recalls that Parliament has an essential role to play in strengthening the accountability of the EU's external action".<sup>135</sup>

Interestingly, the report issued by the European Parliament on 11 November 2008 did not produce any concerns over the progress of FRONTEX. On the contrary, Parliament revealed a considerable expectation from the Commission "to present proposals to review the mandate of the Agency in order to strengthen its role and

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<sup>133</sup> Ibid, p. 13.

<sup>134</sup> European Parliament. (2007b). Report on an area of freedom, security and justice: Strategy on the external dimension, Action Plan implementing the Hague programme (2006/2111(INI), FINAL A6-0223/2007), p.8. Retrieved on March 6, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0223+0+DOC+PDF+V0//EN>.

<sup>135</sup> Ibid, p. 5.

make it more effective”<sup>136</sup> through formulating an influential tool to combat negative effects of migration.

Instruments and actions developed towards the transparency of migration policy has been the concern of the European Parliament in 2011. The report entitled *on the EU Counter-Terrorism Policy: main objectives and future challenges* in July 2011 establishes no linkage between anti-terrorism and asylum and migration issue as opposed to the Council and Commission reports. It rather recommends the European Council and the Commission to develop a clear-cut definition on the basis of counter-terrorism to avoid ‘legal loopholes or the possible overlapping or duplication of counter-terrorism actions and instruments adopted at EU level’.<sup>137</sup> The report also stresses the need that anti-terrorism activities should be employed in respect with democratic scrutiny, civil liberties and ‘the rule of law’. In this regard, it has become noticeable that 2011 European Parliament report pays a closer attention to the enhancement of standards through drawing an attention to the inadequacy of the existing mechanisms. It also calls on guaranteeing the security of victims of terrorism while addressing the strategic partnership with third countries and the US to combat terrorism.<sup>138</sup>

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<sup>136</sup> European Parliament. (2008). Report on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR). (2008/2157 (INI)). A6-0437/2008), p. 6. Retrieved on March 4, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0437+0+DOC+PDF+V0//EN>.

<sup>137</sup> European Parliament. (2011). Report on the EU Counter-Terrorism Policy: main achievements and future challenges. (2010/2311 (INI). A7- 0286/2011), p. 7. Retrieved on March 6, 2014 from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0286+0+DOC+PDF+V0//EN>.

<sup>138</sup> Ibid, p. 10.

#### **4.8. Conclusion**

This chapter has examined the securitization of migration in the post September 11 context. This has become highly crucial to investigate how migration has been constructed and conceived through political discourses at EU level.

The September 11 events played a key role in terms of escalation of security-oriented policies not only in the U.S. but also in the Western Europe. Following the large scale terrorist attacks, migrant issue regained importance as those who crashed into the U.S. buildings were ‘foreigners’. This caused migrants to be labelled as potential threat to the national security. The ‘urgent’ problem to deal with has been to combat terrorism. The analysis of the Council conclusions and the Parliament reports has addressed the different objectives with regard to the securitization of migration. It has become evident that the Parliament has mostly focused on the humanitarian dimension of the migration and asylum issues whereas the European Council put a strong emphasis on protecting EU’s internal and external borders against ‘outsiders’.

Not surprisingly, this outlook has led to the formulation of migration as a threat rather than a benefit to the EU structure. However, to make it clear, it is important to say that terrorist attacks were not responsible for establishing a link between security and migration but for facilitating the spread of restrictive migration policy. Right after the events the main policy has been to increase border control and to manage migrant flows. It may be said that the Parliament has constantly drawn the attention to the increasing security logic which has undermined the human rights concerns. In this regard, the European Council asked to pay a closer attention to the root causes to produce efficient tools to fight against ‘illegal’ migration. Relatively, this has found a space within the objectives of the Council by introducing practices of root causes. Overall, it has become absolute that EU has adopted a political behavior firmly placing the securitization in migration field.



## CHAPTER 5

### UNDERSTANDING THE MIGRATION POLITICS OF FRANCE AND THE UK WITHIN THE SECURITY CONTEXT

The securitization of the immigrant as a risk is based on our conception of the state as a body or a container for the polity. It is anchored in the fears of politicians about losing their symbolic control over the territorial boundaries. .... It is structural unease in a 'risk society' framed by neoliberal discourses in which freedom is always associated at its limits with danger and (in)security.<sup>139</sup>

#### 5.1. Introduction

The aim of this chapter is to examine the security-migration relationship in the case of France and the UK. For the purpose of doing that Copenhagen School's speech act notion will be used<sup>7</sup> in the sense of constructing an issue as a security threat to investigate to how it is applied to migration policies of the selected case studies. Therefore, this chapter will deal with the migration control through analyzing the policy discourses of policy-makers as its scope.

France and Britain are selected as cases studies because these two industrial countries hosting large number of migrants shares a similar history regarding the arrival of migrants. France and the UK governments relied on the manpower of their ex-colonies to meet their labor shortage in order to reconstruct their devastated economy. Besides, France also started guest-worker program to encourage workers from non-European countries such as Turkey and from Southern European countries (Spain, Portugal). However, both countries were confronted with challenges due to the ethnic and religious differences within the society following the migratory flows. Those challenges have been more visible particularly in the aftermath of the economic downfall which started with the oil crisis, affecting the world in the early

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<sup>139</sup> Bigo, D. (2002). Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives*, 27, p. 65.

1970s. This decade appeared to be a turning point in reversing the positive images of migrants. In liberal economies migration is regarded as an opportunity not only for destination countries but also for origin countries. Instead of restricting labor migration, the focus is to create labor migration programs to respond labor shortages. However, Liberal policies encouraging the migration entry and settlement in terms of strengthening economic development were replaced by tight border controls impacting on future practices of migration policies.

In both cases, discursive strategies prepared the ground for presenting migrants as a threat to welfare system and societal structure due to the rise in unemployment and ethnic and religious diversity. Accordingly, liberal approach in terms of managing migration gained a different logic on the political agenda leaving the space to the securitization of migration. In analyzing France and the UK's policy strategies the role of the policy-makers in determining the migration-security nexus will be identified to investigate how migration which started as an economic phenomenon gained a security dimension by affecting political and societal understanding and attitude regarding migration.

In discussing the related issues, this chapter will be divided into two parts. First part will focus on the migration policy in France by examining how migration has been securitized within the decision-making capacity of the French governments. For the purpose of doing that, first, the historical background of the migration will be assessed in an attempt of reaching a comprehensive understanding on the patterns of the current migration issue. Second, the policy structures will be analyzed through introducing the political discourses of prime ministers, interior ministers and presidents. This will provide an understanding on how those discourses have been elaborated and reproduced as a component of the securitization of migration.

In addition, the Sarkozy era which has become a significant period in terms of shaping the debate on migration will set the ground in discussing the characteristic of the French policy in this field. Therefore, even though the issue of migration has not been a new phenomenon in the French political history following the Second World War, a particular attention will be paid to the Sarkozy period, during which migration

has been implemented on a new setting. This new setting is based on the notion of 'selective immigration', which will be an influential part in analyzing the migration policies of the ex-President Sarkozy. This will also pave the way for providing a critical assessment of the legal measures initiated during the period he was appointed as Minister of Interior from the center-right, Union for a Popular Movement (UMP). No doubt, for the purpose of doing that, Sarkozy period will be linked to some particular issues such as the "burka crisis," which sparked the debate over whether covering of the face should be allowed in public and Roma expulsion which was initiated by the government program in 2010. In many ways, bringing those issues, which divided the French over the management of migration, to the fore will play a significant role in analyzing how and why Sarkozy, who comes from an immigrant descent family, developed harsh stance on migration by echoing the negative language introduced by the far-right party, National Front.

Second part of this chapter will examine the relationship between the UK and the EU by focusing on the politics of migration based on the *opt-in* and *opt-out* model operated by the UK. Britain has been an awkward partner with the EU due to its selective participation in asylum and migration provisions of the EU. A striking selectiveness of the British migration policy allowed Britain to avoid the strains of the EU laws in the areas where national interests are clashed with the EU rules. However, Britain has taken advantages by participating into some certain EU measures to deal with issues concerning external border, human trafficking and asylum. Within this respect, the UK's selective position will be analyzed to figure out how Europeanization has shaped the migration and asylum policy of the UK. In order to do that first, the historical background of migration policy will be introduced to explore how migration issue has been generated and evolved with the changing British governments through which different policy responses were performed against 'wanted' and 'unwanted' migrants. Concurrently, political agents and their policy discourses will be the scope of this part to offer a holistic perspective concerning the British approach to migration control. Second, the EU impact on the migration policy of the UK will be included to analyze how Britain has retained the

ability to enforce the selective migration policy despite the engagement with the EU. Therefore, this part purposes to shed some lights on the securitization of migration by selecting the UK as a focal point.

## **5.2. Analyzing the Politics of Immigration: The Immigration Question of France within the Security Context**

### **5.2.1. Immigration Debate in France: A Historical Overview**

Post- Second World War developments exacerbated security and economic concerns in France. Severe economic decline and the rising Soviet threat in the early Cold War era had driven the French government to initiate labor recruitment programs in order to reconstruct the economic structure of the country. The rising fears over the political and economic turbulence prompted the policy-makers to deploy an ‘open door’ policy towards migrants following the Second World War.

The Office National d’Immigration (ION), which was founded on 2 November 1945, launched the migration policy to strengthen the economic development of the country. The French government recruited migrants through applying its colonial ties as it was the case with the UK. In relation to that, France passed migration legislation on 20 September 1947 to grant citizenship to Algerian people as a consequence of which a drastic number of Algerian workers were recruited into the labor market.<sup>140</sup> Another prominent factor accompanied by the liberal migration policy of France has been the European integration process, which began with the establishment of the European Coal and Steel Community (ECSC) as “a first step in the federation of Europe”.<sup>141</sup> Robert Schuman the founding father of the European Union with Jean

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<sup>140</sup> Dormois, J-P. (2004). *The French Economy in the Twentieth Century*. Cambridge: Cambridge University Press.

<sup>141</sup> Robert Schuman. Declaration of 9 May 1950 in *The Origins and Development of the European Community*. David Weigall and Peter Stirk. (Eds). Leicester, England: Leicester University Press, 1984, pp. 58-59.

Monnet sought to bring economic and political fields together by signing the Rome Treaties in March 1957. The Treaty creating the European Economic Community (EEC) “determined to lay the foundations of an ever closer union among the peoples of Europe”.<sup>142</sup>

The economic and political integration of Europe stipulated the migration movements to meet the labor shortage that European countries, in particular France was confronted. With the economic growth, France began to initiate labor recruitment programs mainly from former colonies along with Southern Europe during the late 1950s and 1960s. The labor force in France was predominantly supplied by utilizing the imperial legacy. France signed bilateral agreements with ex-colony countries such as Morocco and Tunisia in 1963 including Southern Europe countries; Spain in 1961 and Portugal in 1963 and with a non-European country; Turkey in 1965<sup>143</sup> to attract labor migrants due to the competition with other European states. The need for labor significantly facilitated the settlement of workers from Maghreb countries and outside European territories. Under the bilateral agreements, increasing number of migrants began to move into the French territory. As Rudolph puts forward, “the importance of migration to French post-war grand strategy is evident in the government’s desire to facilitate immigration flows to best meet France’s economic needs”.<sup>144</sup> Initially, launching the labor recruitment program has met with little fears despite the growing numbers of foreigners due to the liberal approach embraced by France. The liberal stance should be evaluated in line with the strong adherence of France to the republican values; liberty, equality and fraternity. However, the French nationhood welcomed the ethnic diversity on the provisions that those holding different ethnic and religious origins were integrated into the French society through the assimilation model. This seems to support Brubaker’s

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<sup>142</sup> See the Treaty of Rome. Retrieved on April 8, 2014 from [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/treaties\\_eec\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_eec_en.htm).

<sup>143</sup> Kastoryano, R. (2002). *Negotiating Identities: States and Immigrants in France and Germany*. Princeton: Princeton University Press.

<sup>144</sup> Rudolph, C. (2006). *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945*. Stanford: Stanford University Press, p. 134.

argument that France is “a classical country, perhaps the classical country, of assimilation”.<sup>145</sup> As Brubaker suggests, migratory flows were not constructed as a threat to the societal structure of the country due to the assimilation trend embraced by the French state. This also explains why the French government sought to recruit huge number of migrants into the labor market until the early 1970s.

Migration policy has been applied as a state strategy during the post-war era to serve the economic interests of France. Hence, market-driven concern ignored control-based policy by allowing the entry of millions of foreign workers into the country. According to Gary Freeman, “France slipped into a long period of haphazard and lackadaisical control of immigration that amounted to a laissez-faire approach. While the forms of control (ONI, bilateral accords) were maintained, in reality immigration was largely spontaneous, often clandestine, and usually carried out with the government’s open collusion, or under its swiftly averted eye”.<sup>146</sup> As Freeman puts forward, the government policy was predominantly shaped by the desire for the rapid economic growth as well as the competition with other European states. This desire seems to serve to keep illegal migrants, who were perceived as additional labor force to meet the manpower requirements of the labor market. Following the argument of Freeman, “relatively uncontrolled immigration was beneficial economically..., and those benefits would be reduced if one moved to a more rigidly controlled system”.<sup>147</sup> Therefore, labor need played a significant role in eliminating the tough regulations on migration. Nevertheless, this policy showed a predominant change with the early 1970s when France like other countries of Europe experienced an economic downfall.

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<sup>145</sup> Brubaker, R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press, p. 184.

<sup>146</sup> Freeman, G. 1979. *Immigrant Labour and Racial Conflict in Industrial Societies*. Princeton: Princeton University Press, p. 73.

<sup>147</sup> Ibid, p. 84.

### **5.2.2 The 1973 Oil Crisis: Assessing the Transformation of the Immigration Policy in France**

Economic reconstruction in the post-war era has eliminated the political and societal concerns which resulted in the rise of the uncontrolled migration as discussed by Rudolph.<sup>148</sup> This is why, not until the mid-1970s did the issues such as ethnic diversity and hostility towards migrant groups occupied the political agenda of the French government. However, the Arab oil embargo in the early 1970s shifted the mechanisms of migration policy. The economic recession and the rise in unemployment have put an end to the 'open door' policy towards migrants.

The French policy-makers, who initially ignored the ethnic diversity within the society and permitted the residence of labor migrants and even illegal migrants, began to articulate the existence of foreign workers as a threat to social unity when the country was confronted with widespread unemployment.<sup>149</sup> In opposition to this argument, Silverman asserts that "it was not economic slow-down and manpower surplus which provided the initial justification for immigration controls in the modern period...; it was more a question of 'ethnic balance' and fears of the social tensions which would ensue if this balance was not maintained".<sup>150</sup> However, surprisingly, that 'ethnic balance' had become a political and societal issue when the economic recession broke out. Thus, the 'invisible' migrants, who were once perceived as an opportunity to bolster the economic growth, turned into a heavy burden the French government ought to carry over its shoulders. This resulted in shifting the relations with former colonies to control migrant flows from non-European territories whilst the French government allowed the entry of those coming from the EC countries.

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<sup>148</sup> Rudolph, C. (2006). *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945*. Stanford: Stanford University Press, p. 139.

<sup>149</sup> Ibid, p.139.

<sup>150</sup> Silverman, M. (1992). *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France*. NY: Roudledge, p. 48.

The government's desire to control labor migration failed to reduce the number of those who entered France predominantly through family reunification. Migration issue seemed to trigger the 'societal security' belief held by the government officials since "the presence of Third World immigrants and their descendants has become ever more visible in virtually every sphere of French society".<sup>151</sup> France's commitment to liberal migration policy came to an end on 3 July 1974 when "a ministerial circular 'temporarily' halted worker immigration into France (l'arête de l'immigration), officially ending the nation's long-standing policy of openness to migration".<sup>152</sup> However, voluntary return policy initiated by Lionel Stoleru, the Minister of State for immigrant workers, failed to send targeted groups back to their home countries.<sup>153</sup> Furthermore, France was affected from increasing number of asylum claims started with the early 1980s.

France signed the 1951 Convention Relating to the Status of Refugees and embraced a liberal understanding, which resulted in open-door policy towards refugees and asylum-seekers. However, as was the case in Germany and the UK, the rising number of asylum-seekers, who came through illegal channels, became a threat to France in economic and societal terms due to the rise of unemployment. France was challenged by large asylum applicants in particular from the African continent during the 1980s.<sup>154</sup> Policy-makers were caught in a dilemma between fulfilling commitment of the 1951 Convention Relating to the Status of Refugees and fighting against illegal migration. Moreover, the rise of the Muslim population flowing from Maghreb countries and the terrorist attacks hitting Paris in 1986 strengthened the negative attitudes towards immigrants. Hostility towards the

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<sup>151</sup> Hargreaves, A. (1995). *Immigration, Race and Ethnicity in Contemporary France*. London: Routledge, p. 18.

<sup>152</sup> Rudolph, C. (2006). *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945*. Stanford: Stanford University Press, p. 144.

<sup>153</sup> Lebon, A. (1984). Return Migration from France: Policies and Data. In Daniel Kubat (Ed.), *The Politics of Return*. Rome: Centro Studi Emigrazione.

<sup>154</sup> De Ley, M. (1983). French Immigration Policy since May 1981. *International Migration Review*. 17(2). pp. 196-211.



Muslim-origin migrants characterized the nature of the xenophobic migration policy employed by the far-right party, Front National during the late 1980s.<sup>155</sup> Thus, new developments following the economic crisis signaled a significant change in an attempt to increase measures in controlling migration movements. The political approach towards migration as will be discussed in the following section had been increasingly negative. As a consequence, migration and asylum policies experienced a remarkable shift in the domestic politics of France which sought to modify the liberal policies by placing restrictions on migration regulations.

### **5.2.3 Securitization Process in Migration Debate in France: Analyzing the Political Discourse Production**

It has become noticeable that securitization of migration increasingly dominated the political agenda in the late 1980s. Migration-security nexus appeared to be one of the priorities of Michel Rocard, the French PM, who ruled the country from 1988 to 1991. He expressed his concerns about the internal security of France with regard to the Schengen Agreement, which abolished internal borders within the EEC. He said “what would be the point of being rigorous in our foreign policy if European frontiers were open all the way down and if the free movement of people would be merged with the free movement of terrorists?”<sup>156</sup> Rocard made it clear that he sought to pursue an anti-terrorist policy by establishing a linkage between terrorism and migration referring to terrorist attacks in France.

In addition, it has been observed that the terrorist attacks occurred in Paris in 1986 played a significant role in the negative portrayal of Muslims whose population saw an increase with the migration movements from Maghreb countries and Turkey. During that period France confronted with Islamophobia. France’s strong adherence

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<sup>155</sup> Hargreaves, A. (1995). *Immigration, Race and Ethnicity in Contemporary France*. London: Routledge.

<sup>156</sup> From the Speech delivered by Rocard, M. on June 15 1989 in Strasbourg.

to secularism was echoed by the French policy-makers. In the light of these debates, in Rudolf's view, the political and social tension triggered the securitizing attempts following the repressive Pasqua law coming into effect in 1993. The law named after Charles Pasqua, the Interior Minister, reiterated the elements of security to control immigration. Pasqua, under Jacques Chirac's coalition government introduced harsh measures curbing the rights of foreigners and facilitating the deportations of illegal immigrants. Following Rudolf, more significant, Pasqua and Chirac government proposed to amend the existing Article 44 of the Nationality Code of 1945 in a sense to shift law of descent (*jus soli*)<sup>157</sup> which grants citizenship to those born in France. Accordingly, the proposal made by the government conditioned swearing an oath to grant citizenship to applicants.<sup>158</sup> Even though this proposal was not taken into effect, still it had a symbolic significance as argued by James Hollifield because "the message was quite clear: the acquisition of French citizenship is a privilege, not a right, and it should be withheld from those who have not made a clear commitment to the French nation and society."<sup>159</sup>

The Pasqua Law, which brought a tough stance on the migration policy, was incorporated into the Debré Law in 1995. The law named after Jean-Louis Debré, the Interior Minister between 1995 and 1997, remained ineffective in terms of dealing with the migration issue which the country faced with and it failed to introduce an effective approach towards migration management issue<sup>160</sup> Nevertheless, anti-immigrant discourse did not find a big space under the left-wing Jospin Government.

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<sup>157</sup> The *jus soli* principle decides about the nationality in respect to the place of birth. The child gains the citizenship provided that it is born on the territory. However, according to *jus sanguinus* principle the child becomes the citizen of a country if one of its parents possesses the nationality of that country. In other words, following the *jus sanguinus* rule, the nationality of the child depends on the one of its parents.

<sup>158</sup> Rudolph, C. (2006). *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945*. Stanford: Stanford University Press, p.150.

<sup>159</sup> Hollifield, J. (1999). Ideas, Institutions, and Civil Society: On the Limits of Immigration Control in France. IMIS-Beiträge. 10/January, p. 69.

<sup>160</sup> Emmons, S. (1997). The Debré Bill: Immigration Legislation or a National "Front"? *Indiana Journal of Global Studies*. 5(1), p.357.

The Chevènement law, which came into effect on 11 May 1998, touched on the migration issue from a rather liberal perspective. According to Jospin, “those who preach the intolerance and the hatred of the other exploit realities, such as misery, unemployment, personal and social insecurity, and manipulate representations such as the foreigner”.<sup>161</sup> Bearing that in mind, migration gained a new understanding by reiterating the humanitarian side of the issue. The new code implemented necessary regulations to promote migration. With the rule of the Socialist government, the entry conditions for highly-skilled migrants, scholars and students were facilitated. Nevertheless, the Chevènement Law did not abolish all restrictive measures, which were placed in Pasqua Law regarding ‘unwanted’ immigrants. Thus, reforms introduced by the Socialist Jospin government met with little success in terms of healing the situation of ‘unwanted’ immigrants. Hence, even though the law aimed at introducing a new approach to migration management by abolishing strict limits on migrants in terms of re-regulating the entry and settlement conditions of migrants, those attempts remained mostly on the rhetorical level and remained ineffective.

#### **5.2.4. September 11 Attacks: Investigating the Impact on Migration in a Securitized Era**

Not until 2002 migration-security linkage came as a severe issue in the political framework in which anti-immigration discourses found a weak presence in terms of taking concrete actions. With the return of a right-wing government in France securitizing moves were effectively fused into the migration policy. Jean-Pierre Raffarin in his mandate as Prime Minister (2002) put a strong emphasis on security-migration linkage. No doubt, the September attacks hitting American homeland, have played an important role in criminalizing migration. Securitizing moves have been placed into speeches reinforcing the repressive attempts. Raffarin merged security

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<sup>161</sup> From the Speech delivered by Jospin on 28 November 1998.

and migration in his speech delivered in 2003 in the following way: “(Others’) insecurities bring different difficulties. I am thinking of course here of important topics such as the European enlargement. We are asking ourselves: How will we manage the migratory flux?”<sup>162</sup> Once again the debate tended to bolster migration management with reaching a consensus at the EU level to tighten requirements for visas and border patrolling. Systematically, under each government in that decade, in particular, following the September 11 attacks there had been a political willingness to implement security-driven measures against migration, which has become clear in the following statement of Schain<sup>163</sup>: ‘... the trend seems clear. Each new government passes legislation that hardens or softens aspects of immigration control, but the commitment to specific forms of control remains firm’.<sup>164</sup> It has been obvious that, the political agents (Prime Ministers, Interior Ministers including Presidents) have applied migration as a key issue to accelerate the securitization process in France. The evolving nature of migration has predominantly been based on frontier control and evictions of ‘illegal’ migrants whilst hardening entry requirements for non-EU nationals to keep them outside the French territory. The following section will look at how migration had been developed during the term of Sarkozy, which has imposed security measures whilst paying less attention to the humanitarian side of the issue.

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<sup>162</sup> From the Speech delivered by Raffarin, J. P. on 24 September 2003.

<sup>163</sup> Professor Martin A. Schain, who is a lecturer at New York University, is a prominent researcher on migration.

<sup>164</sup> Schain, M. A. (2008). *The Politics of Immigration in France, Britain and the United States: A Comparative Study*. NY: Palgrave Macmillan, p.56.

### 5.2.5. The Construction of Migration as a Security Issue through the Migration Policy of Sarkozy

Sarkozy, who he remained to be repressive in his action on migrant groups, did not develop a different discourse in comparison to the previous governments. However, migration issue during his presidency has been embedded into the political and social terms very effectively. Presenting migrants in particular those outside the Europe as a societal threat has been one of the strategies prioritized during Sarkozy Presidency. To evaluate the migration politics during the Sarkozy's term, there is a need to address the 2003 Immigration Law which is also known as the first of Sarkozy's laws. The 2003 French Immigration Law appeared to generate a different attitude towards the migration issue. Nicholas Sarkozy, the then Interior Minister, aimed at reconstructing the migration legislation. In his speech before the National Assembly, Sarkozy said that they "have created as an objective the myth of zero immigration. This myth makes no sense at all. It is contrary to reality".<sup>165</sup> According to Sarkozy, it was not likely to produce policies ending migration completely. This view would also mean to deny the migration reality and also to prevent the benefit of migration primarily in economic terms. In order to avoid this, Sarkozy embarked on 'selective immigration', which stressed the importance of economic migration while following restrictive policies to fight against 'illegal' migration. Thus, Sarkozy seemed to promote legal migration in a sense by keeping the 'illegal' migration out of agenda. This also explains why the new law put a high concentration on the integration of legal migrants while making it harder for illegal migrants through introducing tough regulations. In doing so, Sarkozy pursued the discourse of the National Front by undermining selective (*choisie*) migration; however, according to him as a way to fight against racism and xenophobia: "Immigration *choisie* is practiced by the quasi-totality of democracies in the world. And in these countries, racism and the extreme right are less strong than here. In short, this (proposal) is

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<sup>165</sup> From the Speech delivered by Sarkozy in 2003. Journal Officiel. July 3, 2003.

rampart against racism. This should make us think”.<sup>166</sup> This view highlighted the importance of selective migration in an attempt to encompass the idea that achieving a successful integration in France would enable to develop an efficient policy in terms of fight against discrimination people are being posed to due to their ethnic, religious and linguistic differences. However, the adoption of the law played an important role in shaping the migration policy rather in a negative aspect.

Sarkozy held a campaign to deport unwanted immigrants in order to halt ‘illegal’ migration. Sarkozy claimed that there was an urgent need to return those back home since “France can only remain generous if those who are in violation of our rights and our laws returned home”.<sup>167</sup> This has been an explicit illustration of the then Interior Minister’s intention to present migrants as abusers of the migration policy, which “clearly has a function to justify harsh measures to restrict immigration without risking being accused of repressive policies”.<sup>168</sup> Even though Sarkozy claimed to set the ground for the effective management of migration and for equal distribution of rights, he seemed to contradict with his initial consideration by reflecting a different mentality on ‘illegal’ migration. On this basis, he enforced the need to introduce new restrictive regulations for the reduction of the numbers of ‘unwanted’ migrant groups. Applying restrictive policy seemed to be more visible in the next terms of Sarkozy. Sarkozy stressed the fight against ‘illegal’ migration by declaring “to put an end to all forms of procedural abuse, particularly in the case of marriages of convenience, state health care and asylum-seeking” in a speech he gave at the UMP conference in 2005.<sup>169</sup> In a sense, Sarkozy embraced the idea to put a barrier against ‘unwanted’ migrants. This understanding facilitated the process for implementing restrictive legislations and enforced the ground to reflect migrant

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<sup>166</sup> Interview with Sarkozy in Le Monde. April 28, 2006, p. 9. Retrieved on April 12, 2014 from <http://mondediplo.com/about>.

<sup>167</sup> Van der Valk, I. (2003). Right-wing parliamentary discourse on immigration in France. *Discourse and Society*. 14(3), p. 339.

<sup>168</sup> Ibid, p. 339.

<sup>169</sup> From the Speech delivered by Sarkozy at the UMP Conference on 9 June 2005.

groups either as a threat or an opportunity. This view would pave the way for introducing the future immigration laws, which would set the conditions for building security-driven perspective towards migrants within the society. Hence, Sarkozy's positive attitude which embraced diversity by asserting that "the state must be exemplary...in its promotion of diversity. So must local communities, so must political parties and businesses as well"<sup>170</sup> has not been realized in real terms. As Gastaut has noted, "despite all these measures ranging from integration to repression, Nicholas Sarkozy's actions have fallen well short of his election promises".<sup>171</sup> Sarkozy's harsh stance has been incorporated into the upcoming electoral competition for 2007 Presidency elections. Therefore, migration question dominated the election campaign of Sarkozy, who stressed the promotion of 'selective' migration at his presidential campaign.<sup>172</sup> During his election propaganda, Sarkozy expressed his determinacy by echoing Le Pen's slogan in the 1980s, 'Love France or leave it'. He declared that he would carry out effective measures to control migration. Hence, Sarkozy embarked on the extreme Right discourse in terms of enforcing strict migration policies and also developing a strategy to get the support of the National Front electorate. Not surprisingly, this electoral strategy was proved to be remarkably effective in the victory of Sarkozy in 2007 Presidency elections. The success of Sarkozy might also provide an explanation for understanding how he was able to manipulate the process by the dynamics of migration and its role in terms of shaping the election's outcome.

Upon being elected as the President of the country, Sarkozy put the emphasis on "setting up a Ministry of Immigration, Integration, National Identity and Co-Development as one of the fifteen ministries of the Fillon Government appointed on

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<sup>170</sup> Gastaut, Y. (2012). The "Immigration Question": Mainspring of Sarkozy 's Presidency. *Contemporary French and Francophone Studies*, 16(3), p.341.

<sup>171</sup> Van der Valk, I. (2003). Right-wing parliamentary discourse on immigration in France. *Discourse and Society*. 14(3), pp. 339- 342.

<sup>172</sup> Gastaut, Y. (2012). The 'Immigration Question': Mainspring of Sarkozy's Presidency. *Contemporary French and Francophone Studies*. 16(3), pp. 333-346.

18 May 2007”.<sup>173</sup> Even though this step was assumed to change the negative attitude towards migrants in terms of strengthening the idea of diversity and integration, the migration question seemed to occupy the French government’s agenda given the extension of the repressive measures announced by Sarkozy in a repetitive way. Even though newly created Ministry was eliminated in 2010 by moving the initiative to the Ministry of the Interior back again, the explicit reference promoting the security-driven actions on migration remained ruling.

National identity issue, which marked the right-wing discourse, addressed the migration as a key issue fragmenting the national identity in the country. Eric Besson, the then Minister for Immigration, delivered a speech on 25 October 2009 by saying that “I would like to launch a major debate on the values that make up our national identity, on what it is to be French today”.<sup>174</sup> Therefore, it is not a coincidence that the center and the far-right parties; UMP and LE Pen’s National Front sought to highlight Islamization issue in domestic policy, in particular following the burka debate which appeared at the top of the political agenda during that period. Veil has been perceived as a threat to the secular structure of France. This was in one sense an attempt to associate Islam with anti-Republican values. Sarkozy, the then President, declared in a speech of him that “the Burka is not welcome on the Republic’s territory. It does not fit with the Republican concept of the dignity of women”<sup>175</sup> This attitude was confronted with a vast criticism among Muslims and Left, who claimed that Sarkozy’s language began to gain more repressive tone. This tone would stigmatize Muslim-origin people by driving the society into secular and non-secular camps. According to Gastaut, this policy has contradicted with Sarkozy’s initial policy strategy, which “has been build up a group of Muslim allies, starting with his official support for the 2003 launch of the French Council of the Muslim Faith” and “has suffered from a gradual loss of credibility

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<sup>173</sup> Ibid, p. 334.

<sup>174</sup> From the Speech delivered on 25 October 2009.

<sup>175</sup> Gabizon. LE Figaro. 22 June 2009.



among Muslims during his mandate”.<sup>176</sup> As pointed out by Gastaut, Sarkozy has built a paradoxical language over migration issue. On the one hand, he prioritized the integration of migrants. On the other hand, he attempted to present migrants as a threat to the republican values and the national identity of France.

Another case where the government of France faced with a severe criticism occurred with the deportation of Roma. Roma population are granted to reside in France for three months without holding a visa due to the fact that Romania has been a member of the EU. However, those who exceeded the visa period were decided to be sent back to their country of origin. The French government justified that action with a claim that those people were living in France illegally since most of them did not have a residence and work permit. Besides, France decided to shut down camps where Roma migrants had been residing.<sup>177</sup> As a result, in 2010 hundreds and thousands of Roma were deported despite the huge criticism raised by the EU Justice Commissioner Viviane Reding. According to her by taking that measure France committed discriminatory actions through targeting a group due to its ethnic origin. She expressed her criticism in the following way: “I personally have been appalled by a situation which gave the impression that people are being removed from a member state of the EU just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War”.<sup>178</sup> In doing so France also violated the EU regulations related to the freedom of movement through sending those people back to their homes against their will as brought into discussion by Reding.

It has been obvious that the negative connotations and controversial policies implemented by Sarkozy in relation to asylum-seekers and ‘unwanted’ migrants

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<sup>176</sup> Gastaut, Y. (2012). The ‘Immigration Question’: Mainspring of Sarkozy’s Presidency. *Contemporary French and Francophone Studies*. 16(3), p. 340.

<sup>177</sup> Mahoney, D. E. (2012). Expulsion of the Roma: Is France Violating EU Freedom of Movement and Playing by French Rules or Can it Proceed with Collective Roma Expulsions Free of Charge. *Brooklyn Journal of International Law*, 37(2), pp. 649-682.

<sup>178</sup> From the Speech delivered by Reding, V on 14 September 2010. Retrieved on April 12, 2014 from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207>.

embodied the spirit of Sarkozy's 'selective' policy. Therefore, the analysis of the ex-President, Nicholas Sarkozy's migration policy has become an explicit illustration of how issues; ethnicity, migration, security have been inter-related with each other triggering the fear of insecurity during his presidential term.

### **5.3. A Selectivity or a Commonality: The Analysis of the Political Attitude of the UK towards the Migration Issue within the European Union Context**

#### **5.3.1. Historical Background of Migration Policy in the UK in the Post-war Period**

This section of this chapter examines the historical background of the UK's approach towards immigration in the aftermath of the Second World War with a particular attention on the discourses of the political agents; government officials including Interior and Prime Ministers of the Conservative party and the Labor party. This will be done to reach a comprehensive understanding on how migration issue has been incorporated into the contemporary British politics in the light of the security debates.

Migration to the UK has been at the core of the politics since the end of the World War II. The British Nationality Act, which came into force in 1948, enabled Commonwealth citizens to get access to British territory. The driving factor behind this policy was the lack of manpower that the country was confronted with. Hence, the goal was to strengthen the economic structure of the UK, whose economy was devastated following the war as was the case in France. In another words, economic interests shaped the migration attitude during that period to achieve the economic recovery that the country needed. However, the rising numbers of migrants from the Commonwealth countries such as India and Pakistan, which changed the demographic structure of migration in Britain, led to the fear of the rise in migrant population within the society. The Labor Party's following statement is noteworthy to conceive the threat perception stressed by the British policy-makers. According to

them tighter regulations were necessary for Indian and Pakistani migrants, who were regarded to be “particularly disturbing, since many of these people do not speak English, and they are among the more difficult groups to assimilate”.<sup>179</sup> This has been an explicit illustration of how political discourse was constructed to present migration as a threat to the societal during that period.

*The British Nationality Act of 1948*<sup>180</sup> seemed to adopt a rather liberal approach in terms of granting the Commonwealth citizens the rights of residence and work. This could be explained by the *British Commonwealth* structure enabling Britain to exercise its hegemony over its colonies. However, with the Cold War period Britain had to reassess its colonial policy after losing its imperial role within the bipolar world structure. According to Rudolph, “where immigration was used in the 1940s and 1950s as a symbolic tool of British statecraft intended to foster cohesion within the empire, migration in the 1960s emerged as a new threat to security’s social dimension”.<sup>181</sup> As put forward by Rudolph, Britain tended to harden its stance on migration unlike the open migration model applied by the 1960s, due to the loss of the British superiority in the post-war era.

Restrictive rule-making policy was followed by the *Commonwealth Immigrants Act 1968*,<sup>182</sup> which allowed non-white migrants to settle in Britain only if they prove to have a tie with a parent or grandparent who had been born in Britain. Accordingly, the Commonwealth citizens had to fulfil the requirements of the ‘patriality’<sup>183</sup> rule or *right of abode* to acquire residence permit. The Act altered the patterns of migration policy by setting harsh rules for Commonwealth country citizens, who were presented as a threat to the social structure.

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<sup>179</sup> Report of the Interdepartmental Working Party, September 26, 1961, 3, CAB 134/1469.

<sup>180</sup> See the British Nationality Act of 1948. Retrieved on April 8, 2014 from <http://www.legislation.gov.uk/ukpga/Geo6/11-12/56/enacted>.

<sup>181</sup> Rudolph, C. (2006). *National Security and Immigration*. Stanford: Stanford University Press, p. 180.

<sup>182</sup> See the Commonwealth Immigrants Act 1968. Retrieved on April 6, 2014 from <http://www.nationalarchives.gov.uk/cabinetpapers/themes/commonwealth-immigration-control-legislation.htm>.

<sup>183</sup> See Randel Hassen’s work on Citizenship and Immigration in Post-War Britain. p. 207.

### 5.3.2. The Conservative Era and the Management of Migration in the UK

Britain's migration policy showed a dramatic change with the acceptance of the *British Nationality Act* in 1981. In this regard, the Act has been regarded as a milestone in terms of leaving the imperial identity behind as pointed out by Layton-Henry in his book entitled *the Politics of Race in Britain*, 1984. The new nationality law amended the citizenship rule by replacing law of descent (*jus sanguinis*) principle with law of territory (*jus soli*) principle.<sup>184</sup> Accordingly, the new Act amended the right of adobe by granting the citizenship to the child who is born on the territory if one of the parents of the child holds the UK citizenship status. Therefore, the citizenship rule of the *Immigration Act 1971* changed with the new Act.<sup>185</sup> With the implementation of this law it is aimed at distributing equal rights and duties for those living within the society in the name of integration. Yet security aspect has remained effective for the maintenance of restrictive migration policy through the securitized speech acts. As argued by Waever cited in Geddes, "security discourse is characterized by dramatizing an issue as having absolute priority... 'Security' is thus a self-referential practice, not a question of measuring seriousness of various threats and deciding when they 'really' are dangerous to some object.... It is self-referential because it is in this practice that the issue becomes a security issue".<sup>186</sup> This kind of explanation poses an explanation to the British activities, which was grounded on the security discourse for 'unwanted' migrants, Commonwealth citizens during that decade.

In the late 1980s, the UK confronted with the rise in asylum applications due to the collapse of the Soviet Union in 1991. According to the statistics of Home Office, there had been a sharp increase in the numbers of asylum applicants from Somalia

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<sup>184</sup> Layton-Henry, Z. (1992). *The Politics of Immigration*. Oxford: Blackwell.

<sup>185</sup> See the British Nationality Act 1981. Retrieved on April 4, 2014 from <http://www.legislation.gov.uk/ukpga/1981/61>.

<sup>186</sup> Geddes, A. (2000). *Immigration and European Integration. Towards fortress Europe?*. Manchester: Manchester University Press. p. 26.

(around 120.000) which was followed by Sri Lankans with the number of 46.000.<sup>187</sup> The immediate response was realized through passing the *1993 Asylum and Immigration Appeals Act*. The Act aimed at mitigating the number of those entering the country for economic concerns by abusing asylum system. For this reason, the legal framework has been formulated to remove asylum-seekers whose applications had been unsuccessful.<sup>188</sup> According to Joppke, 75 percent of applicants were refused to stay in British territory in 1994.<sup>189</sup> The following speech of Home Secretary, Jack Straw is significant in terms of reflecting the concern of the government with the rise of asylum claimants, who were regarded to exploit the asylum channel. “I am seeing a great growth of people abusing the asylum system simply to evade immigration control or because they are economic migrants in this country”.<sup>190</sup> Thus, reducing the number of asylum-seekers, circumventing the asylum policy remained settled in the political agenda during the late 1990s.

The policy-makers sought to introduce new regulations prevent those abusing the asylum system by proposing *Immigration and Asylum White Paper* on 27 July 1998. The proposal came into law with the implementation of the *1999 Immigration and Asylum Act*. According to Boswell, the policy against migrants and asylum-seekers “was an attempt to mitigate the destabilizing impact of neo-liberal reforms with a nationalist rhetoric which promised to guard citizens against external threats”.<sup>191</sup> Thus, during the two decades, 1980s and 1990s, asylum had been formulated in the context of reducing the overall number of applicants, who were

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<sup>187</sup> See Home Office Statistics of 1980s. Retrieved on April 8, 2014 from <https://www.gov.uk/government/organisations/home-office/about/statistics#statistical-series>.

<sup>188</sup> Layton-Henry, Z. (1994). Britain: The Would-Be Zero-Immigratio. In Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield (Eds.) *Controlling Immigration: a Global Perspective*. Stanford: Stanford University Press, p. 279.

<sup>189</sup> Joppke, C. (1997). Asylum and State Sovereignty: A Comparision of the United States, Germany, and Britain. *Comparative Political Studies*, 30, p. 291.

<sup>190</sup> Migration News. (1998). UK: White Paper on Asylum. 5(8). Retrieved on April 4, 2014 from [http://migration.ucdavis.edu/mn/more.php?id=1604\\_0\\_4\\_0](http://migration.ucdavis.edu/mn/more.php?id=1604_0_4_0).

<sup>191</sup> Boswell, C. (2003). *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion*. London: Blackwell, p. 16.

portrayed as ‘unwanted’ through the policy moves of the Conservatives. The security and economic concerns were highlighted by the Conservative policy-makers as a reason to mitigate the numbers of asylum applicants.

The speech delivered by Edward Garnier, MP in 1992 made the security understanding of the Conservative Party clear. Garnier explained the reason why he separated national citizens from migrants and asylum-seekers in the way as follows: “Our duties to our citizens include the duty to protect our welfare and benefit budgets and our housing system at a time of economic stringency. Those who should not be here but who have got round the system by false applications are of no benefit to our own people”.<sup>192</sup> The discourse performed by the MP has indicated that the Conservative era intended to link migration and asylum with security threat through presenting ‘others’ as abusers and criminals. Geddes puts forward how negative portrayal of migrants could engage with the securitization process in the following way: “Words such as flooding, swamping and invasion can enter the anti-immigration vernacular, frame debates about international migration, and prompt the perception of international migration as a threat to security welfare or internal social cohesion”.<sup>193</sup> Hence, in order to provoke the fears of the society words such as ‘fighting’, ‘flow’, ‘invasion’, ‘threat’ have been used as a way of strategy. Not surprisingly, connecting migrants with those words had a considerable impact on adopting a strict tone on migrant groups, which led to the securitization of migration.

*The 1996 Immigration and Asylum Act* had been a focal point in the Conservative government’s policy in terms of introducing tough measures against those who sought to reach the British territory. The rise in the numbers of asylum-seekers and migrants seemed to create a fear on the side of Conservatives, who considered outnumbered those would be a threat to the societal integrity and

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<sup>192</sup> Schuster, L. And Solomos, J. (1999). The Politics of Refugee and Asylum Policies in Britain: Historical Patterns and Contemporary Realities, pp. 51-75 in Alica Bloch and Carl Levy (Eds.) *Refugees, Citizenship and Social Policy in Europe*. London and NY: Macmillan and St. Martin Press, p. 65.

<sup>193</sup> Geddes, A. (2003). *The Politics of Migration and Immigration in Europe*. London: Sage, p. 8.

economic welfare in terms of the changing demographic structure in the country including the rise in unemployment. Within this regard, the Labor Party era has been significant to examine how the Labor Party employed a policy with regard to migration and also to investigate how the Labor Party has responded to the societal and economic concerns highlighted by the Conservative Party. In addition, it has been significant in terms of analyzing the EU impact on the British migration policy. This would pave the way for understanding how Britain has been placed into the provisions of the EU through its selective migration policy. In addition, the analysis of the securitization of migration under the Blair government, in particular following the September 11 events and London bombings, will be the focus of the following section.

### **5.3.3. The Labor Party Era: Effects of the Blair Government on the Immigration Policy of Britain**

The Labor Party's coming into power in 1997 shifted the political discourse which had dominated the British migration policy for long decades. The immediate response was to develop a new policy on migration issue, which was incorporated into the Labor Party Manifesto in 1997.<sup>194</sup> The new government had been determinant to run an effective policy towards migration and asylum issues, which had been previously formulated by a preventive approach. The immediate response of the Blair government was to adopt new provisions regarding migration "by having the Secretary of State for the Home Department (Jack Snow) publish the White Paper entitled '*Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum*'"<sup>195</sup> According to the Home Office's report, the White Paper suggested a new rationale for the successful management of migration and asylum issues. There had

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<sup>194</sup> See the Labor Party Manifesto, 1997.

<sup>195</sup> The Home Office. (1997). *Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum*. London: White Paper, p. 1.

been a considerable interest in addressing the political and socio-economic dimension of migration. The main goal was to provide an efficient migration policy in terms of strengthening the humanitarian approach towards the migration issue.

Ironically, the new Act introduced tougher regulations for those seeking asylum in the country. Blair administration reduced welfare benefits granted to asylum seekers to keep the numbers of asylum applicants at minimum levels. It has been evident that Blair government's policy promoted the entry of highly-skilled migrants to strengthen the economy whilst imposing new security measures to prevent the entry of asylum-seekers. The Immigration Minister, Barbara Roche's following statement is noteworthy to reflect the targeted government policy: "We are in competition for the brightest and the best talents, the entrepreneurs, the scientists, the high technology specialists who make the global economy tick...the evidence shows that economically driven migration can bring substantial overall benefits both for growth and the economy".<sup>196</sup> Notably, the Act failed to provide a 'fairer' and 'efficient' policy for all type of migrants by putting a strong emphasis on economic migration while maintaining the security discourse. The driving factor behind the migration policy of the Labor Party was to ensure the selection of migrant groups in accordance with their contribution to the economic development of the country and also according to their performance in terms of competing with other countries in the globalized economic system through attracting highly-skilled migrants. Therefore, economic needs with the changing world system following the end of the Cold War defined the economic driven migration policy under the Blair government.

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<sup>196</sup> Seldon, A. (Ed.). (2007). *Blair's Britain: 1997 – 2007*. Cambridge: Cambridge University Press, p. 350.



### 5.3.4. September 11 Events: Focusing on the Security-Migration Nexus

September 11 terrorist attacks intensified the security measures by associating migrants with terrorism. The first major response to the attacks was the *Nationality, Immigration and Asylum Act* implemented by the Tony Blair's second government in 2002. The government gave a great impetus to the securitization of migration through the new legislation, which aimed at enhancing border controls and asylum restrictions.<sup>197</sup> The control-driven policy can be found in the Prime Minister, Tony Blair's speech delivered on BBC News night program in 2003. "I would like to see us reduce it (the total number of asylum-seekers entering the country) by 30 per cent to 40 per cent in the next few months, and I think by September of this year we should have it halved". Restrictive policy approach towards asylum applicants has also been underlined by the British Home Secretary, David Blunkett, who declared the exclusion policy of the government in the way as follows:

I went to Calais and Frethun and to Belgium last week. I secured... agreement... that will ensure that we have properly organized immigration controls. We secured the fencing and security at the depots. Not because this is anti-asylum, but because it is anti the organized traffickers who are exploiting the exploitable across the world... It is a scandal that needs to be stopped and we should be the first to say so".<sup>198</sup>

According to him securitizing moves would be for the benefit of not only the country, but also for those who would be targeted by human traffickers. In the meantime, fostering controls at borders was claimed to provide a safe haven to those coming to the UK through using the legal instruments. In other words, those applying to legal channels would have a secure access to the UK.

It has been absolute that the September 11 attacks played a prominent role in the constitution of a threat atmosphere, which had been stimulated by the political discourses. British Home Secretary, David Blunkett used a negative language towards those who sought to abuse the asylum system and outlined the government's

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<sup>197</sup> Nationality, Immigration and Asylum Act. 2002. The British Refugee Council (BRC). Information Service Online.

<sup>198</sup> Blunkett, D. October 2, 2002. Home Office website.

stance by declaring to “rapidly reduce the number of economic immigrants using asylum applications as a migration route”.<sup>199</sup> Hence, the Home Office has instituted a set of measures to close channels for asylum-seekers, who hold economic motivations in the long-term process.

Concerns about migration flows have been doubled with the EU enlargement process, which resulted in the accession of Eastern European countries to the Union in 2004. The British government confronted with a challenge posed by migration flows from the old Soviet bloc countries. However, Britain did not hold a resistance to the entry of labor immigrants coming from those countries. The positive approach had been absolute when the British government decided to open its borders to labor migrants through transforming the status of ‘illegal’ immigrants residing on the British soil. According to Seldon, “for those who had been working in the United Kingdom illegally before 1 May 2004, the decision to allow free movement was in effect an amnesty, transforming them overnight into European Union citizens with a right to live and work in the United Kingdom”.<sup>200</sup> The UK government welcomed newly integrated Eastern European immigrants, who were believed to meet the needs of the labor market. However, it displayed a negative approach towards those outside the EU as was the case in France. In Seldon’s view, Eastern enlargement has coincided with Britain’s domestic economic interest, which contributed to the abolition of the restriction policy in terms of labor recruitment. Accordingly, “Blair showed courage in opening up the United Kingdom’s labor market that was lacking in most of his European counterparts. He leaves Britain on the map as a country which is firmly open to labor migration in a way that seemed inconceivable only a decade ago”.<sup>201</sup>

The liberal approach towards enlargement has not been placed in the same manner into asylum area, where tough security measures were implemented to

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<sup>199</sup> Migration News. April 2003.

<sup>200</sup> Seldon, A. (Ed.). (2007). *Blair’s Britain: 1997 – 2007*. Cambridge: Cambridge University Press, p. 353.

<sup>201</sup> Ibid, p. 358.

strengthen borders checks. In this vein, *the 2004 Asylum and Immigration Act*<sup>202</sup> had been convergent with the provisions introduced by the previous act enacted in 2002. Thus, it would not be wrong to say that Blair government paid a particular attention in terms of controlling migrant flows outside the EU. The Act covered some Sections which were claimed to possess contradictory notions with the international agreements to which Britain had been signatory. To illustrate, Article 31 of the *1951 Refugee Convention* declares that “asylum seekers should not be penalized for seeking entry using false documents in order to pursue an asylum claim”<sup>203</sup> However, under Section 2 of the *Asylum and Immigration Act*, it was stated that the person would be charged “if he (asylum-seeker) does not have with him an immigration (passport, visa etc.) or if he presented false documents, both which carried a maximum sentence of two years in prison”.<sup>204</sup> The above-mentioned Section enabled British immigrant officials to deport those, who do not meet the criteria, from the British territory. The Act sought to create a legal ground in employing restrictive policies after the tragic event happened in the U.S. However, the horror and the sense of insecurity exacerbated with the London bombings as a result of which a direct response made through the implementation of immigration controls particularly within the asylum and refugee fields as will be discussed in the following section.

### **5.3.5. The 2005 London Bombings: Intensifying Fears on Terrorism**

Securitization of migration has been intensified with the bombings hitting London in 2005. The bomb attacks have reiterated the nexus between terrorism and migration, which has been deployed as a central issue within the political field once

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<sup>202</sup> See the Asylum and Immigration Act 2004. Retrieved on April 6, 2014 from <http://www.publications.parliament.uk/pa/ld200304/ldbills/036/2004036.pdf>

<sup>203</sup> Asylum and Immigration(Treatment of Claimants etc.) Act. 2004. Retrieved on April 4, 2014 from <http://www.legislation.gov.uk/ukpga/2004/19/contents>.

<sup>204</sup> Asylum and Immigration Act 2004. United Kingdom Parliament. Section 2. Retrieved on April 4, 2014 from <http://www.legislation.gov.uk/ukpga/2004/19/contents>.

again after the September 11 attacks. This should not mean that placing security rationale into asylum and immigration policies became an issue with those attacks. However, London bombings performed a significant role in stimulating fears and strengthening the link between security, migration and terrorism as perpetrators of violence were immigrant-descended. The Labor government gave an immediate response by proposing the *Terrorism Bill*<sup>205</sup> before the Parliament in 2005. There was a strong counter-terrorist approach in the proposal. In that sense, by putting emphasis on immigrants in other words on foreigners in a broader perspective, the threat has been externalized. Blair declared in his speech that the British government would hold zero tolerance for those who sought to abuse the asylum channels to commit terrorist activities by saying that “anyone who has participated in terrorism or who has anything to do with it anywhere will automatically be refused asylum”.<sup>206</sup> In a way the government declared how harsh they would be on those holding ties with terrorists or encouraging any terrorist attempts. Thus, the fight against terrorism has been placed into the heart of parliamentary debates under Blair government. From this perspective, it is important to bear in mind that the political discourse has carried a close link between foreigners and terrorism by excluding British citizens.

The Blair administration initiated a five-year strategy plan by introducing further provisions on *2002 Nationality, Immigration and Asylum Act* and *2001 Anti-terrorism, Crime and Security Act*. The main goal has been to reinforce the border controls<sup>207</sup>, which was used as a political strategy in the Labour Party’s pre-election program. The British asylum policy has been characterized by security concerns in the fight against terrorism during the period between 2005 and 2007. Accordingly, even though labor migration has been liberalized to strengthen the economic structure, asylum issue has been prone to the security measures. Deportation and

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<sup>205</sup> See the Prevention of Terrorism Act. Retrieved on April 10, 2014 from <http://www.legislation.gov.uk/ukpga/2005/2/contents>.

<sup>206</sup> From the Speech delivered by Blair in 2005.

<sup>207</sup> Home Office. (2005). Five Year Strategy Plan for Asylum and Migration. Retrieved on April 8, 2014 from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251091/6472.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251091/6472.pdf).

detainment has been incorporated into the new legislation in response to the London bombings.<sup>208</sup>

A points-based system was introduced which aimed at promoting the entry of highly-skilled immigrants in order to fuel the economy of the UK and to compete against other European states and particularly against the U.S. in the labor market. Security and immigration issues have been notable after Blair's term. Gordon Brown, who took over as Prime Minister in 2007 implemented points-based visa system into the immigration policy of the UK.<sup>209</sup> The policy approach mostly rested on operating tough regulations at external frontiers. The goal of the following part is to examine the migration policy of the United Kingdom within the EU context.

#### **5.3.6. Engagement with the EU: The Europeanization of the British Immigration Policy**

Immigration issue gained a different dimension with Britain's accession to the European Community (EC) in 1973. This was coincided with the *1971 Immigration Act*, which came into force on 1 January 1973. The British government removed the entry restrictions to citizens of the EEC when the UK became a part of the labour market. This meant that the UK government seemed to produce no fear for millions of people crossing the British border while remaining alerted for former British colony citizens by tightening the access rules. This has also been a clear depiction of the British government's reluctance to the entry of people outside the Europe.<sup>210</sup> Besides, this double standard has revealed how security notion could pose a shift

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<sup>208</sup> Ibid.

<sup>209</sup> Reich, S. and d'Appolonia, A.C. (2008). *Immigration, Integration and Security*. Pittsburg: University of Pittsburg Press.

<sup>210</sup> Walter, M. (2000). Sovereignty Bargains in Regional Integration. *International Studies Review*. 2(2), pp. 149-180.

according to the ethnical background of the people such as from India, Pakistan and the Caribbean.

Following the 1990s Britain started to pursue an explicit EU approach to manage migration effectively. Thus, EU cooperation gained an important role in the context of the British policy. However, Britain has been reluctant in terms of realizing a joint policy with other Member States with a fear of losing its sovereignty over border control. In this regard, Britain generated some fears over participating in the Schengen group, which resulted in refusal of the Schengen Agreement. In Layton-Henry's view the attitude of the British government could be accompanied by the thought that "immigration policy is too important to be left to the European Commission because of its implications for each country's security, national identity and culture".<sup>211</sup> The predominant reason why the UK paid less attention to be bound by the rules of Schengen *acquis* has stemmed from its status as island country which differentiated it from the common policies established by the continental Europe. Hence, Britain remained firm in keeping its national interest in sea border management particularly in the area of asylum and non-EU immigration. By introducing the opt-in option, the Amsterdam Treaty granted the UK a special status within the visa, immigration and asylum fields. Accordingly, the Amsterdam Treaty guaranteed the opt-in or opt-out of the EU policies in the areas; migration, asylum, border management etc. This enabled the UK not to be bound by the legal obligations set by the EU in the related areas. This flexibility, which characterized the relationship between the EU and the UK, minimized the EU impact although other Member States have been subjected to the binding decisions at the EU level. However, the UK showed an interest in cooperating with the EU on the fight against human trafficking and 'illegal' migration. In Freeman's view, "Britain is now as vulnerable as its neighbors to asylum influxes".<sup>212</sup> It would not be wrong to say that migration and asylum policy of the UK has engaged with the EU in pursuit of

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<sup>211</sup> Layton-Henry, Z. (1992). *The Politics of Immigration*. Oxford: Blackwell, p. 231.

<sup>212</sup> Freeman, G. (2004). Commentary. In W. Cornelius, P. Martin and J. F. Hollifield (Eds.). *Controlling Immigration: a Global Perspective*. Stanford: Stanford University Press.

measures, which confined the irregular entry and hardened non-EU immigration access to the Europe whilst remaining strongly national on visa policy and on internal border management.<sup>213</sup> For that reason the UK's low level and high level opt in to the EU directives have been closely associated with the UK's capacity in terms of dealing with migration. To put it another way, the UK has reversed its traditional understanding on migration and strengthened the EU cooperation relating to the areas where Britain has felt unconfident to meet the challenges confronted with. Hence as Geddes argues, Europeanization of the UK's migration policy has been 'conditional' and 'differential'.<sup>214</sup>

Notably, some EU directives (as will be below mentioned), which have been harmonized with national policy, served to UK's priorities in the field of migration and asylum. These are either the directives which require minor changes with the existing law of the UK or which requires no changes at all since those enforcements have already taken place in the British laws. To illustrate, the Council Directive 2001/55, which set out the criteria to "establish an EU mechanism and minimum standards for granting temporary protection (TP)"<sup>215</sup>, accommodated only few changes in terms of British immigration policy through implementing 'temporary protection' status into the existing British law. On the other hand, Directive 2003/9 on 'laying down minimum standards for the reception of asylum-seekers' called for establishing the minimum standards for the protection of asylum-seekers while applying the provisions for guaranteeing full respect for human dignity. The Directive rule has been practiced in the asylum regulations of the UK in 2005. The participation of the UK into the EU measures has also been realized through the

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<sup>213</sup> Bulmer, S. And M. Burch. (2004). The Europeanization of UK Government: From Quiet Revolution to Explicit Step-change?. Paper presented at the ESRC/ UACES conference on 'Britain in Europe and Europe in Britain: the Europeanization of British politics?' Sheffield Town Hall, 16 July 2004.

<sup>214</sup> Andrew Geddes. (2004). *The European Union and British politics*. London: Palgrave Macmillan.

<sup>215</sup> Directive 2001/55/EC of Council on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. 20 July 2001, p. 1.

Council Directive 2004/191/EC, which “set out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of the Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals”. The Directive has called the UK like other Member States to share the responsibility to tackle the financial problems in an emergency situation where returning, resettling and repatriating refugees have been at stake.

The above measures, which have been incorporated into the law of the UK, seemed to offer no significant changes as they were easily adapted into existing legislation of the UK. In relation to the EU impact on transforming the UK’s migration policy, Joppke argues that “the European challenge to British immigration policy is not restrictive but liberalizing one, bringing into question the very bases of this policy: tight border controls and executive discretion over the fate of immigrants”.<sup>216</sup> In fact, migration issue has generated two main dimensions in the British policy-making; control-driven and liberal approach towards migrants. Asylum-seekers and refugees have suffered from harsh legislations designed to reduce ‘unwanted’ population whilst worker immigrants, who were recruited to promote economic development, have been welcomed through flexible regulations. Not surprisingly, Europeanization of the UK politics have been built by a pragmatic perspective, which purposed to minimize the negative aspects of migration through formulating an effective external border policy across the EU in the field of organized crime, human trafficking and asylum. In line with the constructivist approach of the Copenhagen School as examined in Chapter I, it has become obvious that migration issue has been constructed as an existential threat to the UK state against which the policy-makers developed the discursive language through labelling the migration issue as a security issue. In other words, there has been an attempt to associate a specific issue; migration with security to employ control-oriented and restrictive policy on migration through which ‘unwanted’ migrants have been

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<sup>216</sup> Joppke, C. (1999). *Immigration and the Nation-State: the United States, Germany and Great Britain*. NY: Oxford University Press, p. 135.



identified with negative terms along with being a potential threat to the social and economic structure such as involving in criminal activities, or causing the rise in unemployment and social disintegration etc.

In relation to visa policy, Britain decided to opt out of visa regulations of the Schengen *acquis*. During the early 2000s; however, there had been arrangements for strengthening border policies in combating against terrorism and human trafficking due to the terrorist attacks occurred in the U.S., which stimulated the security-driven policies in Europe. The terrorism issue, which impacted on the UK's migration policy following the September 11 attacks and predominantly following the 2005 London bombings, led Britain to implement certain European legislations in the fight against 'illegal' migration and human trafficking. Hence, the UK acknowledged to be bound by the provisions of Council Framework Decision 2002/946, which set out the criteria "on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence".<sup>217</sup> The UK also stressed the importance of the partnership with the EU through participating in asylum measures. Hence, the UK decided to opt-in to the Dublin System, which included Dublin II Regulation and EURODOC Regulation. Nevertheless, the UK's decision to pursue the EU policy in this area seemed to have less effect on the existing migration policy of the UK.<sup>218</sup> As argued by Marsh et al., UK's restrictive participation or participation in areas where little or no changes introduced has also been closely related to the structure of the Home Office, which has played a significant role in preserving the national interests of Britain whilst minimizing the effects of the EU.<sup>219</sup> Therefore, the UK showed a clear preference for bolstering the EU cooperation concerning external border

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<sup>217</sup> Council Framework Decision 2002/946 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence. 28 November 2002. Retrieved on April 8, 2014 from [http://www.asser.nl/upload/euowarrant-webroot/documents/cms\\_eaw\\_103\\_1\\_OJL328.2002.p1.pdf](http://www.asser.nl/upload/euowarrant-webroot/documents/cms_eaw_103_1_OJL328.2002.p1.pdf).

<sup>218</sup> Bulmer, S. And M. Burch. (1998). Organizing for Europe: the British State and the European Union. *Public Administration*, 76(4), pp. 601-628.

<sup>219</sup> Marsh, D., D. Richards and M. Smith. (2001). *Changing Patterns of Governance in the UK: Reinventing Whitehall?* Basingstoke: Palgrave.

controls whilst preserving restrictive approach against issues in relation to visa requirement, family re-unification and labor migration. For that reason, the UK governments rejected to make a commitment to Council Directive 2004/81/EC “on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities”.<sup>220</sup> According to the House of Commons, the UK remained unwilling to be bound by the provisions of this Directive on the grounds that issuing an automatic residence to the victims of human trafficking could put Britain into a vulnerable position regarding the entry of unauthorized third-country nationals who aim at abusing the system.<sup>221</sup> Another area where Britain rejected to opt-in was the Council Regulation 539/2001<sup>222</sup>, which addressed the conditions on the visa requirement. Britain sought to preserve its national interest on determining the list of non-EU countries whose nationals needed to acquire visa to cross the British borders. The British government claimed that accepting the proposed measures “would require” them “to impose a visa requirement on some 31 countries not at present subject to a United Kingdom visa regime”, which would shift the traditional instruments served as a catalyst for the British ‘selective’ policy according to which the UK followed a different immigration policy compared to the other EU member states. However, Britain has adopted a ‘conditional’ policy in its decisions concerning the conditions of applicants for asylum. Council Directive 2003/9/EC<sup>223</sup>, which ‘laid down minimum standards

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<sup>220</sup> Directive 2004/81/EC of Council on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. 29 April 2004. Retrieved on April 12, 2014 from [http://www.asser.nl/upload/eurowarrant-webroot/documents/cms\\_eaw\\_id1190\\_1\\_32004\\_L0081.pdf](http://www.asser.nl/upload/eurowarrant-webroot/documents/cms_eaw_id1190_1_32004_L0081.pdf).

<sup>221</sup> House of Commons Select Committee on European Scrutiny (2002). A Common Policy on Illegal Migration, Eighteenth Report. London.

<sup>222</sup> Council Regulation (EC) No 539/2001 on listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. 15 March 2001. Retrieved on April 5, 2014 from [http://eur-lex.europa.eu/search.html;ELX\\_SESSIONID=Omh9JGvDfCJJrZ3p8PnSGyqVK6KVxf4LBzsWsFbJbmVQP4r1Km8G!265052294?type=expert&qid=1413754659406](http://eur-lex.europa.eu/search.html;ELX_SESSIONID=Omh9JGvDfCJJrZ3p8PnSGyqVK6KVxf4LBzsWsFbJbmVQP4r1Km8G!265052294?type=expert&qid=1413754659406).

for the reception of asylum seekers' has been regarded as beneficial for British interests. This Directive is considered to ensure burden-sharing among the member states and enhance the capacities of the member states for developing an effective immigration policy across member states which would lead to tight controls at borders.

On issues ranging from borders, visas, asylum, labor migration and family reunification, Britain has applied to a selective policy. Therefore, the UK signed up to the certain Directive measures as above-mentioned whilst insisting on setting out a distinct agenda from the EU competences which seemed to constrain the national interests of Britain.<sup>224</sup> The conclusion part purposes to give an outlook on the evaluation of both countries selected as case studies through comparing of the political agents' (Interior Ministers, Prime Ministers and Presidents) discourses. In doing so, it is expected to reach an understanding on how the politics of migration has been realized through the securitizing moves of those agents.

#### **5.4. Conclusion**

The previous sections have focused on the political discourses in France and Britain to examine how those two countries developed an understanding on the securitization of migration. In doing so, the historical background of migration has been reflected through discussing the paradoxical situation both Britain and France have gone through. Even though Britain and France embraced a liberal approach by conducting an open door policy to migrants after the Second World War, over time they turned to apply to selective and restrictive measures in order to control the immigration population. In comparing the British and French cases, it has been

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<sup>223</sup> Council Directive 2003/9/EC on laying down minimum standards for the reception of asylum seekers. 27 January 2003. Retrieved on April 18, 2014 from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>.

<sup>224</sup> Barbou des Places, S. And H. Oger. (2005). Making the European Migration Regime: Decoding Member States' Legal Strategies. *European Journal of Migration and Law*, 6, pp. 353-379.

observed that in both cases a special attention paid to the criminalizing the migrants, in particular asylum-seekers and refugees whose rights have been curtailed with the long-term securitization attempts.

In examining the both selected cases; France and the UK, it has been observed that migrants excluding the highly-skilled migrants, who were welcomed and encouraged to strengthen the economic structure of the country, have been presented as a threat to the socio-economic structure. Illegal migrants were explicitly linked with terrorism, in particular following the September 11 events. Another common point in comparison of the British and French cases has been seen through declaring migrants as abusers of the asylum system. Historically, Britain pursued a multicultural approach in which “definition of the nation as a political community... with the possibility of admitting newcomers, who may maintain cultural difference and form ethnic communities”<sup>225</sup>. This understanding has played a significant role in shaping the politics of migration, which praised the ethnic diversity. Accordingly, Britain experienced a large scale of migrant recruitment from the New Commonwealth countries (India, Pakistan and Caribbean countries) in order to fuel the economy in the post-war period. However, with the economic recession after the 1973 oil crisis, the liberal stance on immigration has been turned into a restrictive attitude. Analysis of the Conservative era made it clear that, the right-wing policy-makers have paid a less attention to the multicultural legacy by seeking to discourage new comers and reinforcing border controls. The negative portrayal of migrants and asylum-seekers provoked the hatred against the third country citizens. *The British Nationality Act of 1981* modified the *jus soli* principle by toughening the provisions of gaining British citizenship for those who had been born in Britain.

The similar situation has been examined in the French case. In the post-war France there has been a great consensus for the acceptance of high numbers of labour migrants, whose ethnic and religious background were ignored due to the republican aspirations.<sup>226</sup> The French model, which has been established on the republican

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<sup>225</sup> Castles and Miller. (1999). *The Age of Migration: International Population Movements in the Modern World*. NY: Guilford, p. 44.

values; liberty, equality and fraternity, did not consider the immigrants as a threat to the national identity as long as they embraced those values. Migration system has been based on the guest worker and rotation systems, which enabled the entry of hundreds and thousands of labor migrants to the French territory. Migrants have been recruited into the labor market predominantly from the former colonies; Algeria, Tunisia and Morocco, which has been combined with the flows from Africa. France's adherence to open migration policy saw an end with the oil crisis, which shifted the instruments of migration policy to a great extent. The economic downfall and the rise in unemployment have modified the liberal discourse on migration issue. Accordingly, the French government halted the demand for labor. The worsening economic situation led to the tightening of measures to control the movements of non-European nationals. Moreover, the demographic change with the settlement of foreign workers, who remained permanent in the country, have raised xenophobic attitudes among public. Therefore, securitization of migration has vehemently marked the political agenda of both countries during the two decades following the 1970s.

Another common point in comparison of the British and French cases has been seen within the asylum and refugee policies. The rising numbers of asylum-seekers and refugees has prompted the security concern, which has formulated the basis of the control-driven laws. According to Boswell, "prior to 1993 only around 16 per cent of all applicants were refused any sort of protection, but in 1994 the proportion of refusals rose to 75 per cent".<sup>227</sup> Hence, the harsh language performed by the right party speakers, who constructed so-called 'illegal' migrants as criminals and abusers of the asylum system, met with an immediate response in the policy practices. Surprisingly, left-wing parties ruled in the UK and France in the 1990s have echoed the right-wing discourses regarding the migration issue. To illustrate, *the Asylum and Immigration Act* passed under the Blair government in the UK possessed repressive

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<sup>226</sup> Hollifield, J. (1992). *Immigrants, Markets, and States*. Cambridge: Harvard University Press.

<sup>227</sup> Boswell, C. (2003). *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion*. London: Blackwell, p. 58.

characteristics curbing the rights of immigrants. In French case, the socialists coming into power under the presidency of François Mitterand, took restrictive measures to minimize the numbers of 'illegal' immigrants.

The security rationale has transformed the post-war migration regime of France into the 'zero migration' policy, which was deemed to bolster border controls and to harden residence and work permits granted to migrants. The far-right party, the National Front called for anti-immigrant measures by presenting migrants, in particular the Muslims residing in France as a threat to the republican values. Therefore, migrants were stigmatized due to their different ethnic and religious origins and were even accused of taking jobs from the French citizens. The immediate effect of that propaganda had been visible in the rise of the seats that the National Front gained in the Assembly in the late 1980s.

Eventually, the extreme-party movements which had been nourished by the economic decline and social unrest accelerated during the 1990s. The rise of the far-right has created a great concern about the future of migrants in France. During that decade, the Pasqua laws, named after the Minister of Interior Charles Pasqua made a turning point in the migration regime. The border police's (PAF) power has been expanded to implement tougher border controls. Besides, the above-mentioned law limited the rights of migrants whilst hardening the naturalization of foreign residents. With the signing of the Schengen Agreement, France enhanced the patrolling at external borders and rejected the high numbers of asylum applicants with a claim that its national security had been in jeopardy. In a sense, France used Schengen as a way to constrain migration flows from the third countries with the abolishment of the internal borders. Analysis of the discourse of Rocard, the then Prime Minister, showed that he had been caught between republican values and anti-migration measures previously introduced by the Minister of Interior, Pasqua. Rocard developed a rather liberal discourse by relaxing naturalization criteria and by encouraging ethnic diversity despite the negative atmosphere in which migrants had been placed.

In 2002 the world was shaken by the terrorist attacks, which deeply affected the migration and asylum politics of France and Britain. Following the September 11 attacks and the 2005 London bombings, migrants have been identified with terrorism. This connection seemed to stimulate the fear among public, who displayed anti-immigration tendency. The terrorist attacks in London created a great concern within the society since the people lost the complete confidence by thinking that the attacks could occur again. This fear prompted the idea that the UK is not safer any more. After having faced with terrorism, the UK government remained more determined in terms of involving the ‘war on terrorism’ initiated by the US following the September 11 attacks. With the Islamic attacks the UK developed an understanding in the sense that terrorism has been an issue that the EU needs to respond urgently given that terrorism threat is not exclusive to the US any longer. The attacks prompted the idea that terrorist incidents could occur anywhere in the world. Hence, the attacks deeply shaped the security policy of the UK which also increased the level of prejudice against migrant population by linking terrorism with migration. Therefore, political agents (Presidents, Prime Ministers and Interior Ministers) intentionally picked the words ‘flow’, ‘invasion’, ‘terrorism’, ‘threat’, by associating them with migrants as put forward by Geddes and repeated them especially during the economic decline, which seemed to trigger social tension to a great extent. The UK as a strong ally of the United States adopted the ‘war on terrorism’ discourse and accordingly, reformulated its migration and asylum policy, which came into law in 2002. The new Act prepared the legislative ground for preventing “asylum applications from working or undertaking vocational training until they received a positive decision”.<sup>228</sup> It even took a step further by emphasizing on “the teaching of asylum-seekers’ children within special centers rather than in the normal school system”.<sup>229</sup>

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<sup>228</sup> Sriskandarajah, D. And Francesca Hopwood Road. (2005). United Kingdom: Rising Numbers; Rising Anxieties.

<sup>229</sup> Boswell, C. (2003). *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion*. London: Blackwell, p. 71.

The context of the French migration policy has gained a different dimension with Sarkozy presidency under which a new Ministry of Immigration, Integration, National Identity and Co-Development was created. The initiatives articulated by the Ministry attracted a larger support among public which resulted in the rise of the far-right movements within the society. This could be explained by the growing impact of the Sarkozy, who articulated hostile attitudes towards distinct groups including immigrants. Hence, the migration which has once been formulated in economic terms has been moved to the political and social fields through bringing identity, ethnicity and religion issues to the fore. As Hollifield argues, initially migration discourse was established on an assimilation model which excluded the ethnic and religious diversity of people by articulating the republican values, universalism, equality and secularism. However, increasing numbers of migrants from different cultures and religions, in particular those holding Islam religion shifted the climate of the perspective towards migrants who were perceived as a threat to the societal structure of France. As Fetzer points out “immigration politics in France appears to turn just as much as on whether the country’s culture will remain primarily Catholic and European as on whether most native-born French workers will be able to find jobs. In other words, in the French mind Maghreb immigrants represent at least as much of a threat to France’s dominant culture as Muslims as they do to the French labor market as low-wage, relatively unskilled employees”.<sup>230</sup> Therefore, migration policy employed during the Sarkozy presidency displayed a paradoxical situation with the so-called republican values on which the state has been constructed.

In examining the British case, it has become evident that security concerns prepared the ground for establishing a relationship with the EU in the process of securitization of migration and combating against ‘illegal’ migration, human trafficking and strengthening measures on external borders. As a result, Britain harmonized its national policies with the EU norms to address the problems arisen from immigration. As has been discussed so far, Britain participated in the EU

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<sup>230</sup> Fetzer, J. (2000). *Public Attitudes toward Immigration in the United States, France and Germany*. Cambridge: Cambridge University Press, p. 122.



Directives which attributed to the national interests of Britain in relation to refugee and asylum policy strategies whilst Britain drew its red line concerning the areas where Britain had to constrain its control capacities and to profit less from the migration policy-making at the EU level. Therefore, the impact of the EU on the British migration policies has been shaped in relation to the benefits the British state got from the EU. The discourses from various policy-makers have been good illustration in order to understand how migration has been used to take draconian measures against migrants and why talking of migration is done with the aim of provoking the fears of British nationals even by a left-wing party in the British political system.

For the purpose of this study, to understand the securitization developments particularly in the European Union, it has been significant to trace the discourses and processes through which actors justify their actions. ‘If by means of an argument about the priority and urgency of an existential threat the securitizing actor has managed to break free of procedures or rules he or she would otherwise be bound by, we witnessing a case of securitization’.<sup>231</sup> Also, as indicated by the borrowing of the concept of ‘speech act’ from linguistics, the Copenhagen School’s understanding of securitization has been centered on discourse. More explicitly, securitization has depended on ‘who securitizes, on what issues (threats), for whom (...) why with what results, and not least, under what conditions.’<sup>232</sup> Hence, who defines the security and who benefits from it has characterized the security dynamics of a country which is shaped by the changing socio-economic policy.

In Waever’s view, “in this usage, security is not of interest as a sign that refers to something more real; the utterance *itself* is the act. By saying it, something is done (as in betting, giving promise, naming a ship)”.<sup>233</sup> As Buzan notes, securitization is

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<sup>231</sup> Ibid, p. 25.

<sup>232</sup> Buzan, B., Waever, O. and Wilde, de J. (1998). *Security. A New Framework for Analysis*. London: Lynne Rienner, p. 32.

<sup>233</sup> Waever, O. (1995), *Securitization and De-securitization*. In R. Lipschutz, (Ed.), *On Security*. New York: Colombia University Press, p. 55.

“the staging of existential issues in politics to lift them above politics”. In this study, it has been examined how an issue through the security discourse has been dramatized and presented as an issue. “Thus by labelling it as security, an agent claims a need for and a right to treat it by extraordinary means.”<sup>234</sup> In this setting construction of migration as a security problem has been closely connected to the representation of migrants as an existential threat to the socio-economic and political structure of the EU. In other words, migration policy of the EU has been highly shaped by the security discourses uttered by the policy-makers. Hence, this chapter has been highly significant in terms deeply analyzing the securitization of migration in the European member states, France and the UK. It has been evident that migration has been constructed as security issue through the political discursive formulation. Economic and societal concerns (rise in unemployment, ethnic diversity, September 11 attacks, 2004 Madrid and 2005 London bombings) effectively determined the nature of the security-oriented language.

For the purpose of doing that, security-migration nexus has been discussed to envisage the connection between migration and security. Migration in the European Union that has become a challenging and problematic issue has been framed as a security threat, despite the fact that it is not per se harmful.

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<sup>234</sup> Buzan, B. et. al. (1998), (Eds.). *Security. A New Framework for Analysis*. London: Lynne Rienner, p. 26.

## **CHAPTER 6**

### **CONCLUSION**

It is certainly true that migration of people is not recent phenomenon but it is as old as the world history. However, international migration started to influence large extent of groups and dominate socio-economic and political spheres in the international political system, particularly following the age of globalization. In today's world meeting with diverse cultures and nations is easier given that there has been a constant flow from one place to another. In this regard, globalized world shifted the understanding of many concepts including migration. International migration has multiple dimensions not only involving economic dynamics. With the collapse of the Soviet Union, a new understanding concerning the role of migration started to occupy an important place on the agenda of the world politics. In this regard, migration has become a sophisticated and contested phenomenon in terms of the various challenges and meanings it addresses. Hence, every state responds to the issue of migration differently concerning the intended and unintended consequences it causes on the receiving countries. It is obvious that there have been divergences in terms of addressing the migration issue yet security concern has always remained on the agenda of the nation states shaping the approach towards migrants. Even though cross-border movement have arisen and migrants contributed to the economic development of the host countries, there has been a great degree of control mechanisms running at borders and in territories in an attempt to prevent the increasing numbers of migrants. Hence, migration has been an integral part of the political and security policies despite the fact that it has had economic origins.

This study has focused on the relationship between migration and security through analyzing how this relationship has been addressed at national and the EU levels. In this context, security concept and its meaning residing on the securitization theory of the Copenhagen School including the examination of the migration policies

and responses to the issue of migration was at the center of this study. The main reason of dealing with these issues has been to investigate the nature of the migration policy, which has overwhelmingly been nourished by security fears and this thesis has also examined how this has affected legal, political and economic settings in the decision-making process.

Accordingly, the main goal has been to investigate how the security notion has been embedded into the migration policy and how migrants are attached to the security politics. For the purpose of doing that, the construction of migration as a security issue has structured the basis of this study. To put differently, this study has examined the securitization of migration in the EU by analyzing the Copenhagen School's securitization theory as a theoretical framework. To make this argument, this study developed an understanding on the following findings:

Firstly, drawing upon a range of critical thinkers and their arguments, it analyzed how an issue has been formulated as a security problem. Selecting Copenhagen School as a theoretical ground contributed to introduce the alternative approach to the mainstream security understanding of the Cold War period. During the Cold War period a realist approach had been developed which based on an idea of the nation-state survival and of preserving the world bipolar system. A military based security understanding shaped the dynamics of the international system. However, Buzan and his colleagues challenged this idea by re-defining the security concept, which connected military sector to other sectors such as political, social, economic, and environmental. Through 'speech act' concept the nation-state security received a broader meaning. Speech act is used to label an issue as an existential threat to the survival of a referent object; state, national identity etc. In this vein, "the Copenhagen School is one of the most interesting developments in the contemporary study of security".<sup>235</sup> Why it is interesting is because it adds to the understanding of security through speech act and explains the recent developments in the context of speech act? In addition, introducing the constructivist method added a great value to

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<sup>235</sup> Smith, S. (2005). The Contested Concept of Security. In Ken Booth (Ed.), *Critical Security Studies and World Politics*, (pp. 27-62). Colorado: Lynne Rienner Publishers Inc., p. 37.

the analysis of the migration policy in the EU. In this context, migration is constructed as an existential threat to the referent object, which is in this case the state. Accordingly, as Buzan points out, “based on a clear idea of the nature of security, securitization studies aims to gain an increasingly precise understanding of who securitizes, on what issues (threats), for who (referent objects), why, with what results and, not least under what conditions (what explains when securitization is successful)”.<sup>236</sup> Therefore, it is clear that securitization process is shaped by declaring an issue as a threat to the referent object; state, national identity etc. Building upon this idea, it is understood depicting an issue as an existential threat is not fixed but changes over time.

In this regard, the constructivist theory helped to assess the nature of the EU level migration policies based on the enforcement of restrictive border management policies and hardening the entry of ‘unwanted’ migrants in the second chapter. Accordingly the analysis of the second chapter provided an insight regarding how migration has been institutionalized and how securitization process has been practiced at the EU level. Abolishing internal borders considered to be an underpinning reason in reinforcing the external borders for those coming outside the EC. According to this analysis, it is investigated that the Schengen Agreement has been a significant attempt to ensure the balance between free movement and restrictive entry policies. On the other hand, growing skepticism towards migration intensified with the creation of the Schengen zone abolishing intra-EC borders. A strong link between migration and security has been made with the TEU, which created the field of JHA. Following the creation of this field security and freedom of movement became key paradoxical issues with respect to the border management and migration policies of the EU. On the one hand, free movement of people, goods, service have been promoted. On the other hand, this promotion has challenged the concept of nation-state given that migrants who are the new comers were transcending borders while bringing the issue of diversity. This has pushed the

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<sup>236</sup> Buzan, B., Waever, O. And Jaap de Wilde (1998). *A New Framework for Analysis*. Boulder: Lynne Rienner Publishers Inc., p. 32.

member states of the EU to produce new policies in order to manage migration effectively. Nevertheless, it is notable that the Amsterdam Treaty in 1997 initiated a reform process through changing the third pillar structure and formed the area of freedom, security and justice in the EU. Introduction of an area of freedom, security and justice affected the decision-making process within the area of migration. Accordingly, with the Communitarian approach, the EU gained more voice in relation to the migration field. This can be regarded as one of the most important developments regarding the migration policy. Still, it would be wrong to claim that the member states have lost their full governance over migration management. They have held the upper hand in terms of the implementation of competencies for migration regulation.

With the substantial amendments to the provisions of the TEU, there had been a new process which was promoting the status and rights of the migrants within the Union. Accordingly, the call for a liberal approach strengthened the human rights norms and accelerated the EU action on promoting freedom and justice for migrants predominantly by the EP. However, this process experienced a rapid shift particularly with the September 11 attacks, which intensified the security impulse by associating migration with terrorism. Even though September 11 attacks targeted mainly the American homeland, the call by the Bush administration for declaring a “war on terrorism” built up a strong link between terrorism and migration given that attackers were migrants. Affected by the developments across Atlantic the EU devoted a great effort to combat against ‘illegal’ migration and tighten controls on its external borders. These measures were reflected on the EU directives. Hence, the EU’s response has been formulated at various levels within and inter-institutional setting by the European Commission, the Council, and the Parliament in terms of the attainment of security-driven objectives.

In line with that, the analysis of the third chapter is critical in terms of focusing on the securitization process embedded into the EU migration policies in the aftermath of the September 11 events. In doing so, how the understanding of insecurity and fear has been simultaneously produced by the EU actors, which

contributed to the established migration-security nexus, surrounding the existing policies within the field of migration is examined. The analysis of the EU reports also enabled to investigate the security tendency, which failed to match with the liberal values such as equality, freedom, democracy, and human rights embraced by the EU. This thesis argues that this failure is one of the biggest challenges that the EU is confronted with.

This research selected France and the UK as case studies in order to discuss the evolution of migration policies within the security context. In order to do that, the analysis was based on the discourses of the policy-makers at domestic level with respect to 'speech act'. Looking at the domestic level enabled this research to investigate how the concept of security set the ground in terms of encompassing the understanding of migration and how it was reflected on both states' running policies. This understanding has led to examine the underlying reasons how migration issue has been presented as a threat to the nation-state structure and how this discourse enhanced the security-driven approach towards migrants. The fear that if the numbers of migrants arise the EU will have to carry a heavy burden over its shoulders in socio-economic and political spheres. This fear is shared by many within the selected EU member states. This idea strengthens the prejudices towards migrants within those countries. In this regard, historical outlook and the analysis of the current events occupying the agenda of both countries was a major concern in order to investigate how an issue such as migration turns into a security problem through by "othering" and stereotyping a particular group or ethnicity.

Accordingly, this research has fulfilled its scope in terms of analyzing in depth how migration policy of the EU has developed whilst examining the security dynamics within the inter-institutional setting at the EU level and at the member state level. The specific understanding of the security introduced by the Copenhagen School is utilized to construct a framework in this study for the purpose of analyzing the historical background of the migration policies at the EU level. This has also provided an overview concerning the impact of the security construction on the EU and on its members; France and the UK. In this regard, dealing with securitization

theory offered a new way of thinking to gain a comprehensive and theoretical understanding about the transformation that the EU has experienced with regard to the migration management policies. This perspective contributed to the understanding of the security agenda of the EU, which dominated both domestic and supranational level migration policies. In this setting, this thesis is discovered that the migration policy of the EU was initiated with economic concerns such as completion of the common market and free movement of persons later acquired extended meanings such as conceptualizing of migration as a security issue.

As a consequence, migrants who were once encouraged to settle in the receiving countries to strengthen the devastated economic structure of these EU member states in time turned into 'others' with a claim of threatening the socio-economic structure given the rise of unemployment and ethno-cultural diversity that the member states faced with. This attitude seems to be more prevailing unless the security-driven mentality labelling migration as a challenge to the EU vanishes.



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## Appendix A

### TURKISH SUMMARY

Göç yeni bir kavram değil aksine insanlık tarihi kadar eskidir. Ancak, göçün uluslararası politik sistemde sosyal ve siyasal dinamikleri etkilemesi küreselleşme ile birlikte daha fazla hissedilmiştir. Günümüzde farklı kültürlerin ve ülkelerin bir araya gelmesi geçmişe oranla daha kolaydır. Bunun nedeni de gelişen teknoloji ve olanaklarla birlikte her yıl milyonlarca insanın, daha iyi bir yaşam, özgürlüklere erişim, kendi ülkelerinde maruz kaldıkları siyasi zulümlerden kaçma, yer değiştirme ihtiyacı ya da farklı sebeplerden dolayı göç etmesidir. Bu nedenle, küresel dünyada göç gibi çeşitli kavramların anlamı ve algılanışı da değişikliğe uğradı. Günümüz konjonktüründe, göçü sadece ekonomik temelli bir yaklaşımla açıklamak mümkün değildir. Sovyetler Birliği'nin çökmesi ile birlikte göç kavramı da farklı bir anlam kazandı. Demir perdenin yıkılması ile göç, Avrupa Birliği ülkeleri arasında da en çok tartışılan konulardan birisi haline geldi. Böylelikle göç, barındırdığı fırsatlar ve tehlikeler açısından tek bir yaklaşımla açıklanamayan karmaşık ve tartışmalı bir konu haline geldi. Bunun nedeni de göç alan ülkelerin, göçe karşı değişen dünya koşulları ve ihtiyaçları ile birlikte farklı politikalar geliştirmeleridir. Göçle ilgili farklılıklar sergilense de göç her ülkenin siyasi gündeminde aynı zamanda bir güvenlik meselesi olarak algılandı. Artan sınırlar arası geçiş ve göçün ülke ekonomilerine katkıları bilinse de göç oranını azaltmak amacıyla sınırlarda kontrol mekanizmaları beraberinde geliştirildi. Bu nedenle ekonomik temelli ortaya çıksa da göç, ülkelerin siyasi ve güvenlik politikalarının ayrılmaz bir parçası haline geldi.

Günümüzde göç, Avrupa Birliği'nin gündemindeki en sıcak konulardan biri haline gelmiştir. Göçten kaynaklı bu durum, AB üye ülkelerinde siyasi ve sosyal dinamiklerin değişimine yol açmaktadır. Birçok ülke yaşamakta oldukları mevcut sosyo-ekonomik ve siyasi sorunların göç ile birlikte derinleşeceğini düşündükleri için ülkelerine yönelik yeni göç dalgalarına sıcak bakmamaktadır. Avrupa Birliği'nde

güvenlik temelli göç politikaları, göçmenlere karşı büyük bir oranda güvensizlik duyulmasına neden olmaktadır.

Bu çalışmanın amacı, AB ve ulusal seviyede göçün nasıl bir güvenlik meselesi haline getirildiğini incelemektir. Bu anlayıştan yola çıkarak güvenlik kavramı ve güvenlik kavramının Kopenhag Okulu tarafından nasıl ortaya konduğu, çalışmanın temelini oluşturmaktadır. Kopenhag Okulu'nun güvenlikleştirme kuramının seçilmesinin ana nedeni, göç politikasının yapısal bir bakış açısı ile nasıl oluşturulduğunu anlamaktır. Sovyetler Birliği'nin çökmesi ile birlikte iki kutuplu dünya düzeni değişmiş ve güvenlik kavramı da farklı bir boyuta taşınmıştır. Artık ülke güvenliği sadece askeri tehdide indirgenemez hale gelmiştir. Bunun dışında çevre, teknoloji, etnisite gibi çeşitli diğer konular ülkelerin güvenliği açısından değerlendirilmesi gereken konular haline gelmişlerdir. Göç konusu da bunların başında gelmektedir. Bu nedenle, geleneksel realist bir bakış açısı ile göç ve güvenlik bağlamının değerlendirilmesinin günümüz dünya koşullarında eksik bir araştırmaya yol açacağı düşünüldüğünde, Kopenhag Okulu'nun yapısalcı bakışı ile güvenlikleştirme kuramı incelenmiştir. Bu inceleme göçün, AB ve ulusal düzeyde nasıl bir güvenlik meselesi haline getirildiğini seçilen örnek ülkeler; Fransa ve İngiltere ile birlikte ortaya koymuştur.

Bu amaçla söz konusu çalışmada aşağıdaki araştırma sorularına yanıt aranmaya çalışılmıştır.

1. Avrupa Birliği'nde göç nasıl ve neden güvenlik meselesi haline getirilmiştir?
2. Göçün, politik aktörlerin (AB düzeyinde; Avrupa Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosu ve ulusal düzeyde, Fransa ve İngiltere örnekleri ile) söylemleri ile bir tehdit unsuru olarak yapılandırıldığı düşünüldüğünde, Kopenhag Okulu'nun, Avrupa Birliği'ndeki göç-güvenlik ilişkisini açıklama kapasitesi nedir?
3. AB aktörlerinin; Avrupa Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosu ve ulusal aktörlerin; Fransa ve İngiltere, göçün güvenlik meselesi olarak algılanmasında ve geliştirilmelerindeki rolü nedir?

Bahsi geçen araştırma soruları ile Avrupa Birliği'nde göçün nasıl politize edildiği ve güvenlikleştirildiği araştırılmıştır.

Kapsamlı bir araştırma yapmak adına birincil kaynak (AB raporları) ve ikincil kaynaklara (kitaplar, akademik makaleler vb.) başvurulmuştur. Ayrıca araştırma sorularına yanıt alabilmek adına AB kurumlarının; Avrupa Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosunun web kaynakları kullanılmıştır. Bunun yanında örnek ülke olarak seçilen Fransa ve İngiltere'de geliştirilen politik söylemler de çalışmada analiz edilmiştir. Bu analiz, ulusal yaklaşımın, AB düzeyindeki göç politikalarındaki yeri açısından önem taşımıştır. Bu çalışma, kuramsal bir bakış açısı ile çerçevelenmiştir. Bu bağlamda, Kopenhag Okulu'nun güvenlikleştirme kuramı, temel olarak Bary Buzan ve Ole Weaver'ın argümanları eşliğinde incelenmiştir. Bu inceleme, Avrupa Birliği'nin günümüzdeki göç politikalarında göçün güvenlik eksenli bir bakış açısı ile nasıl geliştirildiğini ortaya koymuştur.

Yapılan çalışmada, göç alan AB ülkelerinde 1980'lere kadar göçe karşı güvenlik temelli bir yaklaşımın geliştirilmediği görülmüştür. İkinci Dünya Savaşı ile birlikte harap düşmüş Avrupa ülkelerinin ekonomilerini iyileştirmek amacıyla göçmenlerin Avrupa'ya gelişlerine izin verilmiştir. Ancak günümüzde, güvenlik temelli göç anlayışı ile göçün sınırlandırılmasına yönelik politikaların geliştirilmesi yönünde bir eğilim olduğu görülmüştür. Güvenlik anlayışlı bu değişimin, AB ve AB üye ülkeleri tarafından göçe karşı üretilen politikalarda nasıl bir etki ortaya koyduğunun analizi, araştırma açısından önem taşımaktadır. Bu nedenle, günümüzdeki göç politikalarını kavrayabilmek için göçün nasıl politize edildiğinin araştırılması gerekmektedir. Bu amaçla ilgili çalışma, dört kısma ayrılmıştır.

İlk kısım, göçün politik aktörler tarafından nasıl oluşturulduğunu anlamak için Kopenhag Okulu'nun güvenlikleştirme kuramını analiz etmiştir. Çalışma, Kopenhag Okulu'ndan Bary Buzan ve Ole Weaver'ın söylemlerine ağırlık vererek, güvenliğin politik aktörlerin söylemleriyle birlikte oluşturulduğunu incelemiştir. Buna göre güvenlik, statik bir kavram değil aksine zamanla değişen bir kavramdır. Ülkelerin milli çıkarlarına göre yarattıkları tehditler, mevcut güvenlik anlayışını belirlemektedir. Güvenlik anlayışının belirlenmesinde ise politik aktörler yukarıda

değinildiği gibi önemli bir rol oynamaktadır. Bu bağlamda, ilk kısımda oluşturulan kuramsal çerçeve, güvenliğin AB politikalarında nasıl yer bulunduğunu yapısal bir bakış anlayışı ile analiz etmeye olanak sağlamıştır.

İkinci kısım, AB düzeyinde göçün nasıl güvenlik meselesi haline getirildiğini incelemiştir. Bu inceleme, AB'nin kuruluşundan bu yana göçün güvenlileştirilmesinde nasıl bir süreç yaşandığının anlaşılması açısından önemli olmuştur. Önceleri, AB düzeyinde göçe yönelik çok ciddi politikalar geliştirilmemiştir. Bunun başlıca sebebi ise göçün ülkelerin iç meselesi olarak kabul görmesinden kaynaklanmaktaydı. Ancak 1985 yılında Schengen grubunun oluşturulması ile göç ulusal düzeyden AB düzeyine taşınmıştır. Bu süreç, 1993 Avrupa Birliği Anlaşması ile devam etmiştir. Amsterdam Anlaşması'nın 1999 yılında yürürlüğe girmesi ile birlikte göç konusu, AB düzeyinde daha da kurumsallaşmıştır. Bu anlaşmanın önemi, Avrupa Birliği Anlaşması ile oluşturulan üç sütunlu yapıyı kaldırması ve göçle ilgili konuların birinci sütuna kaydırılmasına yol açması olmuştur.

AB düzeyinde göçün tarihi ve kurumsal geçmişinin değerlendirilmesinin ardından üçüncü kısım, Avrupa Birliği aktörlerinden; Avrupa Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosu'nun raporlarını analiz etmiştir. Bu analiz ile birlikte, 11 Eylül saldırılarının, Avrupa Birliği'nde göç-güvenlik ilişkisinin derinleştirilmesine olan etkileri incelenmiştir. Böylelikle, Avrupa Birliği'nde göçün güvenlileştirilmesinin özellikle 11 Eylül dönemi ile birlikte nasıl geliştirildiği analiz edilmiştir. Ancak, bu analiz yapılırken Avrupa Birliği'nde göçün güvenlik meselesi haline getirilmesinin yeni bir kavram olmadığı özellikle Avrupa Birliği Anlaşması ile başlayan süreçte AB'de göçün sadece hareket özgürlüğü olarak değil ama aynı zamanda AB üye devletlerin ekonomik ve sosyal yapılarına karşı bir tehdit olarak algılanmaya başladığı vurgulanmıştır. Bu da göçe karşı güvenlik algısının pekişmesine yol açmıştır. Böylelikle, AB'de 11 Eylül saldırılarından önce güvenlik-göç ilişkisinin kurulduğu yapılan değerlendirmede ortaya konmuştur. Ancak 11 Eylül saldırıları ile birlikte terörizm ve göç ilişkisi derinleştirilmiştir. Bu bağlamda, 11 Eylül saldırıları ile birlikte göçün bir güvenlik tehditi olarak algılanmasında AB



düzeyinde politik söylemlerin nasıl bir rol oynadığının analizi yapılmıştır. AB düzeyinde yapılan politik söylemler son kısımda yer alan ulusal düzeyde yapılan araştırmaya ışık tutması açısından önem taşımıştır. Diğer bir deyişle, üçüncü kısımda, son kısımda yer alan AB üye ülkelerinden Fransa ve İngiltere’de politik söylemlerin güvenlik temelli göç politikalarının oluşmasındaki etkisini anlamak açısından bir çerçeve oluşturması amaçlanmıştır.

Buna göre son kısımda, güvenlik temelli göç politikaları Fransa ve İngiltere örnek ülkeler olarak seçilerek çalışmaya dahil edilmiştir. Fransa ve İngiltere’nin örnek ülkeler olarak seçilmesinin nedeni, söz konusu iki AB üye ülkesinin büyük bir göç nüfusuna sahip olmalarıdır. İki üye ülke de, İkinci Dünya Savaşı’ndan sonra harap duruma düşmüş ekonomilerini güçlendirmek amacı ile ve aynı zamanda iş gücünün yetersiz olması sebebiyle göçü teşvik etmişlerdir. Bu nedenle, eski sömürge devletlerinden göçmenlerin gelmesi için programlar başlatılmıştır. Göçün bir devlet politikası haline gelmesi ile birlikte, özellikle eski Fransız sömürgelerinden olan Batı ve Orta Afrika ülkelerinden Fransa’ya göç dalgaları yaşanmıştır. Buna benzer bir göç politikası da İngiltere tarafından gerçekleştirilmiştir. Böylelikle, özellikle Hindistan ve Pakistan’dan göçmenlerin ülkeye girişleri sağlanmıştır. Eski sömürge devletlerden gelen göç akımları, artan göç nüfusuyla birlikte kaygılara yol açıyorsa da göçün sınırlandırılmasına yönelik politikalara ne Fransa ne de İngiltere’de başvurulmamıştır. Bu anlayış, iki ülkede de 1970’lerin başlarında patlak veren petrol krizine kadar etkili olmuştur. Benzer bir göç politikası yürütmelerinin yanında bu iki ülke, ekonomik ve siyasi kapasiteleri sebebiyle, AB düzeyinde göç ve güvenlik politikalarının geliştirilmelerinde belirleyici bir rol oynamışlardır. Söz konusu iki ülkenin göç politikalarını analiz etmeden AB düzeyinde göç ve güvenlik ilişkisini anlamak pek de olası olmayacaktır. Bu nedenle, Fransa ve İngiltere örneklerinin incelenmesi, güvenlik temelli bir yaklaşımın oluşmasında göçün nasıl bir tehdit unsuru olarak algılandığını ortaya koymuştur. Günümüzde göç, genel olarak AB üye ülkelerinin kültürel, ekonomik ve siyasi bütünlüklerine bir saldırı olarak düşünülmektedir. AB düzeyinde göçmenlerin üye ülke vatandaşları ile eşit haklara sahip olmaları yönünden politikalar oluşturulmaya çalışılsa da, üye ülkeler göç

konusunun ülkelerin iç meselesi olduğu yönünde ısrarcı tavırlar sergilemektedirler. Bununla ilintili olarak, Fransa ve İngiltere örnekleri incelenirken, temel olarak politik söylemlerin güvenlik temelli göç politikaları oluşturulmasında nasıl bir etki oluşturdukları analiz edilmiştir. Bu da, 11 Eylül sonrası dönemin, söz konusu AB üye ülkelerinde nasıl yankı bulduğu ve göç-güvenlik bağlamının oluşturulmasında, Sarkozy ve Blair dönemlerinde göçmen karşıtı söylemlerin nasıl geliştirildiğinin anlaşılması açısından önem taşımıştır.

Seçilen Fransa ve İngiltere örnekleri incelendiğinde, yüksek vasıflı göçmenlerin dışında kalan göçmen gruplarının, sosyo-ekonomik yapıya nasıl tehdit olarak sunulduğu ortaya konmuştur. Bir zamanlar ülke ekonomilerini kalkındırmak için fırsat görülen göçmenlerin şu anki değişen göç politikası ile birlikte güvenliğe karşı bir tehdit olarak sunulması da göç temelli politikanın bir sonucu olarak ortaya çıkmıştır. Düzensiz göçmenler, klasik tabirde ‘yasadışı göçmenler’, açıkça terörizmle ilintilendirilmiştir. Fransa ve İngiltere örneklerinin incelenmesinde bulunan diğer bir ortak nokta ise iki ülkede de 1973 petrol krizi sonrası açık kapı göçmen politikasının yerini güvenlik eksenli bir anlayışın almış olmasıdır. İngiltere’de bu dönemde Muhafazakâr Parti’nin, ülkeye giren göçmenlerin sayısında azaltmaya gidilmesi ve göçün daha fazla teşvik edilmemesi yönünde görüşleri pekiştirmeye çalıştıkları gözlemlenmiştir. Göçmenlerin olumsuz bir bakış açısı ile sunulmaları toplumda göçmenlere karşı korkunun ve nefretin artmasına yol açmıştır. 1981 yılında çıkarılan Vatandaşlık Yasası ile birlikte İngiliz vatandaşlığını elde etmenin koşulları ağırlaştırılmıştır.

İşçi Partisi’nin 1997 yılında başa gelmesiyle birlikte İngiltere’nin on yıllardır yürüttüğü göç politikasında da değişikliğe gidilmiştir. Göçe karşı oluşturulan yeni yaklaşım, İşçi Partisi’nin 1997 yılında yayınlanan Manifestosunda yer aldı. Blair hükümetinin göç ile ilgili ilk adımı, daha etkili ve insan hakları temelli bir politikanın geliştirilmesini amaçlayan ‘Beyaz Belge’ olmuştur. İngiltere İçişleri Bakanlığı tarafından yayınlanan raporda, göçün politik, ekonomik ve siyasi yönlerden ele alınması gerektiği belirtilmiştir. Çok yönlü bir bakış açısıyla daha etkili bir göç politikasının geliştirilmesi amaçlanmış ve aynı zamanda göçün insani boyutuna da

vurgu yapılmıştır. Ancak ironik olarak, 1997 yılında göç ile ilgili çıkarılan kanun göçe karşı sert düzenlemeler getirmiştir. Blair hükümeti, sığınmacılara yönelik getirilen sosyal yardımın en az seviyeye indirilmesine karar vermiştir. Bu kararlar sığınmacıların sayısının düşürülmesi planlanmıştır. Ülke ekonomisini güçlendirmek adına yüksek vasıflı göçmenlerin ülkeye girişleri teşvik edilmekle birlikte düzensiz göçmenlerin İngiltere'ye göç etmelerine sınırlandırmalar getirilmiştir. İngiltere Göç Bakanı Barbara Roche'in ifadesinde yüksek vasıflı göçmenlerin, küreselleşen dünya ekonomisindeki yeri ve önemine, diğer devletlerle ekonomik ve sosyal alanlarda rekabet etmek adına, vurgu yapılırken<sup>237</sup> 'istenmeyen' göçmenlere yönelik herhangi bir ifadenin yer almadığı gözlemlenmiştir. İşçi Partisi döneminde göç politikası, göçmenlerin ülke ekonomisine katkısına göre belirlenmiştir. Dolayısıyla, Soğuk Savaş döneminin bitimi ile birlikte değişene dünya düzeninde İngiltere'nin dünya ekonomisinde rekabet edebilmek adına daha ekonomi temelli bir göç anlayışı benimsediği gözlemlenmiştir. Bu bağlamda, yukarıda bahsi geçen yasanın, daha etkili ve insan hakları temelli bir yaklaşımı gerçekleştirmekten uzak olduğu incelenmiştir.

Benzer bir durum Fransa örneğinde de ortaya çıkmıştır. İkinci Dünya Savaşı sonrası Fransa'sında göçmenlerin teşvikine yönelik politikalar geliştirilirken bu olumlu hava 1973 yılında yaşanan petrol krizi sonrası değişmiştir. Buna neden olarak misafir işçi ve rotasyon sistemleri ile artan göçmen nüfusu ve işsizlik oranı gösterilmiştir. Göçmenler, daha çok eski sömürge devletleri olan, Cezayir, Tunus ve Fas'tan getirilmiştir. Fransız değerlerinden; özgürlük, eşitlik ve kardeşlik anlayışı toplumda 'ötekileştirilen' göçmenler için pek de geçerli olmamıştır. Ekonomik gerileme ve artan işsizlik, göçmen işçi alımının durdurulması yönünde söylemlerin oluşmasına neden olmuştur. Bu nedenle Fransa'da 1970'lerin sonu ile birlikte göç güvenlik meselesi haline getirilmiştir ve ülkenin bundan sonraki on yıllarda yürüteceği göç politikalarında belirleyici olmuştur.

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<sup>237</sup> Seldon, A. (Ed.). (2007). Blair's Britain: 1997 – 2007. Cambridge: Cambridge University Press, s. 350.

Dolayısıyla, 1980’lerde artan göçmen karşıtı söylemler, 1990’larda da devam etmiştir. Sağ akımın yükselişe geçmesiyle birlikte Fransa’da gelişen yeni göç politikasına olan kaygılar da artmıştır. İçişleri Bakanı Charles Pasqua’nın adıyla anılan Pasqua yasaları, ülkenin göç politikasında kırılma noktası olmuştur. Sınır kontrollerini artırmak amacıyla sınır polisinin yetkileri genişletilmiştir. Bunun yanında söz konusu yasa, göçmenlerin haklarını kısıtlarken aynı zamanda vatandaşlığa geçiş koşullarını da hayli ağırlaştırmıştır. Schengen Anlaşması’nın imzalanması ile birlikte Fransa hükümeti, sınır kontrollerini arttırmış ve ülkeye sığınmacı olarak gelmek isteyenlerin grupların taleplerini, ülkenin milli güvenliğine tehdit oluşturuyor gerekçesi ile reddetmiştir. Böylelikle Fransa, Schengen Anlaşması’nı üçüncü ülkeden gelen vatandaşların ülkeye girişlerini engellemek için kullanmıştır. Dönemin Başbakanı Rocard’ın söylemlerinin analizi, Rocard’ın, Pasqua yasaları ile birlikte getirilen kısıtlamalar ve Fransa’nın eşitlik, özgürlük ve kardeşlik değerleri arasında sıkışıp kaldığını göstermiştir. Yine de, Rocard görece daha liberal söylemler geliştirmiş ve vatandaşlığa geçişin koşullarını hafifletme yollarına gitmiştir.

11 Eylül saldırıları tüm dünyayı olduğu gibi Fransa ve İngiltere’yi de derinden etkilemiştir. Bu durum iki ülkenin göç ve güvenlik politikalarını daha da sıkılaştırmalarına neden olmuştur. Saldırıların hemen ardından Blair hükümeti tarafından Vatandaşlık, Göç ve Sığınmacılar yasası çıkarılmıştır. Yeni çıkan yasa ile birlikte, sınır kontrollerinin artırılmasına ve göçün güvenlik ekseninde daha fazla değerlendirilmesine başlanmıştır. Söz konusu eğilim, Blair’in 2003 yılında BBC’ye verdiği bir mülakatta daha da görünür hale gelmiştir. Blair, ülkedeki düzensiz göçün daha da azaltılmasına yönelik kararlı bir tavır sergileyeceklerini vurgulamıştır.<sup>238</sup> 11 Eylül saldırıları sonrası İngiltere’de göç kaynaklı tehdit atmosferinin derinleştiği, siyaset yapıcılarının verdiği söylemler doğrultusunda incelenmiştir. Dönemin İçişleri Bakanı, David Blunkett, ‘istenmeyen’ göçmenlere karşı sert ifadelerde bulunmuştur. Böylelikle, İçişleri Bakanlığı, özellikle ekonomik amaçlı gelen düzensiz göçmenlerin ülkeye girişlerinin engellenmesi için sert önlemler almaya başlamıştır. 2004 AB

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<sup>238</sup> Migration News. Nisan 2003.

genişlemesi ile birlikte Doğu Avrupa ülkelerinden gelen yoğun göçler endişe ile karşılanırsa da AB vatandaşlarının ülkeye girişlerine yönelik yaptırımların çok fazla olmadığı gözlemlenmiştir. Bunun arkasındaki neden de Avrupa dışından gelen göçmenlerin AB vatandaşlarına kıyasla daha fazla tehdit unsuru olarak görülmeleri olmuştur. Bu da bir anlamda AB dışından gelen göçmenlere karşı ‘ötekileştirme’ anlayışının bir sonucu olarak ortaya çıkmıştır. Farklı kültür ve inançlardan gelen göçmenler İngiltere’nin çok kültürlülük politikası ile çelişkiler göstermiştir. Ancak 11 Eylül saldırılarının ardından gerçekleşen 2004 Madrid ve 2005 Londra saldırıları terör korkusunu daha da arttırmıştır. Bunun arkasındaki neden de terör faaliyetlerinin Atlantik’in ötesinden Avrupa topraklarına taşınmış olmasıdır. Dolayısıyla, terör ve göç kavramları daha fazla ilintilendirilmiştir. Artık Avrupa’nın da güvenli olmadığı duygusu terör faaliyetlerinin her an tekrarlanabilir olması korkusu ile pekişmiştir. Londra saldırıları ile birlikte İngiliz Hükümeti, Bush Hükümeti tarafından başlatılan terörizme karşı savaşta daha aktif yer almaya başlamıştır. İslami terör saldırıları ile birlikte İngiltere, terörizme karşı acilen bir savaş başlatılması gerektiğini ilan etmiştir. Bunun nedeni de yukarıda değinildiği gibi terörün artık sadece Amerika topraklarında değil dünyanın her yerinde gerçekleşebilecek olması inancının yerleşmesidir. Dolayısıyla, siyaset yapıcılar tarafından, ‘terörizm’, ‘saldırı’, ‘istila’ gibi kelimeler göçmenlerle daha fazla yan yana anılmaya başlamıştır. Amerika’nın güçlü müttefiki olan İngiltere, terörizme karşı savaş söylemini benimsemiş ve 2002 yılında göç politikasını yeniden şekillendirmiştir.

Fransa örneğinde ise Fransa’nın göç politikasının Sarkozy dönemi ile birlikte daha da sertleştiği görülmüştür. Sarkozy dönemi ile birlikte Göç, Entegrasyon ve Ulusal Kimlik Bakanlığı kurulmuştur. Bakanlığın ortaya koyduğu politikalarla birlikte göçmen karşıtı faaliyetler artmış ve bu anlamda halkın büyük oranda desteği sağlanmıştır. Bu nedenle, önceleri ekonomik temelli yaklaşılan göç meselesi Sarkozy ile birlikte kimlik, etnisite ve din konuları yan yana getirilerek politik ve sosyal arenalarda tartışılmaya başlanmıştır. Farklı kültür ve dinlerden gelen göçmenlerin sayılarındaki artış Sarkozy döneminde, göçmen karşıtı politikaları şekillendirmiştir. Sarkozy’nin endişe verici ve şiddetli tartışmalara yol açan bir diğer girişimi de

Romanların Fransa'dan sınır dışı edilmesi olmuştur. Romanya'nın Avrupa Birliği üyesi olmasından dolayı Romanlar ülkede 3 aya kadar vizesiz kalma hakkına sahiptir. Ancak vize süresi geçen Romanların ülkede 'yasadışı' kaldıkları gerekçe gösterilerek Fransa'dan sınır dışı edilmelerine karar verilmiştir. Fransız Hükümetinin bir diğer ifadesi ise söz konusu kişilerin ikamet ve çalışma izinleri olmadığı için Fransa'da kalmalarının söz konusu olmadığına yönelik olmuştur. Bunun sonucunda yüzbinlerce Roman, 2010 yılında ülkeden sınır dışı edilmiştir. Bu durum AB içinde büyük bir endişe ile karşılanmıştır. AB Adalet Komiseri, Viviane Reding, Sarkozy'nin sınır dışı etme kararını "Avrupa'nın İkinci Dünya Savaşı'nda tanık olmak zorunda kaldığı olaylara" benzeterek Fransız Hükümetini ağır bir biçimde eleştirmiştir<sup>239</sup>. Böylelikle, Fransa, AB'nin hareket özgürlüğü alanında getirdiği düzenlemeleri ihlal etmekle suçlanmıştır. Göçmenler Fransa'nın sosyal bütünlüğüne tehdit olarak gösterilmiştir. Sarkozy döneminde kullanılan olumsuz söylemlerin ve geliştirilen politikaların Sarkozy'nin uyguladığı 'seçici' politikanın bir ürünü olduğu ortaya konmuştur. Buna göre Sarkozy 'istenmeyen' göçmenlerin ülkeden sınır dışı edilmelerine göz yumarken diğer taraftan yüksek vasıflı göçmenlerin ülkeye belirlenen sınırlar çerçevesinde teşvikinin sağlanması yönünde söylemlerde bulunmuştur. 'İstenmeyen' göçmenler Fransa'nın sosyal bütünlüğüne tehdit olarak gösterilmiştir. Bunlardan bir diğeri de 2009 yılında alevlenen burka krizi olmuştur. Sarkozy ile birlikte Le Pen'in temsil ettiği aşırı sağ parti, Ulusal Cephe burka meselesini siyasi gündeminde en ön sıralara koymuştur. Burkanın Fransa'nın seküler devlet anlayışına bir tehdit oluşturduğunu; bu nedenle de Müslüman kadınların siyasi bir simge olarak addedilen burkayı kamusal alanda giymelerini yasaklayan kanun tasarısı Bakanlar Kurulu'nun kararına sunulmuştur. Söz konusu karar Fransa'da bir kez daha özgürlük, eşitlik değerlerinin ihlal edildiği yönünde tartışmalara yol açmıştır. Dolayısıyla Sarkozy dönemindeki politikalarla birlikte ülkenin temsil ettiği inanılan özgürlük değerleri ile çelişen politikalar geliştirilmiştir.

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<sup>239</sup> Reding'in aşağıda yer alan sitedeki konuşmasından, 12 Nisan 2014 tarihinde alıntı yapılmıştır. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1207>.

İngiltere örneğine dönüldüğünde ise güvenlik kaygılarının, İngiltere'nin Avrupa Birliği ile olan yakın ilişkilerinde belirleyici olduğu gözlemlenmiştir. 'Yasadışı' göç, insan kaçakçılığına karşı savaş ve sınırlardaki politikaların sertleştirilmesi, AB ile atılan adımların başında gelmiştir. Bu nedenle, İngiltere iç politikadaki göçle ilgili bazı yasalarını AB normları ile uyumlulaştırma sürecine gitmiştir. Bu çalışmada daha önce analiz edildiği gibi, İngiltere, AB ile göç alanında politikalarını milli çıkarları doğrultusunda şekillendirmiştir. Buna göre İngiltere, göç alanında yetkilerini sınırlandıran AB Direktiflerine katılmayı reddetmiştir. İngiltere bu anlamda AB ile göç alanında pragmatik bir işbirliğine girmiştir. İngiltere'deki siyaset yapıcıların söylemleri göçün nasıl tehdit unsuru olarak pekiştirildiğini anlamak açısından etkili olmuştur. Bu da, Kopenhag Okulu'nun güvenlikleştirme kuramında değindiği gibi siyasi söylemlerin geliştirilen politikalara olan etkisinin sorgulanmasını yapısalcı bir bakış açısı ile sağlamıştır. Böylelikle, bu çalışmada bir meselenin politik söylemlerle birlikte nasıl tehdit unsuru olarak deklare edildiği incelenmiştir. Bu bağlamda, göçün güvenlik meselesi haline getirilmesinin, göçmenlerin söz konusu ülkenin sosyo-ekonomik yapısına tehdit olarak gösterilmesiyle yakından ilintili olduğu gözlemlenmiştir. Bu tez, AB üye ülkeleri; Fransa ve İngiltere'yi seçerek göçün güvenlik meselesi haline nasıl getirildiğini derinlemesine analiz etmiştir.

Son kısımda analizi yapılan siyasi söylemlerin, Fransa ve İngiltere'nin göç politikası ile nasıl uyumtuğunu ortaya koymuştur. Buna göre AB düzeyinde incelen Avrupa Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosu raporlarındaki ve ulusal düzeyde ortaya konan söylemler bu çalışmada ortaya konan kuramsal bakış açısıyla bütünsel bir tablo yaratmıştır. Ayrıca Fransa ve İngiltere örneklerinde politik söylemlerin (Cumhurbaşkanı, Başbakan ve Bakan düzeyindeki söylemler) iki üye ülkede de yürürlüğe kona göç anlaşmaları ile nasıl bir paralellik sergilediği incelenmiştir. Dolayısıyla Kopenhag Okulu'nun güvenlikleştirme kuramı siyasi söylemlerin analizinin kavranması açısından önemli olmuştur.

## Appendix B

### TEZ FOTOKOPİSİ İZİN FORMU

#### ENSTİTÜ

Fen Bilimleri Enstitüsü

☐

Sosyal Bilimler Enstitüsü

☐

Uygulamalı Matematik Enstitüsü

☐

Enformatik Enstitüsü

☐

Deniz Bilimleri Enstitüsü

☐

#### YAZARIN

Soyadı :

Adı :

Bölümü :

TEZİN ADI (İngilizce) :

TEZİN TÜRÜ : Yüksek Lisans

☐

Doktora

☐

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.
3. Tezimden bir (1) yıl süreyle fotokopi alınamaz.

☐☐☐

TEZİN KÜTÜPHANEYE TESLİM TARİHİ: