

EU COMMON POLICY ON ILLEGAL IMMIGRATION AND ASYLUM:

ADDING TO THE COPENHAGEN SCHOOL

by

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**EU COMMON POLICY ON ILLEGAL IMMIGRATION AND ASYLUM:
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ABSTRACT

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M.A. in European Studies Program, Thesis, 2011

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This study is on the common policy of the European Union on illegal immigration and asylum. It particularly explores the adaptability of the Copenhagen School's securitization theory in the context of European immigration policy. The study examines a central puzzle: although the representation of illegal immigrants and asylum seekers as an existential threat has been securitized at the discursive level, this has not contributed to extraordinary measures in the course of the European integration process, contrary to what is claimed by the securitization theory. It, then, suggests that this puzzle would be tackled by using a comprehensive securitization framework applied at both discursive and non-discursive levels.

The main findings of this study are as follows: first, EU common policy on illegal immigration and asylum has been securitized at the discursive level concomitant with the logic of securitization theory by the Copenhagen School. Second, non-discursive practices that have been applied to deal with the discursively securitized issue contradict the logic of securitization theory with respect to the absence of extraordinary measures, but rather *de-facto* institutionalization/routinization of them. Thus, the study argues that the paradox illustrating the auxiliary nature of securitization theory in the course of European immigration policy indicates the inadequacy of the conceptualization of securitization process by the Copenhagen School. It further asserts that the narrow and standard logic of securitization process cannot capture the complexity at the practice level.

ÖZET

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Bu çalışma Avrupa Birliği'nin kaçak göçmenler ve mültecilere ilişkin ortak göç politikası ve özellikle bu süreçte Kopenhag Okulu tarafından ortaya atılan güvenlikleştirme teorisi üzerinedir. Bu çalışmada, kaçak göçmen ve mültecilerin söylem düzeyinde bir güvenlik sorunu haline getirildiği halde, uygulamada güvenlikleştirme teorisinin öngörüsüne paralel gelişmediği üzerinde durulmuştur.

Araştırma, Avrupa Birliği ortak göç politikası çerçevesinde kaçak göçmen ve mülteci sorununun entegrasyon süreci içerisinde söylemsel olarak güvenlikleştirildiği ancak beraberinde herhangi bir olağandışı uygulama yerine, güvenlikleştirme teorisine zıt olarak, kurumsal ve rutin uygulamaları getirdiği sonucuna varmıştır. Bu çelişki, güvenlikleştirme teorisinin Avrupa Birliği ortak göç politikası ve bunun bir güvenlik sorununa dönüştüğü süreci açıklamadaki yetersizliğinin altını çizmektedir. Bu nedenle, güvenlikleştirme teorisinin pratik düzeydeki karmaşık ve çokyönlü uygulamaları açıklayabilmesi için daha kapsayıcı, hem söylem analizini hem de pratikteki çokyönlü etkenleri içerecek şekilde yeniden kavramsallaştırılması gerekmektedir.

to my brother

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CHAPTER 1

INTRODUCTION

After the end of Cold War, International Relations (IR) scholarship has gone through a great transformation in which security debates gained a new momentum. For decades after WWII, the definition of security studies was mixed up with strategic studies which has focused on the strategic aspects of war, military alliances and military threats in the bipolar world of international system.¹ This security notion defined with military-based explanations focused on *states* which were considered as the most significant agents and referents of security. It was about *strategy* inasmuch as the core intellectual and political concerns revolved around devising the best means of employing the threat and the use of military force.²

Under the circumstances of instability of the post-Cold War period, the dominant security theory of the Cold War faced an identity crisis.³ This contributed a search looking for re-conceptualization of the field of security knowledge in the direction of a wider definition including notion of non-military threats and moving beyond inter-state relations. Buzan (1989), Krause and Williams (1997), Nye (1989), Lynn-Jones (1988) and Ullman (1983) were among the scholars who critically evaluated the dominant security theory of the Cold War period due to its militaristic notion of threat and state-level conceptualization.

¹ Bigo D. "International Political Sociology" in Williams P.D. *Security Studies An Introduction* (2008) p. 117.

² Ibid p.3

³ Huysmans J. "Security Framing: The Question of the Meaning of Security" in *The Politics of Insecurity : Fear, Migration and Asylum in the EU* (London and Network: Routledge, 2006) p. 15

Barry Buzan's work (1991) attempted to reframe the security concept in IR scholarship which fundamentally undermined the core determinants of the traditional security studies that has concentrated on the state level, military-based explanations together with the notion of existential threat. Buzan argued that security was not only inter-state concept but also related to all human collectives. Additionally he argued that it was inadequate and limited notion of security framework which was focused on military threat.

In addition to Buzan's work, sociological approaches in the international relations have pointed out that world is constituted socially through intersubjective interactions in which notion of security is socially constructed as well.⁴ Daniel Deudney (2006) questioned the conceptual rationality of security by arguing that usage of security language is a political tactic aimed at rising public attention which is a 'rhetorical device designed to stimulate action'.⁵ Therefore, he no longer refers to a specific threat definition; on the contrary the use of security language gives a shape to an issue by moving it towards a security question in changing political environment and changing adequate instruments to deal with it. By similar contributions like Deudney's work, the debate on widening the concept of security goes further than just changing its scope; but additionally deconstruction of the meaning of security by defining it as a performative capacity which can change due to understanding of a problem or a framework of the meaning.⁶ This performative notion of security has been also used by the Copenhagen School (CS) who developed a framework in which construction of security issues is based on 'speech acts'.⁷ Distinct from a threat perception as if it is externally given, the CS adopted a notion of security as a self-referential practice.⁸

⁴ McDonald M. "Introduction : Constructivism and Security" in Williams P.D. *Security Studies An Introduction* (2008) p. 59

⁵ Deudney, D. "The case against linking environmental degradation and national security" (2006) as cited in Huysmans J. "Security Framing: The Question of the Meaning of Security" in *The Politics of Insecurity : Fear, Migration and Asylum in the EU* (London and Network: Routledge, 2006) p. 23

⁶ Ibid p.25

⁷ Buzan, Waever, de Wilde (1998) p. 23

⁸ Huysmans (2005) p.24

The framework of the Copenhagen School which is originated by Buzan, Waever and de Wilde (1998) introduced the securitization theory to the literature in which security is conceptualized as a speech act and thereby self-referential practice in which a non-politicized issue becomes a security issue regardless to a real existential threat; instead just because it is presented as a threat.⁹ According to Buzan, Waever and de Wilde (1998), “it is by labeling something a security issue that it becomes one”.¹⁰ A securitizing actor uses rhetoric of existential threat by proposing that referent object is threatened and extraordinary measures are needed to provide survival of referent object.¹¹ An issue is *non-politicized* when it is not a concern of state action and it does not placed in public debate.¹² An issue becomes *politicized* when it is managed within the standard of political system and when it becomes the part of public policy which requires government decision or allocation.¹³ At the final stage, an issue is *securitized* when it requires an emergency action beyond the standards of the political system.¹⁴ At that level, the issue is plotted as security question through act of securitization by securitizing actors who articulate already politicized issue as an existential threat to a referent object.¹⁵

The literature on the CS’s securitization theory in general concentrates on two different camps. Whereas some scholars seek to develop an engagement between the theory and concrete cases to which it can be applied as Abrahamsen (2005), Collins (2005)

⁹ Buzan, Waever, de Wilde, (1998) p. 24

¹⁰Wæver, Ole “Aberystwyth, Paris, Copenhagen New Schools in Security Theory and the Origins between Core and Periphery.” Paper presented at the ISA Conference Montreal March (2004) p. 13 as cited in Taureck R. “Securitization Theory – The Story so far: Theoretical inheritance and what it means to be a post-structuralist realist” (2006) Paper for presentation at the 4th annual CEEISA convention University of Tartu 25-27 June 2006 p. 3

¹¹ Buzan, Waever, de Wilde (1998) pp. 24-25 as well as Taureck R. (2006) p. 3

¹² Ibid p. 23

¹³ Ibid p. 23

¹⁴ Ibid p. 23

¹⁵ Ibid p. 23

Wilkinson (2007) and Vuori (2008) do, another group of scholars criticize it for its inadequacy in explaining many empirical analyses and real world cases.

European immigration policy is among the areas which has a broad literature regarding to the securitization theory of the CS. Securitization theory focuses on how illegal immigrants and asylum seekers has become a part of security policy in the EU immigration policy. While some scholars argue that the securitization of European immigration policy has been following the path as proposed by the CS, other camp criticizes the school through developing an explanation for securitization process by emphasizing the importance of bureaucratic networks or security officials rather than discourses. In other words, they suggest that bureaucratic structures or networks linked to the security practices play a key role in the securitization process rather than discourses.¹⁶ In that sense, which is carrying the border control and what type of equipment do they use are the central questions in the analysis of securitization process without the necessity of securitized discourses.¹⁷ Balzacq (2010) calls this perspective a so-called 'sociological' approach to securitization which prioritizes practices over discourses.¹⁸ Considering this debate in the literature, contribution of this study is adding a practice level to the CS's framework of discursive securitization, rather than total underestimation of discourse as sociological approach does.

Thus, the appropriateness of securitization theory of the CS to the European common policy on illegal immigration and asylum is the main concern of this study. I will examine adaptability of the Copenhagen School's work to the European policy through addressing a puzzle between de-facto institutionalization/routinization of the EU practices and logic of securitization theory. In the logic of securitization theory described by the CS, an issue has been securitized by a successful speech act of securitizing actors who attempt to construct the issue as an existential threat and thereby who deploy extraordinary/emergency measures for dealing with it. The term of "extraordinary" is described as "outside the ordinary tools of political procedure" or "above politics" which has been influenced by Schmitt's ideas on this point. However, security agencies and

¹⁶ Bigo (2000) p. 194

¹⁷ Bigo (2002) p. 65-66

¹⁸ Balzacq, T. "Constructivism and Securitization studies" in Cavelti M.D. and Mauer V. (eds) *The Routledge Handbook of Security Studies*. (London: Routledge, 2010)

technologies of control at the borders wielded by those agencies operate with routine border rules and procedures in everyday practice of policies.¹⁹ The border control is managed through routine rules embedded into technologies of electronic walls, visa procedures, fingerprints and also biometric technologies for identifying and controlling illegal activities. This border management by bureaucratic officials and semi-autonomous agencies reproduces security practices on a day to day basis as an EU standard without emergency/extraordinary measures as argued by the securitization process of the CS.

Although at the discursive level, the illegal immigrant has been represented as an existential threat through the reference to a nexus of security threats as terrorism, transnational crime and human trafficking by the legislative and policy documents; at the practice level, this threat is dealt in the absence of emergency/extraordinary measures. In that sense, the central question of this study is *why securitization of illegal immigrants as an existential threat at the discursive level did not contribute emergency/extraordinary measures in the European immigration policy as argued by the securitization theory of the CS*. I suggest that this puzzle would be dealt with through adopting a comprehensive securitization framework by including both discursive and non-discursive acts. Considering the puzzle that has been underlined above, two aspects of this study are: (1) illustration of how EU common policy on illegal immigration and asylum has been securitized at the discursive level parallel with the logic of securitization theory by the Copenhagen School and (2) indication of how non-discursive practices in order to deal with illegal immigration which is a discursively securitized issue contradict the logic of securitization theory regarding the absence of extraordinary measures.

Two aspects of the study will be examined by a strategy which aims to deconstruct the logic of securitization theory. As formulated by the Buzan, Waever and de Wilde (1998); securitization approach requires two types of units in analysis: (i) *referent objects* and (ii) *securitizing actors*.²⁰ *Referent objects* are the “things that are seen to be existentially

¹⁹ Cetti F. “Asylum and the European Security State” in Talani L.S. (eds) *Globalisation, migration, and the future of Europe : insiders and outsiders* (London: Routledge, 2011) p. 17

²⁰ Buzan et al. (1998) p. 36

threatened and that have a legitimate claim to survival". Secondly, *securitizing actors* are "who securitize issues by declaring some-thing- referent object- existentially threatened."²¹ Deconstruction of the logic of securitization approach into its units of analysis contributes to the literature, in particular opening the black-box of securitization of immigration and asylum policy in the EU which has been mostly examined by the studies that tended to use logic of securitization as a monolithic term.

In addition to the deconstruction of the securitization logic, this study secondly seeks to address the paradox between discursively securitized issue and its non-discursive acts without having emergency/extraordinary measures. In that sense, the study seeks to make second contribution to the literature by adding a third unit into the analysis in order to identify this paradox. The third unit embedded in this study is *securitizing practices* which include practices, tools and instruments of professionals in order to deal with the issue of illegal immigration and asylum.

Based on these three units of analysis, the study attempts to illustrate the historical process towards securitization in the EU immigration policy. The study consists of three time periods: the Cold War/pre-Maastricht period (before 1989), the post-Cold War/Maastricht period (1990-2001) and Post-9/11 period (2001-) In the first phase, the representation of illegal immigrants and asylum-seekers has gone through a dramatic change by the end of the period. While they were considered as a necessity for the construction of European economic growth in the era of 1960s; they had negative connotations under the restrictive policies of 1970s and finally been involved in a limited security discourse by the Member States towards the end of 1980s. In the second period, the end of bipolar system and thereby the change of international regime had significant effect on the common immigration policy of the EU. On the absence of a fixed external threat, the security discourse relating to the illegal immigration and asylum has gained EU level impetus rather than being a threat for individual Member States. Finally, the third period following the event of September 11 introduced the priority to fight against terrorism in which illegal immigration and asylum has started to be associated with the international terrorism. The historical analysis of EU immigration policy within three periods will provide illustration of

²¹ Ibid p. 36

how the policies on illegal immigration and asylum has changed over time and gained the representation of an existential threat and securitization discourse throughout the European Union history.

The paradox that is addressed here illustrates the auxiliary nature of securitization process in the EU policy which portrays inadequacy of the conceptualization of the Copenhagen School. This study suggests that concerning the de-facto controversies at the practice level, the Copenhagen School should re-conceptualize its framework in order to capture the complexity of securitization process in 'real world' which occurs in various paths rather than a narrow and standard logic of practice. In other words, the study argues that the securitized discourse does not necessarily followed by an extraordinary/emergency measures, rather it has complex and multidimensional path affected by various factors at the practice level. The securitization of the EU immigration policy would be examined by such alternative and comprehensive framework.

The methodological approach here is a discourse analysis applied to the textual material provided by official policy documents. The term discourse is used in a wide array of writings, in large parts from the works of Foucault.²² The discourse theory in this study refers the specific branch of discourse analysis rather than its general concept by using the term of discourse as an interest in "how the production of meaning constitutes reality" rather than being an interest in "how language reflects it".²³ By claiming that the "real world" is not imbued with meaning, the search for meaning in representation of reality within the statements and textual material that create images of reality becomes central concern in this perspective.²⁴ For Torfing (1999) it is not the denial of a physical world, but it

²² Foucault, M. *Power/Knowledge* (1980) as cited in Norman L. "Asylum and Immigration in an Area of Freedom, Security and Justice. EU policy and the Logic of Securitization" (2008) p. 12

²³ Shapiro M. *Textualizing Global Politics* (2003), in Wetherell, M. Taylor, S. Yates, S.J. *Discourse Theory and Practice: a Reader*, (Sage Publications, London: 2001). p.320

²⁴ Norman (2008) p. 13

is denial of the idea that “reality has an essence, an inherent meaning”.²⁵ In Foucauldian sense, discourse is not free flowing, instead always tied to procedures that regulate its distribution.²⁶ “Discourse is about what can be said and thought, but also about who can speak, when and where and with what authority.”²⁷ Therefore, the meaning in the statements is not independent from whoever is doing the uttering. As Norman argues, this is the crucial point where concepts of discourse and textual analysis of policy merge.²⁸ Thus, discourse analysis of policy texts aims to point out changing aspects of meaning and how different concepts could take different meanings as well as how discourses authorize some actions while ruling the others.²⁹ Howarth, and Torfing (2000) suggest that discourse analysis in this particular form “can take as its object not only texts or speeches, but also historical events and even institutions and organizations by analyzing these as ‘texts’”.³⁰ Considering this perspective on the discourse analysis, the approach used in this study is narrowing the focus to the statements placed in the official policy texts in which events are represented and gained meaning. By this approach, the aim is to analyze the institutionalization of discourse through official texts and regulations in the way of political decision-making can be conceptualized visa-a-via merging of concept of discourse with the policy.

The focus of policy analysis from this perspective is in opposition with the analysis which describes policy in terms of strategic interventions in order to solve problems.³¹

²⁵ Torfing, J. *New Theories of Discourse: Laclau, Mouffe and Zizek* (Blackwell publishers, Oxford, 1999) p. 94

²⁶ Foucault, M. *Diskursens ordning* (1993) p. 7 as cited in Norman (2008) p. 14

²⁷ Ball, S.J. *Politics and Policy Making in Education: Explorations in Policy Sociology* (1990) as cited in Bacchi, C.L. *Women, Policy and Politics: The construction of policy Problems* (2001) p. 41 and also as cited in Norman (2008) p. 14

²⁸ Norman (2008) p. 14

²⁹ Ibid

³⁰ Howarth, D. and Torfing, J. *Discourse Theory in European Politics: Identity Policy and Governance*, (Palgrave Macmillan: Basingstoke, 2005) p. 4

³¹ Fischer, F. *Reframing Public Policy* (Oxford University Press: Oxford, 2003) p. 60

Rather, discourse analysis of policy deals with how different actors engage in the process of policy formation and how they use the rhetoric; construct narratives and frames and also to what extent they give privilege to certain issues.³² According to this methodology, the meaning of policy cannot be analyzed merely by reading the official policy texts, but also it has to include meaning produced by the authors of the policy in which concept of discourse merge with analysis of the policy texts.³³ Since the central concern of policies is formulation of certain problems and possible responses to these problems, the concept of discourse is appropriate method for the study of policy.³⁴ In that sense, the object of this study is the “problem representations”³⁵ in the official policy texts. Edelman (1988) argues that the formulations of problems within a policy do not constitute only a positioning of an issue but also in doing so, it constitutes subjects with reference to specific aspirations and fears.³⁶ Thus, by considering that the formulation of a policy is consist of the articulation and combination of discourses, the case of immigration and asylum policy within the EU is main object here in order to examine specific meaning and particularly how the policy is formulated around the logic of securitization. The methodological approach in this study is discourse analysis applied to the textual material in order to illustrate how framework of securitization represents threat and the action in the way of dealing with an identified threat. By applying this methodology, the study aims to illustrate how representation of immigrants and asylum-seekers is constructed in the policy texts, how policy is represented as a security issue and also how the issue is defined in relation to other concepts by excluding alternative ways of conceptualizing the issue.

This thesis is composed of five chapters including this chapter as the introduction. The second chapter provides theoretical discussion on the securitization theory of the Copenhagen School in general and discussion on the securitization of European Union

³² Norman (2008) p. 28

³³ Ibid

³⁴ Ibid p. 31

³⁵ Bacchi (1999) p. 36

³⁶ Edelman, M. *Constructing the Political Spectacle*, (University of Chicago Press, Chicago, 1988) p. 12

common policy on illegal immigration in particular. In the third, fourth and fifth chapters, I will examine the historical process of the immigration policy via three periods with respect to the three units of analysis: referent object, securitizing actors, securitizing practices. In the last chapter I will summarize and discuss the main result of this study.

CHAPTER 2

THEORETICAL DEBATES

on the SECURITIZATON THEORY and SECURITIZATON OF IMMIGRATION

2.1. The Copenhagen School and Securitization Theory

The securitization theory of the Copenhagen School which is originated by Buzan Waever and de Wilde's (1998) work puts forward that security is a speech act in which a non-politicized issue becomes a security issue regardless to a real existential threat; instead just because it is presented as a threat.³⁷ A securitizing actor uses rhetoric of existential threat by proposing that referent object is threatened and extraordinary measures are needed to provide survival of referent object.³⁸ An issue is *securitized* when it requires an emergency action beyond the standards of political system.³⁹ At that level, the issue is plotted as security question through act of securitization by securitizing actors who articulate already politicized issue as an existential threat to a referent object.⁴⁰ However,

³⁷ Buzan, Waever, de Wilde, (1998) p. 24

³⁸ Buzan, Waever, de Wilde (1998) pp. 24-25 as well as Taureck R. (2006) p. 3

³⁹ Ibid p. 23

⁴⁰ Ibid p. 23

Buzan, Waever and de Wilde (1998) distinguish a securitization move and “successful securitization” in which stating an issue as an existential threat to a referent object is just a securitization move and in order to achieve materialized securitization, the audience should accept it for legitimacy of emergency measures.⁴¹ In that sense, successful securitization is not decided by the securitizing actor, rather by the audience to whom the securitizing actor is accountable. As stated by the CS, a speech act by the securitizing actor would be successful under ‘facilitating conditions’ which have two categories.⁴² The first category for successful speech act is internal/linguistic/grammatical conditions to constitute a plot referring an existential threat. The second category is external and social conditions which have to be facilitated for realization of speech act.⁴³ Thus the initial move of *securitization (ad hoc securitization)* is an attempt to construct an issue as a security risk. It is argued that in this initial stage, it is not certain that securitization move will be successful or not. It mostly relies on influence of securitizing actors and success of speech acts.⁴⁴ The second stage of the process aims to gain resonance and to be accepted by a relevant audience. Only then extraordinary measures can be legitimized. Under the circumstances of ‘urgency of the accepted existential threat to security, constituencies tolerate the use of counteractions outside the normal bounds of political procedures.’⁴⁵

The inspirations of the CS in the formulation of securitization theory are composed of different theorists with their distinct perspectives which are seemingly contradictory. Waever (2004) remarked that theoretical origin of securitization theory has been mainly shaped under the influence of John L. Austin, Jacques Derrida, Carl Schmitt and Kenneth

⁴¹ Ibid p. 25

⁴² Ibid p. 32

⁴³ Ibid p. 33

⁴⁴ Emmers R. “Securitization” in Collins A. (ed) *Contemporary Security Studies* (Oxford University Press, 2010) p. 137

⁴⁵ Ibid p. 139

Waltz.⁴⁶ The combination of those four theorists under one framework demonstrates the eclectic conceptualization of securitization theory.

Since securitization theory considers security as a speech act, it addresses Austin's work (1962), which is known as a basis of speech act theory. Austin (1962) criticizes previous philosophers who concerned with 'statements' which would be descriptively true or false by ignoring their usage for performing an action.⁴⁷ Austin calls them as 'performative speech acts' in which 'by saying something, something is being done.'⁴⁸

Austin (1962) categorizes speech acts in three categories namely the *locutionary act*, *illocutionary act* and the *perlocutionary act*.⁴⁹ In the locutionary act, the meaning addresses a certain utterance whereas in illocutionary case, act gains a meaningful utterance including a performative force referring an order or a warning. The perlocutionary act on the other hand is the speech act which is coupled with a certain force that affects the audience.⁵⁰ Securitization theory uses the illocutionary speech act in its formulation. Wæver (1989) explains this linkage as follows:

"It is to define the particular case as one belonging to a specific category ('security') where the state tends to use all available means to combat it. It is partly a threat but also a kind of promise since more is staked on the particular issue. The sovereign 'himself' (the regime) is potentially put into question".⁵¹

⁴⁶ Wæver, Ole "Aberystwyth, Paris, Copenhagen New Schools in Security Theory and the Origins between Core and Periphery." Paper presented at the ISA Conference Montreal March (2004) p. 13 as cited in Taureck R. "Securitization Theory – The Story so far: Theoretical inheritance and what it means to be a post-structuralist realist" (2006) Paper for presentation at the 4th annual CEEISA convention University of Tartu 25-27 June 2006 p. 4

⁴⁷ Austin, J.L. *How to do Things with Words?* (1962) as cited in Taureck R. (2006) p. 6

⁴⁸ Ibid p. 6

⁴⁹ Ibid p.6

⁵⁰ Ibid p. 7

⁵¹ Wæver, Ole "Security, the Speech Act – Analysing the Politics of a word" (1989) as cited in Taureck (2006) p. 7

However, Balzacq (2010) suggests that the process of securitization would be defined better by perlocutionary speech act due to its duo-directional feature of interaction.⁵² Rather than one way direction of illocutionary act from actor towards audience, he proposes that the best explanation for intersubjectivity between them would be achieved by perlocutionary act.

In Austin's (1962) conceptualization, 'performatives can neither be true or false.'⁵³ Instead, they are subject to appropriate conditions and rules. Austin proposes that in order to make performative speech acts to be felicitous, they should be under appropriate conditions called 'felicity conditions'.⁵⁴ Securitization theory directly adopts Austin's felicity conditions to its so-called 'facilitating conditions' of security as a speech act. In general, Austin's major work has theoretical significance for securitization theory due to formulation of speech acts and their appropriate conditions to be successfully performed.

As stated by Waever (1997), French philosopher Jacques Derrida who is the second influential name for Copenhagen School critically evaluates Austin's concept of performative speech act with respect to its fixed context analysis. According to Derrida (1982), every context and utterance is subject to 'irreducible polysemia' which means they cannot be fixed, rather they are always flux.⁵⁵ The influence of Derrida on securitization theory is visible in the definition of facilitating conditions which state that there is no successful speech act that is taken for granted. The most important inspiration of Derrida is hidden under its fundamental premise by saying that the meaning of security is what it does which includes inheritance of his statement of 'a text matters more what it does than for what it says.'⁵⁶ This Derridian standpoint limits analysis with the text and whereby the meaning is

⁵² Balzacq (2010) p. 175

⁵³ Taureck (2006) p. 7

⁵⁴ Austin, J.L. *How to do Things with Words?* (1962) as cited in Taureck R. p. 8

⁵⁵ Derrida, J. *Margins of Philosophy*. (Chicago: The University of Chicago Press, 1982) p. 322 as well as in Taureck R. p.9

⁵⁶ Waever (1997) as well as Derrida, J. *Of Grammatology* (Baltimore: John Hopkins University Press, 1998) p. 158

only in the sentence not above or beyond the text.⁵⁷ Waever (1997) addresses Derridian concept of text especially for its relation with speech act theory where the central focus is studying a text regardless to its context.

“[...] security thinking does not mean how actors think, which would be rather difficult to uncover – and not all that interesting. What is up for discussion here is how and what they think aloud. That is, the thinking they contribute to the public debate/political process; ‘public logic’”.⁵⁸

Criticisms of the securitization theory considering its trilogy of speech act, securitizing actor and the audience, underline the role of the audience within securitization which is mostly seen as under-theorized. Taureck (2006) argues that it is not clear to ascertain exactly who the audience is and if it contains different profiles or motivations in itself.⁵⁹ On the other hand, many scholars refer underdeveloped conceptualization of the relationship between the actor and the audience. As stated by Stritzel (2007), the intersubjective interaction between the two is problematic to some extent. According to securitization theory, after the effort of securitizing actor who performs securitization move by uttering a security speech act, it is the audience who will decide whether this security speech act is accepted as a common narrative or held as a real security issue.⁶⁰ However, Stritzel criticizes this intersubjective interaction under the conditions of a securitizing actor who is a dictator and who uses coercion and repression over the audience in which the voluntary imprint of the role of the audience would be lost. In that sense, the role of the audience as the last decision maker and the process of acceptance by the audience are not clearly conceptualized whether if it is voluntary or involuntary action. The general criticism is that due to the various complex power relations and power-laden social dynamics between securitizing actors and the audience, the overall concept of the intersubjective

⁵⁷ Skinner, Q. *The Concept of the Political* (Chicago: University of Chicago Press, 2002) p. 93

⁵⁸ Waever (1997) as cited in Taureck (2006) p. 11

⁵⁹ Taureck p. 20

⁶⁰ Stritzel H. “Towards a Theory of Seuciritization: Copenhagen and Beyond” *European Journal of Internaitonal Relations* 13.3. (2007) p. 363

interaction of the securitization theory limits the power-laden social dynamics of securitization.⁶¹

Waever refers Carl Schmitt (1996) as a third inspiration for securitization theory. For Williams (2003) the connection between securitization theory and Schmitt's thought is related with the formulation of *existential threat* which is used for taking an issue into security question.⁶²

In his influential work, Schmitt (1932) defines 'the political' as 'the most intense and extreme antagonism' which approaches its extreme point with friend-enemy grouping.⁶³ In the political atmosphere of Weimar Republic, Schmitt analyzed the existence of extremist political parties which came power by vote as the destruction of stability of law and parliamentary democracy. Williams argues that similar to the nature of 'the political' in Schmittian concept which is shaped by the division between friend-enemy dichotomies; the 'security' is shaped by the division between normal politics and extraordinary politics.⁶⁴ Hence, the securitizing actor situates the security at the interface of the threat vs. the other dichotomy which addresses a correlation with friend/enemy distinction of Schmitt in 'the political'.⁶⁵

Finally in Waever's accounts, Kenneth Waltz's (1979) description of security is used by Copenhagen School due to the relationship between security and survival. For Waltz (1979), 'security is taken as a action in a world where the security of states is not assured.'⁶⁶ Similarly Waever, Buzan and de Wilde (1998) take position about security and survival while they define security as a 'survival in the face of existential threats.'⁶⁷ Second influence of

⁶¹ Ibid p. 365

⁶² Williams M. "Words, Images, Enemies: Securitization and International Politics" *International Studies Quarterly* 47 (2003) pp. 511-531

⁶³ Schmitt (1932) as cited in Taureck (2006) p. 13

⁶⁴ Williams M. "Words, Images, Enemies: Securitization and International Politics". *International Studies Quarterly* 47, (2003) p. 516

⁶⁵ Taureck (2006) p. 16

⁶⁶ Waltz K. (1979) as cited in Taureck (2006) p. 18

⁶⁷ Buzan, Waever, de Wilde (1998) p. 27

Waltz on securitization theory refers its relatively realist position due to the conditions of successful securitization. For a successful securitization to be realized, the social conditions of securitizing actor are needed to be appropriate which involves realist imprints in nature similar to Waltzian notion of distribution of powers and capabilities in the society.⁶⁸

In general, as being inspired by various theorists, the securitization theory of Copenhagen School rests on two central concepts.⁶⁹ Firstly, it involves trilogy of the speech act, the securitizing actor and the audience. Secondly, it rests on three 'facilitating conditions' that impact success of securitizing move.⁷⁰ Yet, Copenhagen School provides a significant contribution to the security studies literature and it also paves the way for huge debates. Many scholars including Stritzel (2007) argue that two centers of convictions securitization theory has are based on two separate readings which reflect two contradictory views to some extent.⁷¹ The first one mostly concentrates on the speech act conceptualized by the idea of textuality. He defines it as an internalist/poststructuralist/Derridian reading of securitization that is articulated in the concept of 'illocution'.⁷² On the other hand, Stritzel (2007) delineates the second understanding of securitization under 'the idea of embeddedness'. Despite the poststructuralist imprint of the first understanding, the second one is conceptualized under the influence of more constructivist standpoint which is embedded in externalist dynamics of the circumstances.⁷³

Due to the speech act and concept of performativity, the Copenhagen School agrees that they are all related with the existing context in which new meanings and new patterns are constituted by the power of speech acts in the preexisting context.⁷⁴ Similarly, all actors,

⁶⁸ Taureck (2006) p. 18

⁶⁹ Stritzel, H. "Towards a Theory of Securitization: Copenhagen and Beyond" *European Journal of International Relations* 13.3. (2007) p. 358

⁷⁰ Ibid p. 358

⁷¹ Ibid p. 359

⁷² Ibid p. 359

⁷³ Ibid p. 359

⁷⁴ Ibid p. 361

structures and social relations are also constituted by the performative power of speech acts retroactively. However, the second main centre of the securitization theory differentiates the CS from other radical poststructuralists. Although they concentrate on the discursive features of speech acts, they add contextuality as an external dynamic of a successful securitization act.⁷⁵ In that sense, Stritzel (2007) highlights an implicit objectivism in the overall poststructuralist/discursive approach of securitization theory.⁷⁶ This tension between extra-discursive readings involved in discursive one is explained by Taureck (2006) under a new concept called 'post-structuralist realism' which is specific to the Copenhagen School.⁷⁷ According to this concept, securitization theory is a post-structuralist reading of realism on the one hand, and it is a post Waltzian structural realism on the other. While the core realist concepts are kept as important elements, the discursive approach of post-structuralism is also applied to these elements. Taureck (2006) agrees with Stritzel due to the contradictory features between securitization theory and post-structuralist standpoint. Since the securitization theory does not question everything as being constructed and it takes certain entities as socially constructed given; it differs from other post-structuralist theories.⁷⁸ Therefore, the securitization theory draws a mix approach between realism and post-structuralism.⁷⁹ However, on the contrary to criticisms, Taureck (2006) explains this approach not as an inconsistency, but rather 'a balancing act' which is defined as a moderate constructivism or a third way between extremists.⁸⁰ In that sense, this formulation of securitization theory is not a theoretical vagueness or a weakness, rather it is strength of the theory which is able to combine four different theorists under a coherent and a new approach that resembles a midway.⁸¹

In addition to theoretical inspirations of the framework, the securitization theory attempts to expand the notion of security beyond the borders of military-political

⁷⁵ Ibid p. 364

⁷⁶ Ibid p. 366

⁷⁷ Taureck (2006) p. 22

⁷⁸ Ibid p. 24

⁷⁹ Ibid p. 26

⁸⁰ Ibid p. 26

⁸¹ Ibid p. 27

understanding and also state-centered unit of analysis by including different sectors of security notion and different levels of analysis.⁸² The CS broadens the conception of security by five categories: military, economic, environmental, political and societal security.⁸³ These five sectors are analytical devices with specific types of interaction in which dynamics of each category of security are determined by different types of referent objects and threats.

2.2. Securitization of Immigration Policy as a Societal Sector

Societal security is different from other four sectors with respect to its distinct formulation of referent object. Though in the other four sectors, the referent object is the state, it becomes the society itself in the societal sector.⁸⁴ According to Buzan and Waever (1998) the key to society which is a much more varied phenomenon is constructed by ideas and practices that identify members of a social group. Thereby a society directly associates with identity and self-conception that help to differentiate themselves from other communities. Hence, societal security exists when a community defines an issue as a threat to their survival as a community.⁸⁵ Threats to the identity question the construction of certain entity by threatening 'we' identity and thereby help to reproduction process of 'us'.⁸⁶ Therefore, potential threats to society put 'we' identity into jeopardy which provides appropriate circumstances for securitizing actor to securitize an issue. Since identities vary regarding to time period and place; this dynamism gives a high level of maneuverability to the securitizing actor in order to define an issue as a security issue from wide range of

⁸² Buzan et al. (1998) p. 22

⁸³ Ibid p. 22

⁸⁴ Buzan et al. (1998) p. 119

⁸⁵ Ibid p. 119, 120

⁸⁶ Ibid p. 120

issues.⁸⁷ Unlike states, societies do not have a final actor; rather the elites within the society take this mission as securitizing actors.

In the Copenhagen School, immigration is viewed as an issue among the potential threats to identity of a society. In their formulation, 'X identity is being changed by a shift in the composition of the population' which leads to a change in construction of a certain identity and risks its homogeneity.⁸⁸ Bigo (2002) claims that migration refers a danger to the 'homogeneity of the people' in which the term of immigrant is reminiscent of something destructive.⁸⁹ In other words, an image of immigration refers an outsider coming inside who is a potential danger to the homogeneity of the society and polity. He defines image of immigration through categories of the national and the state which is different from the CS. The issue of immigration as a threat is based on the conception of the state which is considered as a container of the entity and thereby of the identity.⁹⁰ National identity is guaranteed by the existence of the state within the certain territorial boundaries that is indispensable element for the definition of the identity.⁹¹ In that sense, immigration is seen as a danger both for the state and the society in which the former has fears about losing its symbolic control over the territorial boundaries while the later has feeling of a worry and unease in the conditions of uncertainty of everyday life.⁹² Bigo (2002) correlates this unease among the individuals with the neoliberal discourse of freedom which is limited with danger and security that consequently contributes unease in the society when the society define an issue as a danger to its self-perception identity. However, to Buzan and Waever (1998),

⁸⁷ Waever O. "Societal Security: the concept" in Waever O., Buzan B., Kelstrup M. And Lemaitre P. (eds) *Identity, Migration and the New Security Agenda in Europe* (London: Pinter Publishers LTD, 1993) p. 41

⁸⁸ Buzan et al. (1998) p. 121

⁸⁹ Bigo D. "Security and Immigration: Toward a Critique of the Governmentality of Unease" *Alternatives*, Special Issue (2002) (27) p. 65

⁹⁰ Bigo, (2002) p. 65

⁹¹ Bigo (2002) p. 65 as well as Bounfino A. "Between Unity and Plurality: The politicization and Securitization of the Discourse of Immigration in Europe" *New Political Science* 26.1 (2004) p. 27

⁹² Bigo (2002) p. 67

'nation' and 'state' are not synonymous and national identity substantially associates with the societal identity in which societal security can be understood by we-identities or collective units.⁹³ Thus the definition of societal identity is related with a certain form of political identity which would be nations, religious or ethnic communities.⁹⁴ The most common criticism has been launched by many critical theorists address the definition of identity by the CS which tends to reify the concept.⁹⁵ Associating the societal identity with the national one is even dangerous due to its approach which reifies both society and identity.⁹⁶

McSweeney (1998) argues that societal security conceptualizes the society in a correlation with a single identity that has been illustrated as a fixed "thing", "object" or a "social fact" which potentially dangers both rise of intolerant identities and also fluid, constraining structure of identity.⁹⁷ In a defense of the CS, William (2003) answers the critique by arguing that societal security portrays the concept of identity as reified monolithic form only under the circumstances of securitization which has been ignored by McSweeney.⁹⁸ Likely, the CS accepts that societies have multiple identities but during the securitization process this reality is being underestimated.

In addition to the criticism of a single identity concept, McSweeney (1998) furthers his critique by addressing the objectivist approach of Copenhagen School regarding to the concept of identity. According to him, identity can be approached either by constructivist

⁹³ Waever O. "Societal Security: the concept" in Waever O., Buzan B., Kelstrup M. And Lemaitre P. (eds) *Identity, Migration and the New Security Agenda in Europe* (London: Pinter Publishers Ltd, 1993) pp. 25-26

⁹⁴ Ibid p. 26

⁹⁵ Bilgin P. (2011) pp. 203-222

⁹⁶ Ibid p. 213

⁹⁷ McSweeney B. "Durkheim and the Copenhagen School: a response to Buzan and Waever" *Review of International Studies* 24 (1998) pp. 137-140 as well as McSweeney B. "Identity and Security: Buzan and the Copenhagen School" *Review of International Studies* 22 (1996) pp. 81-93

⁹⁸ Williams M. "Words, Images Enemies: Securitization and International Politics" *International Studies Quarterly* 47 (2003) pp. 511-531

perspective which considers the concept of identity as a constructed process or by objectivist view which takes identity as an unproblematic, social fact.⁹⁹ He defines identity from a constructivist angle in which it is conceptualized as a narrating, a storytelling or an active process which can be only grasped as an act or a structure.¹⁰⁰ In that sense, McSweeney (1998) accuses the CS for taking objectivist standpoint while they define identity as a 'thing' rather than analyze the construction of an identity formation process.¹⁰¹ Buzan and Waever (1997) respond that both two approaches are valuable in which one can study the process to explain why it is there as an object of security policy or rather one can study current forms of security policy.¹⁰² Though they do not oppose the constructivist perspective on the definition of identity, they suggest that in order to understand as identity as a referent object in security studies, one has to analyze the 'label symbolizing it'.¹⁰³ In addition to accepting that identities are not stable and do change, they also state that they are a possible object of securitization in which potential security discourses would be constituted and the referent would become relatively stabilized.¹⁰⁴ Thus ultimately they become 'thingish' enough in mobilization of security policy and in the defense of it by securitization actors. Therefore, while McSweeney (1998) states that the only valuable approach to engage identity is constructivist one by analyzing the formation process, the CS favors to divide it into two appropriate manner in the analysis of identity especially for security studies.

In reference to the societal security, Ole Waever (1995) also point outs that securitizing actors are the elites who repeat security speech acts in order to reproduce existing hierarchies in the society.¹⁰⁵ A similar perspective is shared by Bounfino (2004) who

⁹⁹ McSweeney (1998) p. 137.

¹⁰⁰ Ibid p. 138

¹⁰¹ Ibid. p. 138

¹⁰² Buzan B. and Waever O. "Slippery ? Contradictory? Sociologically untenable? The Copenhagen School Replies" *Review of International Studies* 23 (1997) p. 244

¹⁰³ Ibid p. 244

¹⁰⁴ Ibid p. 243

¹⁰⁵ Waever, O. "Securitization and Desecuritization" in Lipschutz D.R. (ed) *On Security* (New York: Colombia University Press,1995) pp. 54-57

suggests that prevailing ideology symbolize certain type of discourse which pave the way for the construction and then ultimately reconstruction of existing power relations in the society.¹⁰⁶ Hence, the securitizing actors choose to prefer one discourse over another in order to retain those existing power relations.¹⁰⁷ Lipschutz (1995) shares the idea of security discourses which are constituted by a struggle or a conflict of powers between different groupings within the society and accordingly by the historical structures shaped by those power relations.¹⁰⁸

2.3. Securitization of European Immigration Policy

A broad literature on the EU integration seeks to analyze how the process of Europeanization of immigration policy is highly correlated with restrictive policies against immigrants and how the image of immigrants has gained a new vision as a security threat in that process. The process has been explained by different scholars with different perspectives.

Scholars such as Faist (2004), Karyotis (2003), Miller (2001) and Tirman (2004) link immigration to a wide array of socio-economic issues such as unemployment, criminality, terrorism or political instability and explain this linkage on the 'security-migration' nexus. Another group of scholars like Huysmans (2000), Bigo (1998), Guild (2009), Lavenex (2001), Kostakoupolou (2000) and Ceylan and Tsoukala (2002) draw upon securitization theory in the analysis of Europeanization of immigration policies and their social construction as security issues. However, while some seek to explain it by the framework of the CS, others

¹⁰⁶ Bounfino A. "Between Unity and Plurality: The Politicization and Securitization of the discourse of Immigration in Europe" *New Political Science* 26.1. (2004) p. 27

¹⁰⁷ Ibid p. 25-26

¹⁰⁸ Lipschutz R.D. "On Security" in Lipschutz D.R. (ed) *On Security* (New York: Colombia university Press,1995) p. 8

like Bigo (1992) and Balzacq (2005) concentrates on the securitization of practices by police officials and technological devices.

Huysmans (2006) asserts that societal framing is a “messy” and complex process which is cannot be reduced to the political construction of a certain identity as a referent object and migration as a threat, representation of migration as a fixed existential threat as in the societal security concept would produce a distorted picture of the process.¹⁰⁹ From the securitization perspective of the CS, societal security, particularly migration, is being referred to societal developments threatening the identity of certain group of people rather than a state as a sovereign organization and whereby a culture security problem is being introduced in security studies. However, Huysmans (2006) criticizes the CS in that sense by claiming that securitization of immigration takes place in a political game in which not just survival is at stake but additionally the nature and regulation of political construction and regulation of trust among community are at stake.¹¹⁰ In that sense, since the politics of insecurity refers politics of belonging, construction of immigration and asylum into the objects of fear in the European integration process would be analyzed through the debates that are relevant for the constitution of belonging in the EU. Thus, the construction of immigrant as a “societal fear” is composed of three themes: internal security, cultural identity and welfare.¹¹¹

Firstly, the neo-functionalist notion of spill-over theory attempts to explain incentives on cooperation in the strengthening external borders through the eyes of formation of internal market. Due to the abolishment of internal border and facilitating of transnational flows of goods, capital, services and people; a common incentive has been occurred on the assumption that illegal movement of goods and people primarily happens

¹⁰⁹ Huysmans J. “European Integration and Societal Insecurity” in *The Politics of Insecurity: Fear, Migration and Asylum in the EU* (London and Network: Roudledge, 2006) pp. 82-83 as well as Huysmans J. “The European Union and Securitization of Migration” *Journal of Common Market Studies* 38.5 (2000) pp. 751-777

¹¹⁰ Ibid p. 63

¹¹¹ Ibid p. 64

at the border because of security deficit.¹¹² However, Norman (2008) asserts that spill-over effect of neo-functionalism is inadequate to describe the process of Europeanization of immigration policy.¹¹³ Similarly, according to Huysmans, linkage between internal and external borders has to be framed in terms of particular side effects of formation of internal market. In that sense, the market would not only create free movement, but also facilitate illegal and criminal act by terrorists, asylum-seekers and immigrants.¹¹⁴ A “successful” speech act articulates this side-effect and produces security continuum related with border control, terrorism, international crime and migration. Therefore, this discourse produced by ‘technique of government’ defines freedom and security as competing and complementary concepts.¹¹⁵ Den Boer (1995) agrees in the sense that internal security discourse paved the way for misperception in the assumption that illegal immigration and accordingly transnational crime are reinforced by abolishing internal borders.¹¹⁶ Bigo (2001) correlates internal security discourse with certain professionals and bureaucratic network in which they work to legitimize their presence by creating a security field.¹¹⁷ In this security discourse, limits between internal and external security are merged and new linkage has been created between transnational crimes, illegal immigration and internal stability. In parallel with Huysmans and Bigo, Lavenex (2001) also points out a homogeneous

¹¹² Bigo D. “Frontiers and Security in European Union: The Illusion of Migration Control” in Anderson M. And Bort E. (eds.) *The Frontiers of Europe* (Washington DC: Pinter 1998) p. 149-150

¹¹³ Norman L. “Asylum and Immigration in an Area of Freedom, Security and Justice. Eu Policy and Logic of Securitization” (2008) available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDsQFjAA&url=http%3A%2F%2Fsh.divaportal.org%2Fsmash%2Fget%2Fdiva2%3A16609%2FFULLTEXT01&ei=IBMft_a5AYytAaFu4WwDA&g=AFQjCNHBusVGONvYCQuOzA_J-HXXeakYEQ

¹¹⁴ Huysmans (2006) p. 71

¹¹⁵ Huysmans J. “A Foucaultian view on spill-over: freedom and security in the Eu” *Journal of International Relations and Development* 7 (2004) p. 295

¹¹⁶ Den Boer M. “Moving between Bogus and Bona Fide: The Policing of Inclusion and Exclusion in Europe” in Miles R. and Thranhardt D. (eds.) *Migration and European Integration the Dynamics of Inclusion and Exclusion* (London:Pinter, 1995) p. 97

¹¹⁷ Bigo, D. “Controlling a New Migration World” in Guiraudon, V. Joppke, C. (eds) *Migration and Security* (London:Routledge, 2001) p. 122

professional background of bureaucratic networks in Justice and Home Affairs in the EU which operates in confidentiality and is identified as the guiding agent for illegal immigration which is positioned as a side issue of single market. Therefore, the elaboration of those sophisticated mechanisms of control works as a self-reinforcing factor of security discourse.¹¹⁸

Huysmans's second theme related to the construction of immigrant as a societal fear is cultural identity of European integration which is one of the key issues in politics of belonging and accordingly question of immigrant.¹¹⁹ For Cesari (1997) immigrants and asylum seekers portray multicultural presence of cultural identity which is a challenging factor for the cultural homogeneity of Europe.¹²⁰ Heisler and Layton-Henry (1993) share the idea that discourse positioning immigrant as a cultural challenge to social and political integration of Europe is the main source for mobilization of security rhetoric.¹²¹ Due to the representation of immigrant by negative connotations, Huysmans highlights the dilemma in European society in which while an immigrant is presented as an acute problem for social and political stability and as a serious burden for European societies that should be kept at distance, at the same time, the fear of revival of racism prompts debates on multiculturalism.¹²² Bigo (2002) looks at the immigrant's representation from the eyes of member states in which each country work together in common immigration policies where they sell their fears about immigrants who challenge the construction of a citizen of a state.¹²³

¹¹⁸ Norman, (2008) p. 12

¹¹⁹ Huysmans (2006) p. 75

¹²⁰ Cesari J. *Faut-il avoir peur de l'Islam* (Paris: Presses de Sciences Po, 1997) cited in Huysmans (2006) p. 75

¹²¹ Heisler O.M. and Layton-Henry Z. "Migration and the links between social and societal security" in Waever O., Buzan B., Kelstrup M. And Lemaitre P. (eds.) *Identity, Migration and the New Security Agenda in Europe* (London: Pinter 1993) pp. 148-166

¹²² Ibid p. 76

¹²³ Bigo (2002) p. 71

As a third theme, Huysmans (2006) touches upon both radical and moderate version of welfare chauvinism as a stimulating factor for the mobilization of security discourse. Socio-economic stigmatization illustrates immigrants as the profiteers who illegitimately benefits from the system that they do not belong.¹²⁴ In a moderate version of this chauvinism, the common perspective suggests that welfare should firstly favor its “own” people of European member states. For Huysmans welfare chauvinism directly plays a key role in construction of immigrants and asylum-seekers as “scapegoats” who are threat for continuation of welfare state.¹²⁵

Another explanation regarding the process of “communitarisation” of European immigration policy and its progressive securitization analyzes the issue throughout the formation of “Fortress Europe”.¹²⁶ The idea of the creation of the so-called “Fortress Europe” is constructed as a result of simultaneous process of internal and external policies where internal mobility is promoted while the external borders become extremely tight. On the other side, Bounfino (2004) points out the power relations between member states behind the process of Europeanization of immigration policies.¹²⁷ According to him, national immigration policies have been reiterated at the European level with some small changes. As argued by Kostakoupolou (2000) communitarisation of immigration policy offers the member states an opportunity in order to expand their incentive on the control of borders of the nation state and impose their own security agenda at the EU level.¹²⁸ Therefore, common immigration policy reflects the interests of member states’ security oriented approach towards immigration. Guiraudon (2000) underlines the goals of security agencies who seek to maximize their power and enhance their position. Transnationalization game

¹²⁴ Huymmans (2006) p. 79

¹²⁵ Ibid p. 79

¹²⁶ Talani, L.S. “The internal and external dimension of the ‘Fortress Europe’” in Talani L.S. (eds) *Globalisation, migration, and the future of Europe : insiders and outsiders* (London: Routledge, 2011) p. 61

¹²⁷ Bounfino (2004) p. 23

¹²⁸ Kostakoupolou, T. “The Protective Union: Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe” in *Journal of Common Market Studies*, (2000= p. 515

favors security officials in terms of providing appropriate arena where they can escape from public legitimization and national institutional constraints. Therefore, they preferred EU level common policy and to pursue their own agenda in the EU level in which Guiraudon (2000) defines as “venue-shopping”.¹²⁹

Overall, the process of securitization of European immigration policy has generated an intense debate entailing a broad range of explanations by different scholars. The appropriateness of the CS’s securitization theory for the EU policy is situated at the center of this debate.

¹²⁹ Guiraudon, J. “European Integration and Migration Policy: Vertical Policy Making as Venue Shopping” *Journal of Common Market Studies* 38.2 (2000) pp. 257-261

CHAPTER 3

EU IMMIGRATION POLICY and its SECURITIZATION in the COLD WAR / PRE-MAASTRICHT PERIOD

3.1. Introduction

In the course of the 1950s and 1960s migratory flows from poorer countries of the periphery like Southern Europe, North Africa to Western Europe was very common.¹³⁰ The construction of Europe triggered in an economic boom in those years which led to growth of

¹³⁰ Hollifield J.F. "Immigration and Integration in Western Europe : a comparative analysis" Paper for "Immigration into Western Societies : implications and policy choices", (1994) p. 4 available at http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:1221 as well as Talani L. S. "Internal and External Dimension of the 'Fortress Europe' in Talani L.S. (eds) *Globalisation, migration, and the future of Europe : insiders and outsiders* (London: Routledge, 2011) p. 62.

OECD countries on average by 5% per year.¹³¹ This created a major new demand for cheap labor by the push of growing economies especially in France, Germany and the UK. The rapid reconstruction of Europe spurred both private and public sector programs such as “guest-worker policies” in order to respond to the demand for additional workers.¹³² These flows were considered by received countries as a way to meet the necessities of the time and thereby were favored by national legislation.¹³³

Restrictive migratory policies began being adopted in the second half of the 1960s and increasingly in 1970s.¹³⁴ Policies of Western European countries shifted to halt immigration in the aftermath of the first big postwar recession in 1973-74 following the oil shock.¹³⁵ The major concern of national countries was protection of national labor market in the period of rising unemployment and economic crisis by closing the doors to further labor immigration and by expecting guest workers to leave.¹³⁶ However, informational and kinship networks had been established between immigrants and their home countries which contributed to increase of illegal entries.¹³⁷ The illusion of guest-worker programs implying a temporary migration created an expectation that the migratory process would be reversed in the period of economic crisis; however, after 1970s illegal immigration and asylum became an increasingly attractive mode of entry for unwanted migrants.¹³⁸

As a consequence of continuation of growth of immigrant populations by family reunions, temporary guest workers became more permanent settlers and therefore public

¹³¹ Stalker P: “Migration trends and Migration Policy in Europe” *International Migration* 40.5 (2002) p. 153.

¹³² Ibid p. 153

¹³³ Hollifield (1994) p. 4 as well as Boswell C. *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion* (Oxford: Blackwell, 2003) p. 10

¹³⁴ Hollifield (2004) p. 4

¹³⁵ Ibid p. 4

¹³⁶ Stalker (2002) p. 153

¹³⁷ Hollifield (1994) p. 8

¹³⁸ Ibid

awareness of immigrant population increased.¹³⁹ Before this period, immigration was not a central issue in European integration process. The formation of internal market and the abolition of internal borders by facilitating free movement of people created a gradual harmonization of immigration policy at the EC level in the period of 1970s and 1980s.

3.2. Free Movement of People vs. Exclusion

Treaty provisions linked the free movement of people within the European Economic Community (EEC) to the formation of internal market. In the Article 48 (1) of the EEC Treaty, the free movement of labor is provided with the abolition of nationality-based discriminatory measures regarding employment, remuneration and working conditions.¹⁴⁰ The beneficiaries of this right were referred as “workers of the Member States”.¹⁴¹ The first step in this direction was Regulation No. 15/61 of the Council stating that a “Community Worker” must be a “national” of a member state.¹⁴² Hence, treaty on free movement of people granted this right to nationals of member states only and excluded third country nationals who remained subject to the national legislations of member states.¹⁴³

In 1968, Regulation 1612/68 Article 1 (1) provided that nationals of a member state, irrespective of their place of residence, shall have “the right” for employment and “to pursue such activity within the territory of another member state”.¹⁴⁴ Article 4 (1) states

¹³⁹ Huysmans (2006) p. 65

¹⁴⁰ Treaty establishing the European Community - Community policies, Free movement of persons, services and capital, C 340 , 10/11/1997 P. 0193 *Article 48 (1)*

¹⁴¹ *Ibid*

¹⁴² Ugur M. “Freedom of Movement vs. Exclusion: A Reinterpretation of the ‘Insider’ – ‘Outsider’ Divide in the European Union” *International Migration Review* 29:4 (1995) p. 975

¹⁴³ *Ibid* p. 975

¹⁴⁴ Regulation (EEC) No 1612/68 of the Council on freedom of movement for workers within the Community *OJ L 257, 19.10.1968, p. 2–12* available at: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numpdoc=31968R1612&model=guichett

that a member state, though allowed to devise restrictions aimed at foreigners, could not extend them to the nationals of other member states.¹⁴⁵ Article 3 (2) also says that nationals of member states would not have to provide special recruitment procedures including medical checks or possession of work permits in which third country nationals have to do.¹⁴⁶ Due to the access to employment, Article 16 (2) provides priority to the nationals of member states vis-à-vis third country nationals where vacancies would be only offered to the third country nationals under the circumstances of absence of supply from other member states.¹⁴⁷

By the establishment of free movement of people on the basis of nationals of member states, the legislation distinguished for the first time between the right of EC-nationals and nationals from third countries. As Ugur (1995) puts it, ‘the Fortress Europe’ has prevailed since the establishment of the intra-EC freedom of movement in 1968 (Regulation 1612/68).¹⁴⁸ This has generated several interrelated outcomes in which firstly avoidance of unanticipated intra-EC migratory flows and secondly the maintenance of intergovernmental procedures rather than EC level legislations in the area of third country immigration is aimed.¹⁴⁹ The Paris Summit of 1973 confirmed that the citizens of member states can benefit from special rights and EC should formulate a common legislation for foreigners.¹⁵⁰

3.3. 1974 Action Programme in Favour of Migrant Workers and Their Families

¹⁴⁵ Ugur (1995) p. 976

¹⁴⁶ Ibid p. 976

¹⁴⁷ Regulation (EEC) No 1612/68 of the Council on freedom of movement for workers within the Community *OJ L 257, 19.10.1968, p. 2–12*

¹⁴⁸ Ugur (1995) p. 974

¹⁴⁹ Ibid p. 977

¹⁵⁰ Huysmans (2006) p. 66

Paris Summit represents a turning point with regards to a common EC approach to immigration. A first step in the development of this common approach was the European Commission's Action Programme in Favour of Migrant Workers and their Families adopted in 1974 by the European Council as a resolution on the Action Plan.¹⁵¹

In the Action Programme, the Commission emphasizes the urgency for the member states to adopt a common approach to deterrent measures due to the growth of irregular migration.¹⁵² Additionally, the Programme states that "if illegal immigration is allowed to go unchecked, there is serious risk of failure in the efforts to improve the social situation of the rest of the immigrant population".¹⁵³ Furthermore, it portrays the illegal immigration as a health risk for the local population in the document by stating that "naturally, clandestine migrants, not being subject to any medical control, are an additional health risk both to themselves and the local population."¹⁵⁴

In 1978, the Commission proposed a draft directive to combat illegal immigration and illegal employment. This proposed directive was based on four major objectives as follows: (i) strengthening of cooperation between member states in order to combat illegal migration, (ii) adoption of appropriate penalties, (iii) the fulfillment of employers' obligation, and (iv) protection of workers' rights relating to the work they carry

¹⁵¹ Ibid p. 66

¹⁵² European Commission "Commission of European Communities, Bulletin of the European Communities", "Action Programme in Favour of Migrant Workers and their Families" 14 December 1974 Official Journal COM(74) 2250 p.21. Available at: http://aei.pitt.edu/1278/01/action_migrant_workers_COM_74_2250.pdf

¹⁵³ Ibid p. 24

¹⁵⁴ Ibid p. 24

out.¹⁵⁵ Those objectives aim both preventing illegal immigration and also protection of the human rights of illegal migrants.¹⁵⁶

This directive was not adopted because of ‘difficulties in political and legal nature in the Council’ as it has been stated by the Commission later.¹⁵⁷ Although the lack of action demonstrates the Commission’s limited competence at that time with respect to third country nationals, it is instrumental in portraying the discourse about illegal immigrants. In the 1978 document, it was stated that “... the protection which should be provided for illegal migrant workers who, as is stressed in the opinion of the economic and Social Committee, are frequently the victims of unscrupulous individuals and in many cases believe that they have complied with the laws of the host country...”¹⁵⁸

Overall, besides restrictive and controlling measures, the discourse in the documents of 1974 and 1978 contains illustration of illegal migrant as a health risk to the population or a social threat. However, though it has been presented as the image of social threat, the proposals situated the issue of illegal immigration in the economic sphere particularly against exploiters of immigrant labor.

3.4. Single European Act (SEA)

The crises of the 1970s and early 1980s resulted in the decision of member states to push forward the completion of the internal market. In March 1985 the European

¹⁵⁵ European Commission “Proposal for a Council Directive concerning the approximation of the legislation of the Member States, in order to combat illegal migration and illegal employment” Official Journal Supplement 3/76 COM(78) 86 Final, Brussels, 3 April 1978, p.2 Available at: <http://aei.pitt.edu/3788/01/001266.pdf>

¹⁵⁶ Cholewinski, R. “The EU Acquis on Irregular Migration: Reinforcing Security at the Expense of Rights” *European Journal of Migration and Law* 2 (2000) p. 363

¹⁵⁷ Ibid p. 364

¹⁵⁸ Commission of the European Communities, “Proposal for a Council Directive concerning the approximation of the legislation of the Member State, in order to combat illegal migration and illegal employment” COM (78) 86 Final, Brussels, 3 April 1978, Article 4 (a)

Commission adopted a communication to the Council on “Guidelines for a Community Policy on Migration”.¹⁵⁹ The aim of the communication was firstly updating the Commission’s existing policy on migrant workers and their families and secondly proposing a discussion at the level of the Parliament and the Council about necessity for a progress in this area under the conditions of 1980s.¹⁶⁰ The economic and social situation of the Community portrayed by the Commission by high unemployment among disadvantaged groups including migrants and increasing uncertainty about job creation in the future which aimed to emphasize the necessity for limiting further immigration from third countries and for implementing coordinated measures by the member states. The Commission proposed three areas for a possible progress:

- Community law and related action regarding migrants who are the citizens of the Member States;
- Consultation between Member States and the Commission on national policies concerning third country nationals;
- Information for the population of the host countries and for migrants.¹⁶¹

This communication by the Commission was intended to create a participatory policy at the European level including the Council and the Parliament. In the same year, the Commission’s White Paper on the completion of internal market was published in which removal of physical, technical and fiscal barriers was objected.¹⁶² The result was the Single European Act which contemplated the formation of a single European market. The Article 7 (a) in the treaty is the keystone of the internal market which states that “an area without internal frontiers in which the free movement of goods, person, services and capital is insured” and to be achieved by 1992.¹⁶³ SEA was a new round in European economic

¹⁵⁹ Stetter, S. “Regulating Migration: Authority Delegation in JHA”, *Journal of European Public Policy*, (2000) 7/1 p. 86

¹⁶⁰ Talani (2011) p. 63

¹⁶¹ Ibid p. 64

¹⁶² Guild, E. “Competence, discretion and third country nationals: The European Union's legal struggle with migration”, *Journal of Ethnic and Migration Studies*, 24:4, (1998) p. 619

¹⁶³ Ibid p. 620

harmonization by the establishment of border-free Europe which consequently raised the issue of external frontiers.¹⁶⁴ As framed by den Boer so-called “internal security gap”, the formation of internal market contributed a perspective which considers illegal immigration and transnational crimes as a new issues and also reinforced by the abolition of internal border controls.¹⁶⁵ Therefore, the major focus was restriction of entries of illegal immigrants and asylum seekers to the single market. The perception on the prevention of illegal immigration by strengthening the border controls which was represented as an unintended result of the abolishment of internal borders provided a legitimate atmosphere for further restriction.¹⁶⁶

Although the representation of illegal immigrants as a social threat to the both population and internal market was shared by the member states and the Commission, the European level cooperation as stated by the Commission was refuted by some member states on the basis of sovereignty concerns.¹⁶⁷ As a consequence, intergovernmental cooperation mechanisms were approved without involvement of the supranational organs.¹⁶⁸ In that sense, neither the European Parliament (EP) nor the European Court of Justice (ECJ) had competence regarding to the creation of or control over this intergovernmental process which made it unaccountable either to domestic and EC institutions.¹⁶⁹ In the second half of 1986 a first meeting of ministers responsible for immigration was held in London. It was the first formal meeting of Interior and Justice

¹⁶⁴ Huysmans (2000) p. 759 as well as Hollifield (1997) p. 9

¹⁶⁵ den Boer, M. “Moving between Bogus and Bona Fide: The Policing of Inclusion and Exclusion in Europe” in Miles R. and Thranhardt D. (eds) *Migration and European Integration the Dynamics of Inclusion and Exclusion* (London: Pinter 1995) p. 97

¹⁶⁶ Bigo (1994) p. 165

¹⁶⁷ Lavenex (2000) p. 84

¹⁶⁸ Ibid p. 85

¹⁶⁹ Geddes A. *Immigration and European Integration Towards Fortress Europe* (Manchester: Manchester University Press, 2000) pp. 69-72 as well as Guiraudon J. “European Integration and Migration Policy: Vertical Policy Making as Venue Shopping” *Journal of Common Market Studies* 38 (2000) pp. 257-261

Ministers of the member states in their new capacity as 'Ministers responsible for immigration' rather than informal meetings before.¹⁷⁰ Doubts were already arising regarding the compatibility of the abolition of internal frontier controls with control of movement of third country nationals.

On the implementation of Article 7 (a) EC, it has been stated as follows:

“The situation is worrying at all political levels where free movement of individuals is concerned. While considerable progress has been made since the Rhodes European Council in 1988 on the back-up measures for the abolition of border controls, the lack of political consensus on the actual scope of Article [7A EC] is still apparent. The second meeting of the European Council at Rome on the subject of free movement of persons noted with regret that a delay had occurred in relation to the programme. It considers it necessary to give full scope to the provisions of the Single Act on free movement of persons. It wants the necessary decisions, in particular, on the crossing of external borders, to be taken at an early date to ensure that the 1 January 1993 deadline is met. The two Conventions on the examination of applications for asylum and on the administration of the external frontier, the basic elements of which had been ready for more than a year, have not yet come into force for want of ratification in the case of the former and for want of signing in the case of the latter.¹⁷¹

The Palma document, “Report to the European Council by the Coordinators Group, Note on the Free Movement of Persons” was adopted in 1989 in order to establish the necessary measures for the creation of internal market by abolition of internal borders and at the same time strengthening checks of external borders in a dual strategy.¹⁷² This document was the initiation of Group of Coordinators which gained a competence for

¹⁷⁰ Guild (1998) p. 621

¹⁷¹ European Commission (SEC) (92) 877 final, Brussels, 8 May 1992 available at: <http://aei.pitt.edu/5141/1/5141.pdf> as cited in Guild (1998) p. 621

¹⁷² Madrid European Council - Presidency Conclusions. SN 400/95 Part B. 16/12/95 available at: http://www.europarl.europa.eu/igc1996/fiches/fiche39_en.htm

coordinating the instruments of intergovernmental mechanism on illegal immigration and asylum, namely TREVI (1976) and Ad Hoc Group on Immigration (1986).

3.5. TREVI and Ad Hoc Group on Immigration

The first intergovernmental working group on immigration –the so-called TREVI group– was set up in 1976 by the twelve EC member states in order to enhance cooperation between law-enforcement agencies in the area of counter terrorism.¹⁷³ The group was preceded by a number of intergovernmental meetings and finally was set up as a special working group to combat terrorism during the Council of Ministers meeting in Rome in December 1976 by the proposal of UK Foreign Secretary¹⁷⁴. The group was a form of intergovernmental cooperation which excludes the European Parliament and the European Commission and it was not based on any formal treaty provision. The policy areas of the TREVI group extended in 1980s by including illegal immigration and asylum flows in addition to the terrorism. It contained four sub-groups: one each on terrorism, police cooperation, crimes and drug trafficking, policing and security implication of the SEA.¹⁷⁵

Ad Hoc Group on immigration which grew out of the TREVI group in 1986 was charged with responsibility for policies on immigration and asylum. It had six sub-groups: one each on asylum; external frontiers; false documents; admissions; deportation; and information exchange.¹⁷⁶ The period of ad hocery lasted from 1976 to 1988 when the appointment of the Coordinators' Group in 1988 stated the beginning of the transformation from ad hoc inter-state mechanisms to European level.¹⁷⁷

¹⁷³ Bunyan (1993) p. 28 as well as Talani (2011) p. 63

¹⁷⁴ Talani (2011) p. 63

¹⁷⁵ Guild (1998) p. 622

¹⁷⁶ Ibid p. 622

¹⁷⁷ Bunyan, T. "Trevi, Europe and the New European State", in T. Bunyan (ed) *State-Watching the New Europe A Handbook on the European State* (Nottingham: Russell Press, 1993) pp. 27-33

3.6. Schengen Acquis

The significant result of intergovernmental cooperation between member states was the Schengen Implementing Agreement (SIA) which was adopted in 1990 in order to implement the original agreement between France, Germany and the Benelux countries.¹⁷⁸ SIA was an important action in terms of realization of internal market in which free movement of goods, persons, services and capital is ensured. The Article 30 of the Agreement wished to abolish all the checks on both individuals and goods by 1 January 1990.¹⁷⁹ The objective of abolition of internal borders also necessitated the facilitating of external border controls and particularly a common visa policy.¹⁸⁰ It listed a number of measures designed in order to keep the level of security of the free area as high as possible.¹⁸¹ Those measures considering the security of the internal market had to be implemented before the opening up of the internal borders. In general, the Schengen Agreement provided for:

- the creation of external frontiers;
- common rules on carrier liability and punishment of illegal migration;
- the harmonization of policies on external frontiers, including visa policies and asylum laws.¹⁸²

A common visa policy aimed to prevent discrepancy between member states and their different policies concerning the entrance to the union.¹⁸³ Moreover, the Agreement listed the countries according to whose nationals are considered in possession of visa (black

¹⁷⁸ Guild (1998) p. 623

¹⁷⁹ Talani (2011) p. 65

¹⁸⁰ Guild (1998) p. 623

¹⁸¹ Talani (2011) p. 65

¹⁸² Talani (2011) p. 65 as well as Geddes (2000) p. 81

¹⁸³ Ceyhan (2005) p. 219

list) and whose nationals are free from this requirement (white list).¹⁸⁴ This visa obligation “denotes a suspicion towards a country or a nationality as a whole” and particularly towards the immigrant.¹⁸⁵ In the agreement illegal immigration was perceived as a cross-border threat in conjunction with the abolition of internal borders:

“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.”¹⁸⁶

Additionally the Schengen Agreement contributed to the criminalization of the illegal immigrant by stating that free movement of people would ‘set the gates open for illegal immigrants, criminals and organized crime’.¹⁸⁷ It referred to the protection of internal market and internal security from external threats.¹⁸⁸

¹⁸⁴ Ibid p. 219

¹⁸⁵ Bigo D. And Guild E. “Policing at a Distance: Schengen Visa Policies” in Bigo D. and Guild E. (eds) *Controlling frontiers Free Movement Into and Within Europe* (Aldershot: Asgate, 2005) p. 236

¹⁸⁶ 'The Schengen acquis - Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders' Official Journal L 239, 22/09/2000 P. 0013 - 0018 Article 7 Available at:
[http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000X0922\(01\):EN:HTML](http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000X0922(01):EN:HTML)

¹⁸⁷ 'The Schengen acquis - Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders' Official Journal L 239, 22/09/2000 P. 0013 - 0018 Article 9 Available at:
[http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000X0922\(01\):EN:HTML](http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000X0922(01):EN:HTML)

¹⁸⁸ Huysmans (2000) p. 757

3.7. Concluding Remarks

The process of securitization of illegal immigration in the pre-Maastricht period could be categorized in three phases. The first phase of the evolution goes from 1957 to 1974; the second phase from 1974 to 1985 and finally third phase covering the period from 1985 until Maastricht Treaty.

The immigration was perceived as a necessity for the economic growth of European countries which had not been considered as a matter to worry about or a question requiring any special restrictive actions.¹⁸⁹ In the second phase, the representation of immigrant gained a negative connotation due to the economic aspects of the internal market. In those years, the image of immigrant population became visible and had been perceived as a social threat. Public health and the protection of the internal market were the referent objects which were seen as threatening because of rise of illegal immigration. In the second phase of the evolution policies on illegal immigration have started to be restricted by referring social and economic protection of the internal market which created externalities such as strengthening the external frontiers. Finally, in the third phase of the process, there was an attempt of using the concept of illegal immigration together with criminals and organized crime. The functions of TREVI group which was responsible for combating terrorism since 1976 had been enhanced by including illegal immigration and organized crime as well in 1985. Additionally within the framework of Schengen, illegal immigration and asylum were not distinguished from terrorism, drug trafficking and crime. In that sense, the third phase of the pre-Maastricht period would be characterized as the amalgamation of the issues such as illegal immigration and terrorism and organized crime under the same umbrella.

With regard to the securitizing actors this period in general, the role of the Commission was very limited. All attempts for the common policy on immigration and asylum stayed at the intergovernmental level in which the dominant actors were member states. Additionally, although member states sought to have restrictive measures after 1974; an effective administrative structure for those measures did not exist. Within the circumstances of lack of competences at the EC level, the consistency and coherence

¹⁸⁹ Talani (2011) p. 62

regarding to the formation of a common immigration policy were very thin. Therefore all the actors who had competences on this period were member states rather than the European Commission or the European Parliament. Bigo defines it as in which “each country started to sell its fear” to the other countries in order to create a wider security definition.¹⁹⁰ Thus the cooperation between member states were not actually necessitated because of real threat of terrorism or organized crime; rather those issues were exacerbated by national states in order to justify the outcomes of this cooperation due to the aggravated representation of illegal immigrants and asylum seekers.¹⁹¹ The paradox between the discourse and practices was not apparent due to the lack of securitizing practices in this period.

Table 1: Summary of Securitization Process in Cold War/pre-Maastricht Period

Securitizing Actors	Referent Object	Securitizing Practices
European Commission (limited - being an observer)	Social and economic welfare Public Health	No securitizing practices
Member States	Protection of internal market Internal Security	No securitizing practices

¹⁹⁰ Bigo (2002) p. 71

¹⁹¹ Bigo (1994) p. 162

CHAPTER 4

EU IMMIGRATION POLICY and its SECURITIZATION in the POST-COLD WAR / MAASTRICHT PERIOD

4.1. Introduction

The post-Cold War decades have been described by a strong emphasis on identity and identification means and technologies under the circumstances of absence of fixed, certain external threat.¹⁹² In that sense, assigning a recognizable identity to an individual, group or entity has received significance for state authorities under era of uncertainty. The major character of the process in this period is the contribution of “common interest” of Member States at the EU level that involves further security-oriented and restrictive discourse. The establishment of the Justice and Home Affairs pillar by the Maastricht Treaty in 1992 aimed a common policy on prevention of illegal immigration and also joint actions in order to deal with it. The inadequacy in coherence and consistency was

¹⁹² Ceyhan (2005) p. 209

tried to be further formalized by the form of partial communitarisation introduced by the Amsterdam Treaty in 1997. By creation of an area of freedom, security and justice, the illustration of Europe has gained the utterance of “us” and “them dichotomy which provided legitimate atmosphere for further exclusionary mechanism concerning the “others” of the “Union citizens” who are the illegal immigrants and asylum seekers.

4.2. Maastricht Treaty

Intergovernmental nature of immigration and asylum policy has been continued with the Maastricht Treaty which has introduced a third pillar, Justice and Home Affairs (JHA) to the composition of the EC. The intergovernmental structure of JHA remained outside the institutional and jurisdictional framework of the Community institutions.¹⁹³ The innovation initiated by the Maastricht was new responsibility of Ad Hoc Group on Immigration and Schengen Group in order to set out a common European immigration policy which was mentioned as an explicit subject of JHA.¹⁹⁴

Title VI of the Treaty stated that immigration is “a matter of common interest” together with the fight against drugs and fraud, judicial cooperation in civil and criminal matters, customs cooperation and police cooperation in the fight with terrorism, drugs trafficking and other forms of international crime.¹⁹⁵ Those issues of common interest were stated in Articles K1 of the Treaty:

- 1 “asylum policy;
- 2 rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;

¹⁹³ Lavanex (2000) p. 106

¹⁹⁴ Treaty on European Union, 92/C 191/01 available at <http://eurlex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

¹⁹⁵ “Treaty on European Union” Title VI Provisions on Cooperation in the Fields of Justice and Home Affairs, Official Journal C 191 29/12/1992 Article K (1) Available at: <http://eurlex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>

- 3 immigration policy and policy regarding nationals of third countries: (i) conditions of entry and movement by nationals of third countries on the territory of Member States; (ii) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment; (iii) combating unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;
- 4 combating drug addiction in so far as this is not covered by 7 to 9;
- 5 combating fraud on an international scale in so far as this is not covered by 7 to 9;
- 6 judicial cooperation in civil matters;
- 7 judicial cooperation in criminal matters;
- 8 customs cooperation;
- 9 police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (EUROPOL).¹⁹⁶

Hence once more, the Maastricht Treaty repeated the incorporation of immigration and asylum issues with the fight against organized crime and terrorism. Bigo (1994) and Huymans (2000) argue that this incorporation provided by the Title VI of the Treaty contributed the creation of a “security continuum”.¹⁹⁷ This amalgamation makes illegal immigration and a criminal behavior as equivalent threats which demonstrates that communitarization of policy on illegal immigration and asylum by Maastricht Treaty facilitated the securitization of immigration.¹⁹⁸

The first contribution by the Commission due to the necessity for a long-term, comprehensive approach to combat illegal immigration was published in 1994 with the “Communication on Immigration and Asylum Policies”:¹⁹⁹

¹⁹⁶ Talani (2011) p. 67 also see Art K1 of the TEU (Official Journal C 191, 29 July 1992)

¹⁹⁷ Bigo (1994) p. 162 as well as Huysmans (2000) p. 760

¹⁹⁸ Huysmans (2000) p. 760

¹⁹⁹ Communication from European Commission COM (94) 23 Final, 23 February 1994 available at: <http://aei.pitt.edu/1262/>

“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 societies. A comprehensive approach needs, therefore, to take account of that fact and address the issue of the presence of those third country nationals and their families”.²⁰⁰

Rather than the representation of illegal immigration as threat for national economies or public health, this time the Commission highlighted its character being as a transnational issue that needs a comprehensive management referring coordination between Member States, cooperation in border management and additionally cooperation in information exchange with the third countries in order to combat illegal immigration.

4.3. Dublin Convention Applying the Schengen Agreement of 14 June 1985

Dublin Convention was signed on 15 June 1990, however came into force in 1999. Together with the realization of the Schengen Agreement in 1995, the sufficient measures to guarantee free movement of people within the EU were related to:

- surveillance of external borders;
- harmonization of visa policies;
- criteria for designating the country responsible for processing an application for asylum;
- cooperation between police forces;
- cooperation between the legal authorities in matters covered by criminal law;
- delegation of responsibility for enforcing criminal judgments;

²⁰⁰ Ibid

- the Schengen Information System (SIS)²⁰¹

The major impact of Dublin Convention was in the area of visa applications. The aim of the Convention was elimination of “asylum shopping” in which asylum seekers make applications in more than one country until they are granted the status.²⁰² Additionally, as stated in the Convention, asylum-seekers would apply in the member states that they had arrived which as a result pushed the problems of asylum to the member states at the border. Furthermore, the Convention sought to make the asylum procedures quicker and thereby to reduce the duration time detention by asylum-seekers by off-loading the responsibility for asylum to non-EU third countries that are categorized as safe countries under the Geneva Convention in order to make them to move asylum-seekers out of the Union.²⁰³ The application of the Convention ensured that every application of asylum-seekers would be examined by just a Member State unless a safe non-EU third country is considered as responsible.²⁰⁴ A number criteria introduced by the Convention regarding visa policies resulted in the decrease of the number of applicants.²⁰⁵

4.4. Treaty of Amsterdam

The partial communitarisation of the sections of the Third Pillar relating to immigration, asylum and refugees was one of the most important innovations of the Amsterdam Treaty which was signed in 1997 and entered into force in 1999. The Treaty transferred the immigration and asylum policies from the Third Pillar to the Community

²⁰¹ See articles of the Schengen convention available at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922\(02\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922(02):EN:HTML)

²⁰² Geddes (2000) p. 77

²⁰³ Ibid

²⁰⁴ Talani (2011) p. 66

²⁰⁵ Huysmans (2000) p. 760

pillar which was a break in the intergovernmental methodology.²⁰⁶ Title IV EC entitled Visa, Asylum, Immigration and other Policies related Free Movement of Persons introduced the creation of an “area of freedom, security and justice” (AFSJ)²⁰⁷ The transfer of sections relating immigration and asylum from Third Pillar to the First seemed to promise introduction of a constitutional basis, more democratic control in the areas concerning the civil liberties.²⁰⁸ However, this shift and partial communitarisation of policy opened way for installation of logic of exclusion and also deepened the security paradigm.²⁰⁹ Hence, it allowed the Member States to transfer their exclusive and restrictive approach to immigration beyond the borders of the Union which was also guaranteed under the protective umbrella of the EU.²¹⁰ Thus it would be supported that the partial communitarisation of policies on immigration and asylum paradoxically deepened the security paradigm instead of guaranteeing rights of migrants.

Firstly, it should be noted that not all issues relating the illegal immigration were located under the Title IV EC.²¹¹ Only certain measures in the areas of free movement of persons, checks at external frontiers and protection for the rights of the nationals from non-member countries were included in the First Pillar.²¹² Measures relating with the trafficking in persons remained in the intergovernmental level.²¹³ Furthermore, although it has been considered as a partial communitarisation, the Council of the European Union continued to

²⁰⁶ Kostakopoulou T. “The ‘Protective Union’: Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe” *Journal of Common Market Studies* 38.3 (2000) p. 498

²⁰⁷ Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts, Protocol integrating the Schengen acquis into the framework of the European Union Official Journal C 340, 10/11/1997 Available at: <http://eurlex.europa.eu/en/treaties/dat/11997D/htm/11997D.html#0140040061>

²⁰⁸ Kostakoloupou (2000) p. 499

²⁰⁹ Kostakoloupou (2000) p. 499 as well as Talani (2011) p. 68

²¹⁰ Talani (2011) p. 68

²¹¹ Treaty of Amsterdam, O.J. C 340, 10 November 1997 available at <http://eurlex.europa.eu/en/treaties/dat/11997D/htm/11997D.html>

²¹² Talani (2011) p. 69

²¹³ Ibid

play key role in decisions. Although it was included in the Title IV EC under the community method, unanimity was adopted for decision-making process.²¹⁴ In the first five years of transition period, Council took the decisions on the basis of the Commission's or a Member State's proposals after consulting the EU parliament.²¹⁵ After the transition period, the Commission became only body for giving proposals; however, it also had to consider requests by a Member State.²¹⁶ Apart from the shared role of the Commission, the EP was only given a consultative role and also ECJ did not have any jurisdiction to rule on the areas covered by Article 62 (1) relating the "law and order" and protection of internal security.²¹⁷ As a consequence, the Council remained as the coordinator in which Member States continued to have sole responsibility for protection of internal security. The distribution of power on the areas relating the illegal immigration and asylum is determinant in the analysis of hegemonic actors and their discourse on this issue. In that sense, although the Treaty of Amsterdam introduced partial communitarisation of policy in illegal immigration; the security discourse used by the Member States before had been repeated and even deepened by this time. Kostakopoulou (2000) argues that "states continue to be the chief interpreters of security and still remain the control of this discourse".²¹⁸ The continued absence of democratic and judicial control for the rights of the immigrants together with the limited role of the EP and the ECJ allowed the continuation of this discourse. Therefore the shift from national to the community level paradoxically diminished the protection of social and political spaces the immigrants.²¹⁹ As argued by Talani (2011), this shift should be considered not as a supranationalisation of the management of the policy, instead an institutionalization of intergovernmental practices in which Member States' security discourse became stable.²²⁰

²¹⁴ Ibid

²¹⁵ Ibid

²¹⁶ Ibid

²¹⁷ Geddes (2000) p. 111 as well as Talani (2011) p. 69

²¹⁸ Kostakopoulou (2000) p. 511

²¹⁹ Talani (2011) p. 71

²²⁰ Ibid

The sections remained under the intergovernmental procedure is also important in order to analyze the hegemonic discourse in certain areas. Racism and xenophobia; terrorism; trafficking in persons and offences against children; drug trafficking; arms trafficking; corruption and fraud was still under the intergovernmental decision-making procedure.²²¹ The amended Article 2 TEU stated that “Union shall set itself the objective of developing and maintaining an area of freedom, security and justice.”²²² It has been defined as an area where free movement of people has to be ensured in conjunction with appropriate measures regarding external border controls, immigration, asylum and prevention of crime.²²³ This discourse reiterated the wording of the Maastricht Treaty by incorporating the issue concerning illegal immigration and asylum with the threats of criminality. In that sense, it would be argued that the security continuum established by the Maastricht has been legitimized this time by creation of AFSJ in which illegal immigration was perceived as a threat firstly to the free movement of people, secondly to public order and internal security and finally to justice.

According to the Council and the Commission’s Action Plan in 1998 which has been published as a guide for best implementation of the provisions of the Amsterdam Treaty:

“Freedom loses much of its meaning if it cannot be enjoyed in a secure environment and with the full backing of a system of justice in which all Union citizens and residents can have confidence. These three inseparable concepts have one common denominator – people- and one cannot be achieved in full without the other two. Maintaining the right balance between them must be the guiding thread for Union action. It should be noted in this context that the treaty instituting the European Communities (article 61 ex article 731a), makes a direct link between measures establishing freedom of movement of persons and the specific measures

²²¹ Talani (2011) p. 70

²²² Kostakopoulou (2000) p. 507 as well as Treaty of Amsterdam, O.J. C 340, 10 November 1997 available at <http://eurlex.europa.eu/en/treaties/dat/11997D/htm/11997D.html>

²²³ Ibid

seeking to combat and prevent crime (article 31 e TEU), thus creating a conditional link between the two areas”.²²⁴

As argued by Kostakopoulou (2000), the concept of security in the context of an area of freedom, security and justice refers the measures that aim to ensure the citizens of Europe live free from any risk or danger.²²⁵ Thus rather than a individual dimension of the concept of security that appears by threatening a certain object; the Community worries about the Union citizens because of being threatened and thereby being in need of security. Kostakopoulou explains this change in discourse as in which “the term security has undergone an expansion of applications in the EU, where it has until now been used in reference to defense and international security matters under the Common Foreign and Security Policy”.²²⁶

4.5. The Tampere Conclusions

After the adoption of the Amsterdam Treaty, a special European Council meeting held in Tampere regarding the implementation of provisions on the area of freedom, security and justice. The areas relating visa policies, external border controls, and penalties for illegal entry, detention of illegal migrants, human smugglers and traffickers had been discussed under the section of “Management of Migration Flows”.²²⁷

²²⁴ European Council and European Commission (1998) “Action Plan on how best to implement the provisions of the Treaty of Amsterdam establishing an area of freedom, security and justice” 12 July 1998 as quoted in Kostakopoulou (2000) p. 507

²²⁵ Kostakopoulou (2000) p. 507

²²⁶ Ibid p. 508

²²⁷ Tampere European Council 15 and 16 October 1999, Presidency Conclusions, “Towards a Union of Freedom, Security and Justice: The Tampere Milestones” para. 1. Available at: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf

After the statement which defines this project as an expression of citizens' concerns affecting their daily lives; the paragraph three of the conclusion explains how immigrants are involved in this objective:

"This freedom should not, however, be regarded as the exclusive preserve of the Union's own citizens. 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 immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organize it and commit related international crimes. 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 or access to the European Union.²²⁸

The Tampere Conclusions present the issue of migration by two different readings. It would be argued that the third country nationals are welcomed due to the humanitarian tradition of the EU. However, at the same time the conclusions highlight the necessity for ensuring freedom of Union citizens by strengthening the external border controls. It has been acknowledged that external border controls are inadequate and need the incorporation of measures as well as allocation of development aid for the countries of origin. In that sense, besides the dominant security discourse and repetition of it, the Tampere Conclusions introduced the requirement of a common official management in order to deal with the danger of illegal immigration. Thus, the security discourse embedded in the institutional field of JHA by the Treaty of Amsterdam also gained a managing logic by the Tampere Conclusions. As a result, the Council Regulation relating the establishment of EURODAC was adopted by 2000 Eurodac Regulation.²²⁹

²²⁸ Ibid para. 2

²²⁹ European Council of Ministers "Council Regulation No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention" Official Journal L316/1 Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:316:0001:0001:EN:PDF>

4.6. Securitizing Practices

4.6.1. The Schengen Information System (SIS)

The SIS is wide repository of data which was introduced by the Schengen of Convention in 1985 and has been in operation since 26 March 1995.²³⁰ This oldest EU internal security database is made up of a central database (C-SIS) and a network of national SIS (N-SIS) that transmits the data to the central one.²³¹ As stated in Schengen Convention, its aim is to ensure “public order and security, including national security [...] and to apply the provisions of this Convention relating to the movement of persons [...] using information transmitted by the system”.²³² Furthermore, SIS has five categories of information about persons: “individuals wanted for arrest or extradition (article 95), third country nationals to be refused entry (article 96); persons missing or to be placed under temporary police protection (article 97); witnesses or other persons summoned to appear in court (article 98) and persons wanted for discreet surveillance or specific checks (article 99)”.²³³ Analysis demonstrates that unwanted third country nationals constitute the largest proportion of entries on information of persons. This structure of the SIS has been renewed after the terrorist attacks of 11 September by also including biometric data under the second generation namely SIS II.²³⁴

4.6.2 EURODAC

Council Regulation 2725/2000 introduced the management of illegal immigration and asylum by creating EURODAC which is the first common Automated Fingerprint

²³⁰ Geddes (2005) p. 219

²³¹ Balzacq T. “The Policy Tools of Securitization : Information Exchange, EU Foreign and Interior Policies” *Journal of Common Market studies* 46.1 (2008) p. 84 as well as Broeder D. “The New Digital Borders of Europe, EU Databases and the Surveillance of Irregular Migrants” *International Sociology* 22.1 (2007) p. 80

²³² The Schengen acquis, Article 93 as quoted in Balzacq (2008) p. 84

²³³ Ibid

²³⁴ Balzacq (2008) p. 85

Identification System in the EU.²³⁵ The primary objective of EURODAC is to “assist in determining which Member States is to be responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State and otherwise to facilitate the application of the Dublin Convention”.²³⁶ The data that is collected and transmitted to the central database is composed of fingerprints of three categories of persons: (i) third country nationals applying for asylum; (ii) third country nationals found illegally residing in a country of a member state; (iii) third country nationals apprehended while illegally crossing a Member State’s border.²³⁷ The scope of the EURODAC has been widened after the 9/11 in which illegal border crossing has ranked third in the list of entries. It has been argued that EURODAC has an aim for incorporation of asylum seekers together with illegal immigrants as the potential criminals by subjecting both asylum seekers and serious criminals to same type of supervision.²³⁸

4.6.3 EUROPOL

The foundation of the European Police Office (EUROPOL) was laid down by the Maastricht Treaty as first and later Europol Convention in 1995 introduced it as an agency whose objective is to “improve (through obtaining, collating and analyzing information and intelligence), the effectiveness and cooperation of the component authorities in the

²³⁵ ‘Council regulation No 2725/2000 of 11 December 2000 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention’ O.J. L316/1 as well as in Talani (2011) p. 66

²³⁶ ‘Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities’ Article 15 Official Journal C 254, 19.8.1997, p. 1–12 Available at: [http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=41997A0819\(01\)&model=guichett](http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=41997A0819(01)&model=guichett) as quoted in Balzacq (2008) p. 87

²³⁷ Ibid

²³⁸ Hansen P. “A Superabundance of Contradictions. The European Union’s Post-Amsterdam Policies on Migrant ‘Integration’, Labour Immigration, Asylum and Illegal Immigration” *Center for Ethnic and Urban Studies Occasional Papers and Reprints on Ethnic Studies* (2005) p.36

Member States in preventing and combating terrorism”.²³⁹ The concept of terrorism then has been extended to include murder, corruption, drug trafficking, international crimes, illegal immigration and smuggling.²⁴⁰ Therefore, EUROPOL is defined as an agency ensuring information exchange in preventing and combating terrorism by repeating equation between illegal immigration and international crimes and additionally make both them to be subjected similar operational and strategic studies.

4.7. Concluding Remarks

The changes with respect to the discourse of security in the context of the Cold War/Maastricht Period plays a role in the contribution of new security continuum which is an initiation of a common interest and thereby common policy action. Additionally, this period is decomposed from the previous one due to the changes in international arena and change in the notion of threat defined by the bipolar system. Thus prevention of the illegal immigration has gained EU level impetus by creation of a common interest in 1992 at first and has been furthered by the partially communitarisation in 1997.

Table 2: Summary of the Securitization Process in the Post-Cold War/Maastricht Period

Securitizing Actors	Referent Object	Securitizing Practices
The European Commission	Risk and danger for “European citizens” – Area of Freedom, Security and Justice	Increased border management
Member States/JHC Council	both National and European threat	SIS, EURODAC, EUROPOL
The European Parliament	just a consultative role	

²³⁹ “The Europol Convention” Official Journal SN 3549/95 18/7/1995 Article 2 Available at: http://www.europol.europa.eu/legal/Europol_Convention_Consolidated_version.pdf as quoted in Balzacq (2008) p. 85

²⁴⁰ Balzacq (2008) p. 85 as well as Walker N. “The New Frontiers of European Policing” in Anderson M. and Bort E. (eds) *The Frontiers of Europe* (Washington DC: Pinter 1998) p. 167

The second change in this period is the initiation of securitizing practices into the security continuum. Together with the operationalization of SIS and also formation of both EURODAC and EUROPOL contributed a common management of the policy parallel with the discourse of “European threat”. However, the formation of both the database system and also EUROPOL followed a gradual process rather than an extraordinary measure. The decisions on the establishment of all entities are far away from the language of emergency. The necessity for strengthening the external borders and information change between databases has been introduced as a part of gradual process which does not need any legitimization. In that sense, it is hard to argue that, aftermath of the securitization discourse; the European Union has called upon a certain emergency act which would be considered as “above the politics” in Scmittean sense. Rather, the initiation of securitizing practices are much more interconnected with the evolution of securitization discourse in which the formation of those entities did not created any sense of extraordinary measurement. Rather, they follow a gradual path simultaneously with the securitized discourse in which the scope and the scale of the securitizing practices are also increasing in meantime. In addition to the formation of those practices, their development and operation also does not contain characteristic of “exceptionalism” which will be examined in the next chapter.

CHAPTER 5

EU IMMIGRATION POLICY and its SECURITIZATION in the POST-9/11 PERIOD

5.1. Introduction

Aftermath of September 11, the focus on the illegal immigration has gained much more emphasis on control-oriented, managerial methods combining with the reinforcement of surveillance and identification technologies.²⁴¹ The association of illegal immigration and asylum policies with terrorism was strengthened and became more explicit discourse especially after the events of Madrid bombings in 2004 and attacks in London in 2005. Both Member States and the Commission made the explicit link between combating illegal immigration and international terrorism. The discourse used by securitizing actors became much more consistent and even shared by the European Parliament as well. The contribution of the discourse in this period to the already existed security continuum of illegal immigration is its explicit association with terrorism on the one hand and strong emphasis on high level border management in the other. Therefore the discourse gained a

²⁴¹ Ceyhan (2005) p. 211

managerial vocabulary by usage of “comprehensive approach”, “control-oriented” or “managing”. This paved the way to broaden the range of policy tools for better management of the external borders. Post-9/11 period is significant due to the operations of securitizing practices which gained much influence and even became a part of securitizing actors. The cooperation between databases has been facilitated and combined with new technological developments. Additionally, a semi-autonomous agency namely FRONTEX has been established in order to provide cooperation between Member States and also to assist them. In general, this period faced with new securitizing articulations including institutionalized EU agencies and institutionalized technologies which were responsible for the management of external borders on everyday basis. However, those institutions have not been established as an emergency or extraordinary measure, rather they are introduced as a further step of gradual improvement of restrictive policies. Moreover, institutional technologies and professionals work as a routine activity without necessity of legitimization by new security discourses for further development. On the contrary, they evolve over time and gain new imputes according to technological/institutional requirements in ordinary contexts. In that sense, the routine and continuous operation of securitizing practices develop within the context of training and technological knowledge which in return provides the disposition of practices according to a regular, normalized plan rather than extraordinary measures. The paradox between securitization process argued by the Copenhagen School and operations of securitizing practices has become more apparent in the period of post-9/11.

5.2. Common Position to Terror

After the 9/11 terrorist attacks, JHA council had a meeting on anti-terrorism program where coordination of police and intelligence services had been discussed for further development. Action Plan to Combat Terrorism was introduced by the European Council which called upon the JHA to improve certain measures in order to identify terrorists at the European border and additionally to implement the measures taken place in Tampere

Programme for anti-terrorism.²⁴² At the European Council in December 2001 it was stated that:

“Better management of the Union’s external border controls will help the fight against terrorism, illegal immigration networks and the traffic in human beings. The European Council asks the Council and the Commission to work out arrangements for cooperation between services responsible for external border control could be created.”²⁴³

Laeken meeting also called upon a new action plan on illegal immigration and terrorism including cooperation in the areas of visa policy, information exchange, border management, role of EUROPOL, and criminal law.²⁴⁴ The issue of illegal immigration had been stated together with the threat of terrorism this time. The previously adopted measures for illegal immigration were started to be used for combating terrorism. In that sense, prevention of illegal immigration and fight against terrorism were subjected to the same measures in which the immigrants were treated as suspected terrorists.

As response to the Council’s call, the Commission published a Communication on the border controls for combating illegal immigration on 7 May 2002.²⁴⁵ In this Communication, the Commission mentioned direct link between illegal immigration and criminal acts by proposing that “criminal activities, which are regularly connected with, irregular migration flows, are a major common concern in all Member States”.²⁴⁶ As stated by Huysmans, this

²⁴² Cholewinski (2003) p. 111; European Council of Ministers “Council Common Position of 27 December 2001 on combating terrorism (2001/930/CFSP)” Official Journal L 344/90 Article 10 Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:344:0090:0092:EN:PDF>

²⁴³ Laeken European Council 14-15 December 2001 Presidency Conclusions, A. A Common EU Asylum and Migration Policy, More Effective Control of External Borders para.42. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/68827.pdf

²⁴⁴ Ibid

²⁴⁵ Brouwer (2003) p. 415

²⁴⁶ ‘Communication from the Commission to the Council and the European Parliament on Common Policy on Illegal Immigration’ Brussels, 15 November 2001 COM(2001) 672 final available at: <http://www.statewatch.org/news/2001/nov/illimm672.pdf>

statement makes illegal immigration as a part of the area of terror in which actors automatically present illegal immigration as a threat.²⁴⁷

5.2.1 Seville European Council

The JHA Council adopted a Comprehensive Plan in 2002 to combat illegal immigration and also human trafficking. The discourse used by the Council with reference to a 'comprehensive' plan was especially related to the adequate management since existed border measures were not sufficient to combat illegal immigration.²⁴⁸ In order to gain sufficient management, the plan introduced seven areas that were necessary: visa policy, the exchange and analysis of information, readmission and repatriation policies, and pre-frontiers measures, measures relating to border management, EUROPOL and penalties.²⁴⁹ The representation of illegal migration as a continuous phenomenon which seemed hard to be controlled also paved way to the strengthening of the managerial, control-oriented measures.

5.3. 2004 Madrid Bombings

The link between illegal immigration and terrorism has gained much emphasis after the March 2004 bombings in Madrid. The European Council had an extraordinary meeting and made a declaration in November 2004 by stating the significance of cooperation between databases in order to fight against terrorism.

In 2003, the European Parliament published a report on the illegal immigration policy which demonstrated security discourse was started to be used by the Parliament as well.

²⁴⁷ Huysmans (2000) p. 415

²⁴⁸ Justice, Home Affairs and Civil Protection 2411th Council Meeting Brussels 28, February 2002 Comprehensive Plan to Combat Illegal Immigration and Trafficking in Human Beings in the European Union Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/69610.pdf

²⁴⁹ Ibid

“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 the Parliament to draw up a report which sets out various priorities concerning measures to improve the protection of external borders. [...] whereas illegal immigration and illegal employment pose a social problem not only for individual Member States, but for the EU as a whole, so that progress in the sphere of asylum and immigration policy must therefore be made at EU level to avoid the human tragedies which are a daily occurrence in the European Union.”²⁵⁰

The active involvement of the Parliament into the debate indicated that the events of 9/11 and Madrid bombings influenced the discourse of the Parliament which gained a securitizing discourse rather than a humanitarian one.

5.4. The Hague Programme

The significance of interoperability between securitizing practices was underlined in the Hague Programme which set out the priorities of Justice and Home Affairs in the period of 2005-2010 in which it was stated that;

“The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as illegal immigration and organized crime as well as the prevention thereof. Notably in the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued.”²⁵¹

²⁵⁰ 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

²⁵¹ Brussels European Council 4-5 November 2004 Presidency Conclusions, Annex I; the Hague Programme: Strengthening Freedom, Security and Justice in the European Union. Available at: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/82534.pdf

Under the Hague Programme, the section of ‘Management of migration flows’ repeated the need for further development in the integrated method in the management system at the external borders by cooperated operation of databases, fingerprints and biometric technologies.

Following the London bombings in 2005, a Communication was published by the Commission and highlighted the ‘security gap in the identification of suspected perpetrators of a serious crime’ in which all European databases and measures should adopt a new system for joint management of those databases.²⁵²

The European Pact on Immigration and Asylum was adopted by the European Council in 2009 to follow on from the Hague Programme in 2010.²⁵³ It proposed a consistent approach by including the management of immigration among the European Union’s global objectives through the solidarity between Member States and additionally through partnerships with third countries which would give a new impetus to the issue of immigration. The concrete measures provided by the Hague Programme were repeated in order to control illegal immigration effectively. The contribution of this Pact was initiation of a comprehensive partnership between both Member States and also inclusion of the third countries onto the picture.

5.5. Securizing Practices

5.5.1. Schengen Information System II and EUROPOL

The terrorist attacks of 9/11 created new demands in securizing practices in the context of databases in which biometric data became a central element in terms of information exchange and storage. As the Council put it; “the idea of using the SIS data for other purposes that those initially foreseen and specially for police information purposes in a broad sense is now widely agreed upon and even follows the Council conclusions after the

²⁵² Boswell (2007) p. 603

²⁵³ European Pact on Immigration and Asylum available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

events of 11 September 2002”.²⁵⁴ Additionally, access to the SIS had been granted to the EUROPOL and national judicial authorities. Thus, the EUROPOL had full access to all facts in the SIS covering its operational territory including the areas terrorism, illegal immigration, organized crime and smuggling which was stated in that:

“In order to carry out a complete strategic analysis including risk assessments in the field of crime, Europol needs to have the greatest possible access to European databases. The SIS is a fundamental part of these databases [...] Access to the SIS database in the following forms is essential: consult all information in the SIS; partial downloading of data in order to carry out analysis and statistical studies; possibility of updating SIS by adding, deleting and modifying information.”²⁵⁵

The Council’s decision of February 2005 initiated new functions for the SIS including combating terrorism and also allowing EUROPOL to access all data. Moreover, by the decision of the JHA Council, SIS II had a flexible tool which would be easily adapted to the changing conditions.²⁵⁶ In that sense, SIS II became an open-ended system welcoming new requirements when it is necessary.

5.5.2 The Visa Information System

In the EU’s visa regime, the countries categorized in the “black” or “negative” list contains 131 countries in total which means certain third countries are considered a priori threats to the EU.²⁵⁷ Therefore visa policy in nature operates as a regulatory securitizing tool. Due to its securitizing role, biometric data and exchange of visa data had been introduced as a key element of the EU common visa policy in 2002. This introduction namely

²⁵⁴ Council of the European Union ‘Access by Europol to the Schengen Information System’ 5970/02, Brussels, 8 February 2002 (15.02) as quoted in Balzacq (2008) p. 85

²⁵⁵ Council of the European Union ‘Access by Europol to the Schengen Information System’ 5970/02, Brussels, 8 February 2002 (15.02) available at: <http://www.statewatch.org/news/2002/mar/europol05970.pdf>

²⁵⁶ Balzacq (2008) p. 86

²⁵⁷ Ibid p. 88

Visa Information System (VIS) aimed the storage of information on visas issued foreign nationals, as well as information on decisions to refuse, revoke or prolong visas.²⁵⁸ As stated by the European Parliament's report in 2007, the main goals of the VIS were "improving the implementation of the common visa policy, consular cooperation and consultation between visa authorities by facilitating the exchange of data between Member States."²⁵⁹ Therefore, the VIS is designed to:

"facilitate checks at border crossing points and within the territory of the Member States; [...] assist on the identification of any person who may not, or may no longer fulfill the conditions for entry to stay or residence on the territory of the Member States; [...] contribute to the prevention of threats to the internal security."²⁶⁰

On this sense, the VIS was described as a "multipurpose tool".²⁶¹ However, due to its nature, VIS would be considered the most regulatory securitizing practices under more certain procedures. Additionally, all the roads for information exchange between SIS II, VIS and EUROPOL was granted and facilitated by the Commission's Communication in 2005 in order to develop database interoperability.

5.5.3. FRONTEX

On October 2004 the Council of the European Union established FRONTEX, external border agency, with the main objective of providing operational cooperation between the

²⁵⁸ Council of the European Union Conclusions on the development of the Visa Information System, 20 February 2004, Official Journal 6535/04 Available at: http://ec.europa.eu/justice_home/news/consulting_public/consultation_visa/council_conclusions_final_200204_en.pdf

²⁵⁹ Council of the European Union 'Draft Proposal of the European Parliament and the Council Concerning the Visa Information System and the Exchange of Data between Member States on Short-Stay Visas' 767/2008, 9 July 2008 available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:218:0060:0081:EN:PDF>

²⁶⁰ Ibid

²⁶¹ Balzacq (2008) p. 89

Member States in order to strengthen security of the external borders.²⁶² FRONTEX had six main tasks: (1) coordinating operational cooperation between Member States regarding the management of external borders; (2) assisting Member States in the training of national guards, including establishing common training standards; (3) conducting risk analysis; (4) following up on developments in research relevant for the control and surveillance of external borders, (5) assisting Member States when increased technical and operational assistance at external borders is required; and (6) assisting Member States in organizing joint return operations.²⁶³

The major emphasis on the establishment of FRONTEX was the cooperation in the external border management plans and thereby the assistance for Member States. The reference for its formation did not contain a sense of “urgency” but rather cooperation and institutionalization of management system at the EU level. The time of the establishment of FRONTEX is interestingly contradicts to the time of “urgency” discourse. The language of “urgency” was used just after the event of September 11, but it had less significance until Madrid bombings in 2004. However, the decision for establishment of a common management border agency had been taken during the Council meeting of 2003 while the discourse calling upon “urgency” measures was weak. In that sense, it would be argued that the formation of FRONTEX is appeared as a technocratic project rather than an extraordinary measure legitimized by the political discourse. It has presented as a logical continuation of the integration process and also as a part of already existed restrictive policies on external borders.²⁶⁴ Therefore, it was an expected step in the process: “border security being part of that phenomenon has also undergone evolution starting from nationally focused systems underlying the sovereignty of each state to operational cooperation at the external borders”.²⁶⁵ Thus, instead of an extraordinary or exceptional

²⁶² FRONTEX ‘mission Statement’ available at:
http://www.FRONTEX.europa.eu/more_about_FRONTEX/

²⁶³ Ibid

²⁶⁴ Neal A.W. “Securitization and Risk at the EU Border: The Origins of FRONTEX” *JCMS* 47.2 (2009) p. 344

²⁶⁵ FRONTEX website ‘Origin’ available at
http://www.FRONTEX.europa.eu/origin_and_tasks/origin/

political discourse and attempts for legitimization of that kind of discourse is lack on the process of formation of FRONTEX. Rather it is an entity established by the technocratic and professional discourse.²⁶⁶

Another controversial area is related with the operation of FRONTEX which does not follow the path as argued by the securitization theory. When it became to the operation in 2005, it began to work as an agency which may able to act its own right which made it as a part of securitizing actors rather than just securitizing tool. As argued by Bigo (2005), when the entities were established such as EUROPOL and FRONTEX, they began to work as anticipating the risks and threats and additionally “locating potential adversaries even before they have any consciousness of being threat to others.”²⁶⁷ Thus it becomes “a case of intercepting the ‘threat’ as it arrives at the border, but of ‘assessing’ the ‘threats’ ‘likely’ to emerge in the future.”²⁶⁸ This plays a key role in the operation of FRONTEX which has a regulatory role contained in its ‘Common Integrated Risk Analysis Model’. The main objective of the model is providing adequate information for Member States and also undertaking of risk analysis through identification of potential risks and appropriate measurement of them. Therefore, the anticipation and management feature of the model goes beyond being as a tool for dealing with a discursively securitized threat, rather it initiates technical practices which “do not signify the rise of risk as a phenomenon that goes ‘beyond rational calculation into the realm of unpredictable turbulence.”²⁶⁹

The regulatory structure of FRONTEX and also risk analysis model contributes routine activities of every-day life on the contrary of the exceptional character of securitization

²⁶⁶ Neal (2009) p. 344

²⁶⁷ Bigo D. Frontier Controls in the European Union: who is in Control?” in Didier B. and Guild E. (eds) *Controlling Frontiers: Free Movement into and within Europe* (Aldershot: Ashgate) (2005) p. 86

²⁶⁸ Neal (2009) p. 349

²⁶⁹ Beck as cited in Aradau, C. and Van Munster, R. (2007) ‘Governing Terrorism through Risk: Taking Precautions, (Un)Knowing the Future’. *European Journal of International Relations*, Vol. 13, No. 1, p.90

theory. In that sense, the operation of FRONTEX illustrates that although the discourse has been securitized and calls upon restrictive and securitized practices, they have been presented as part of gradual process rather than exceptional measures and thereby those practices are implemented under the professional routines as everyday practice.

The security technologies used for this cooperation are influential in creation of this paradox. Ceyhan explains three ranges of technologies used in the practices; technologies of the living (genetics, biotechnologies, body part prints etc), optical and electronic technologies (laser, glass fiber networks etc) and information and communication technologies.²⁷⁰ Hence, they take multiple forms which include intelligent surveillance systems, DNA samples, chips, sensors, cables, wiretaps, cameras and internet. Additionally biometrics introduced a new kind of identification and surveillance methods.

5.6. Concluding Remarks

The securitization process in the period of post-9/11 is important regarding two aspects. Firstly it illustrates how the security discourse illegal immigration has accompanied with the international terrorism and gained strong emphasis on the insufficiency of discourse and necessity of management. Secondly, while the discourse has been strengthened by the concept of terrorism, the operation of securitizing practices has drawn a controversial path to the securitization theory.

Due to the security discourse, all actors including Member States, the Commission and even the Parliament shared a similar discourse in which they strongly underlined the association of illegal immigration with the international terrorism. Furthermore, the discourse gained a new vocabulary containing the words of “managing”, or “control”. Thus securitizing actors called upon further development in the area of management and technologies. However, this emphasis on practices was not presented as extraordinary or emergency measures again, instead they are illustrated as being developed way of gradual

²⁷⁰ Ceyhan (2008) p. 107

process which at first contributed a clash to the path that was laid down by securitization theory.

In addition to the lack of emergency in the discourse of certain measures in order to deal with the defined ‘threat’, the second controversial area is related with the operation of those practices. The functions of database systems such as SIS II and VIS have been developed in this period and also included the interoperability feature. However, since the legislative decisions gave opportunity in terms of being open-ended for new requirements and technologies to those systems, it has resulted in innovative securitizing practices that may be able to be introduced by the institutional technologies themselves without any legitimization of security discourse. Similarly, due to its semi-autonomous character, FRONTEX also became a securitizing actor on its own and gained a role for adoption of new securitizing technologies or practices without necessity of securitized discourse of certain ‘threat’.

Overall, it would be argued that, both the way of formation of those securitizing practices and also their operations portray an antagonistic character which contradicts to the process defined by securitization theory.

Table 3: Summary of Securitization Process in the Post-9/11 Period

Securitizing Actors	Referent Object	Securitizing Practices
The European Commission	European Threat – extension of security discourse with terrorism	Increase in border management; interoperability
Member States/ JHA Council	Similar discourse	EURODAC; VIS; SIS II; EUROPOL; FRONTEX
The European Parliament	Similar discourse in addition to the lives of citizens of Europe	
EUROPOL; FRONTEX		

The controversy between securitization theory and the securitizing practices would be explained by the transformation of risk in which mobilizing dynamic of societies bent on change. As Beck (1992) and Giddens (1999) stated, in the current period, risk assumes a new and peculiar importance where firstly it is different from its traditional understanding according to “which it was supposed to be a way of regulating the future, of normalizing it and bringing it under our domination”.²⁷¹

Since risks are not coming from a certain outside or from fixed external entities, they are started to be manufactured by the impact of developing knowledge due to the requirements of world and time.²⁷² Therefore, different from traditional risk managements, manufactured risks are under the influence of globalization that involve number of unknowns and their possible consequences in which the concrete calculation is not possible since it is unknown what real level of risk is. It is not an “overarching logic of unpredictable catastrophe in a macro-sociological understanding of late modernity, but rather a dispositive, a term borrowed from Foucault to denote the series of micro-practices that are plural and heterogeneous.”²⁷³ Due to the field of policing, Ericson and Haggerty (1997) states that it is offering;

“procedures and technologies – classification schemes, probability calculations, and communication formats- for dealing with [it] ... the threat of crime has become a routine part of modern consciousness, an everyday risk to be assessed and managed in much the same way that we deal with road traffic – another modern danger which has been routinized and ‘normalized’ over time”²⁷⁴

²⁷¹ Ibid

²⁷² Ceyhan A. “Technologization of Security: Management of Uncertainty and Risk in the Age of Biometrics”, *Smart Borders and Mobilities* (eds) Amoore, Marmura and Salter (2008) pp. 102-123

²⁷³ Beck (1992) as cited in Neal (2009) p. 349

²⁷⁴ Ericson, R.V. and Haggerty, K.D. *Policing the Risk Society*, University of Toronto Press. 1997 p. 60

Similarly it has argued that new dynamics of risk management have more fluid conditions which are light, liquid, mobile, slippery, shifty and evasive. Therefore due to amplification by globalization, this liquid structure has been operationalized through human and technology networks including communication and information technologies which provide this liquid and shifty feature which makes securitizing practices normalized as a part daily life.²⁷⁵

²⁷⁵ Ceyhan (2008) p. 105

CHAPTER 6

CONCLUSION

The appropriateness of the Copenhagen School's 'securitization theory' to the harmonization of EU policy on the illegal immigration and asylum was the central concern of this study. The historical process of the EU common policy with regards to the representation of illegal immigration demonstrated how it has become associated with the threats for the internal market and internal security, organized crimes, drug trafficking and finally international terrorism in time. Illegal immigrants and asylum-seekers have been subjected to the same procedures and control mechanisms driven by the same legislative and policy documents with the drug and human traffickers and also terrorists. Historical process of the policy harmonization illustrated how the language used by legislative and policy documents with reference to the illegal immigrants has been securitized gradually though it had not been issued at the beginning. However, this securitization at the discourse level has not contributed to any emergency/extraordinary measure as argued by the securitization theory. Rather, discursively securitized issue has been dealt with the institutionalized, "normalized" and routine practices in everyday life as being part of the existed politics which is very unlikely to the Schmitt's term of 'above the politics'. Likewise, the process of the formation of those securitizing tools has not been initiated by securitizing actors as an "emergency call" in which securitized issue needs an immediate action. Given that, although the issue of illegal immigrants and asylum seekers has been securitized at the

discourse level; paradoxically, it has not been resulted in exceptional politics at the practice level. This study takes this paradox as a central question due to the appropriateness of the securitization theory for the EU common policy on illegal immigration and asylum.

In the pre-Maastricht period, the representation of illegal immigrant has gained a negative connotation for the first time due to the economic and social aspects of the internal market while it had perceived as a sufficient factor for the economic growth of the European integration in 1960s. Single European Act and Schengen Agreement strengthened the emphasis on internal security in which externalities such as strengthening the external borders have been underlined. In this period the “amalgamation” of the concepts of illegal immigration and organized crime has been used for the first time. This “amalgamation” at the discourse level has reflected into the ad hoc groups and thereby their working fields have been extended to include illegal immigration, organized crime and terrorism.

The discourse originated in the first period has been repeated in the Maastricht period; additionally, the securitizing practices have started to be involved into the process. In this period, a new security-continuum has been contributed to the discourse as being composed of a “common interest” at the EU level in the absence of a certain enemy under the circumstances of the post-Cold War period. By the Amsterdam Treaty, illegal immigration like international crimes was illustrated as stumbling block to the creation of an area of freedom, justice and security. By this time, illegal immigration gained a new impetus of being as a potential threat for the freedom, justice and security of the “Union’s citizens”. The issue of illegal immigration has been transformed into being EU level threat rather than just being concern of the Member States. Likewise, in this period, EU level securitizing practices have been formulated for the first time. The EUROPOL foundations of which laid down in the Maastricht Treaty was entrusted with the function to ensure information exchange in the areas of combating not only terrorism and drug trafficking; but also illegal immigration. Similarly, Schengen Information System (SIS) and EURODAC have been adopted in this period in order to provide EU level database for information exchange. However, the initiation of SIS (1985), EUROPOL (1995) and EURODAC (2000) had happened

gradually with absence of a language emphasizing any emergency. They were all initiated as a part of restrictive policy documents that has been gaining new tasks gradually.

The paradox between discourse level and practices level has become more apparent in the last period. The event of September 11 constructed link between illegal immigration and terror and contributed to the articulation of this link more explicitly in the European Council meetings and JHA council meetings. As an anti-terror measure, fingerprints and biometric data on the people applying for visa were contained into the newly constructed VIS and SIS II databases. The Commission's Communication in 2005 is significant due the creation of the paradox which proposed "interoperability" between SIS II, VIS, EURODAC, EUROPOL and lately FRONTEX in which they all had access to all information exchange. The technologies and database systems were facilitated including sophisticated technological devices to enhance border surveillance, satellites, radars, infra-red cameras and sensors etc. The Communication provided legitimate situation for those entities to be "open-ended" in order to adopt new requirements or technologies whenever it is appropriate.

Consequently, both the formation and the operation of those securitizing practices have not been involved in exceptional politics as conceptualized by the securitization theory. I suggest that this puzzle within the theory would be examined via two major explanations. Firstly, with respect to the initiation of the securitizing practices, the structure of the EU institutions and its *sui generis* character composed of multilateral governance in decision-making process as being composed of both national and supranational securitizing actors makes the decisions in a widely depoliticized environment on the contrary to the exceptional politics. Although the issue of illegal immigration is under the intergovernmentalist cooperation of JHA, the embodiment of technocracy distinguishes the EU from a sovereign state. In that structure, the practice of securitizing actors becomes too complex and gains plurality to some extent in which plausibility of a sovereign centered, nominal character of securitization becomes impossible. This paves the way to the more institutionalized and regulatory practices rather than practices which are "above the politics" or "beyond the legal".

Secondly, new governmental apparati have been influential in the creation of routinized daily basis practices. The “interoperability” character of securitizing practices facilitated those entities to function in a semi-autonomous environment in which they have started to act as a securitizing actor. In time, those securitizing practices have become semi-autonomous, open-ended and also achievable to all information and thereby their skills, knowledge and techniques allowed them enabling continuation of the process of securitization without further securitizing speech acts. They have gained the function to securitize newly emerging risks at the micro-level and make them as part of the institution and routine. In that sense, they have by their functioning, influence of transforming the securitization process.

In the case of harmonization of the EU policy on illegal immigration and asylum, the securitization process constitutes a security continuum at the discourse level; however, the process does not driven simply by the logic of exception. Rather, both the complexities in the structure of securitizing actors and new technologies and methods embedded in the securitizing practices contribute to the multidimensional ways of the securitization process, not necessarily logic of exception by usage of extraordinary measures. Given that, the case of the EU policy on illegal immigration and asylum illustrates that the securitization theory of Copenhagen School should re-conceptualize itself concerning the complexities on the securitization dynamics at the practice level since the narrow definition of the securitization theory based on the logic of exception does not adequate to explain all the process in the EU case.

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