The Securitization of Legal Immigration in The United Kingdom

The notion of security and what threatens state security has shifted since the dissolution of the Soviet Union and the end of the Cold War to include non-traditional security threats such as transnational crime, terrorism, energy security and immigration. The migration of human beings has become an issue threatening state security through the process of 'securitization' by various actors. Through this act of securitization, immigration has been elevated above the realm of politics and into the realm of national security. Even legal, or legitimate, immigrants such as asylum seekers and refugees have been securitized and understood by some actors as threatening the perceived identity of the host society or state. The securitization of legal immigrants and the conception of these groups as a threat to societal identity raises a series of issues needing a careful assessment, such as a critical examination of asylum seekers and refugees as a threat to the identity of the host country, and if the securitization of this group of immigrants is necessary, and if not, can this issue be de-securitized.

This essay will explore the concept of securitization as understood by the 'Copenhagen School' of scholars, Buzan, Wæver and de Wilde and the application of this concept of securitization to societal security and identity. Through an understanding of societal security and identity, and how these concepts are perceived as threatened, this essay will then evaluate the role of legal immigration, particularly asylum seekers, as a threat to societal security. This societal threat will be evaluated through the role of the European Union, as well as specific examples within the United Kingdom. Due to the limited scope of the essay, only legal forms of immigration will be evaluated, and while the role of legal immigrants and their relationship to their host country is manifested differently in various European states, the case of the UK will be assessed as simply one example within Europe.

The Copenhagen School

Traditional security threats were understood as state-centric and manifested through the use of physical force, such as military force or nuclear weapons during the Cold War. With the collapse of the Soviet Union and the end of the Cold War, new concepts of security emerged, one of which is the so-called 'Copenhagen School', which expanded the notion of security beyond the traditional state-centric threats of military force to include other sectors besides the state as the referent object to which security may be threatened.[1] The Copenhagen School frames security threats as extreme situations or points of emergency, where a drastic or otherwise far-reaching response is necessary. This security threat is understood in the traditional sense, as in a threat to the survival, or existential threat, to the referent object, which has traditionally been understood as a state, but may include other sectors as well.[2] If a security threat is understood as an existential threat, threatening the very survival of the referent object, extreme measures can be justified to counter the threat, creating a scenario for the legitimate use of force, for example. Understanding what is and is not a security threat is not necessarily straightforward since, "Collective identities naturally evolve and change in response to internal and external developments. Such changes may be seen as invasive or heretical and their sources pointed to as existential threats, or they may be accepted as part of the evolution of identity."[3] If an issue is conceived of as a security threat, it goes through a process of 'securitization' which takes the issue from the realm of the ordinary, or politics as usual, to the realm of security, often framed as national security, and therefore beyond the realm of normal procedures for response.[4] The securitization of an issue occurs through a speech act that defines it as such. Yet, "A discourse that takes the form of presenting something as an existential threat to a

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referent object does not by itself create securitization–this is a *securitizing move* (emphasis in original), but the issue is securitized only if and when the audience accepts it as such."[5] The securitization of an issue usually manifests through the discourse of political elites framing an issue as a security threat, and while it may be debated or contested, the concept is able to gain enough traction to allow for the legitimate use of extreme measures outside the normal political process to counter the issue that has been securitized as an existential threat. This process can obviously lead to dangerous consequences, such as the securitization of non-threatening issues in order to silence political opposition or exploitation and consolidation of power in order to respond to a securitized issue through non-democratic means. [6]

Societal Identity and Security

Many of the non-militarized threats of the post-Cold War era are recognized as threats to societal norms and stability, which requires a brief examination of how society is understood, and what differentiates it from the state. Society is conceived of as an alternative to the state, as a body that gives the state its legitimacy, but also a distinct reality of its own that is self-perpetuating.[7] Societal identity is reinforced through generations and offers a distinct feeling of 'we', which is the result of highlighting the distinctions and differences from one society from another.[8] Identity is an important dimension, but must not be accepted as inherent or fixed:

Identity is an inescapable dimension of being. No body could be without it. Inescapable as it is, identity—whether personal or collective—is not fixed by nature, given by God, or planned by intentional behavior. Rather, identity is constituted in relation to difference. But neither is difference fixed by nature, given by God, or planned by in intentional behavior. Difference is constituted in relation to identity.[9]

A society is shaped through norms and values that are reproduced over time, and many societies' identity is formed through a national identity. A nation is loosely defined as a group with an affiliation with a historical territory, shared myths and common history, and while not necessarily comprising a distinct nation-state, a nation is recognized as possessing a natural right to demand such a state.[10] Wæver identifies ethnic identity as a precursor to a nation, that:

An ethnic community exists when a core group holds some of the following attributes: a collective proper name, a myth of common ancestry, shared historical memories, one or more differentiating elements of common culture, an association with a special homeland, a sense of solidarity for significant sectors of the population.[11]

When differentiating one group from another, whether it is a societal differentiation, national or ethnic distinctions, a process of 'self-definition' and 'other-definition' occur. Other-definition is the ascription of undesirable characteristics to individuals or groups on the part of the individual or group in a dominant social position. Self-definition is the shared consciousness of members of any society, nation or ethnicity, which develops a sense of belonging according to shared social characteristics.[12] By forming a definition of self and other, a society is able to constitute that which is different, and as such, may pose a threat.

The security of a society, and that which may threaten it is difficult to distinguish. Societal security can be broadly defined as the pursuit of freedom from threat, but must also be understood as a relative concept, as no society can be wholly secure.[13] Wæver's description of what constitutes societal security and the difficulty of identifying threats to societal security is quite adept and worth quoting in full:

[S]ocietal security concerns the ability of a society to persist in its essential character under changing conditions and possible or actual threats. More specifically, it is about the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom. This definition makes it difficult to give any objective definition of when there is a threat to societal security.[14]

Societal security is entirely subjective. A societal threat is a matter of that society subjectively perceiving a threat to its identity and the continuation and self-perpetuation of its identity. Anything that threatens, or is perceived to threaten, the self-definition, or 'we' feeling of a society can be construed as a security threat. What is perceived to be

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a threat may not in fact be threatening, just as very real threats may not be perceived as threatening to a society, yet immigrants are very often perceived as a threat to societal security.[15] Threats toward societal security can range from the limited expression of societal identity to the complete incapacity for a society to reproduce, which begs the question of how and to what degree immigrants are a threat to social identity and societal security.[16]

Immigration as a Threat

The role of borders for a state is of paramount importance as they represent the designation of state sovereignty, as well as the ability to control the border, and control of and protection from threats to the society within the border. While not the central concern of this essay, the role of illegal or unsanctioned crossing of a state's border represents the loss of control, and even the loss of sovereignty for a given state. Through controlling the border and careful classification of who can cross it and how, a state strives to exercise its primary legitimizing function of providing security to its society.[17] The classification of individuals outside or new to the society is necessary in order to control not only the border, but also how many outsiders cross it, and what role they play in society once they do.[18] The role of classification and labeling of individuals who are defined as from outside the society continues once they have entered the society through the regular grouping of all individuals perceived as outsiders as a monolithic group of 'immigrants' or outsiders. Even native-born individuals who share the same physical characteristics, such as religion, race, or dress are regularly classified as immigrants and whose status as outside the society is reinforced through other-definition.[19] This can become a self-reinforcing identity, and a native-born individual may experience regularly other-definition from society, which can cause them to identify as an outsider that can be further re-enforced through self-imposed isolation from the society.[20] The public perception of immigrants, or individuals who have received other-definition from society, are understood as threatening the society in some way, for example, the inability or refusal to integrate or assimilate into the society can define and reproduce the societal understanding of the other-defined group, re-enforcing the perception of the situation as problematic.[21] Through classifying immigrants, or those that share the same physical characteristics of immigrants through other-definition as separate from society, this distinction enables political elites or other powerful actors at the state level to frame immigration as a security issue threatening societal identity, rather than in compassionate or humanitarian terms.[22]

Changes in European Boundaries and Institutions

The end of the Cold War caused by the collapse of the Soviet Union resulted in significant population movements from East to West, as well as large numbers of refugees fleeing regional conflicts, causing European states to face new levels of migration that they had not experienced since World War II. At this same time European states were undergoing a significant transformation toward increasing integration that would ultimately lead to the formation of the European Union. The European integration, or Europeanisation pressured many states to adopt common practices in many areas of political, social, and economic life, which was perceived by some to homogenize Europe and to jeopardize old national identities, threatening societal security.[23] The sense of societal security under threat has only been reinforced, not only in Europe, but also throughout the world by the effect of globalization that has spread since the end of the Cold War and the rise of the Internet. The end of the Cold War, the increasing integration of Europe, as well as significant population shifts all contributed to an environment that fueled nationalist sentiment, and provided the opportunity for pre-existing right-wing nationalist parties to vocalize opposition to European integration and immigration, adding to perceptions of society as insecure and under threat.[24]

The development of the European Union and increasing European integration significantly altered the ability of individual states to control their own border. The boundary shift from state control of borders to a broader supranational European body coordinating to control regional external boundaries has eroded traditional state sovereignty, and altered how individual states and their societies regard the ability to control their own borders, and therefore security.[25] Matters of Justice and Home Affairs, (JHA) within the European Union (EU) were originally conceived of as internal security affairs, which were considered the realm of intergovernmental cooperation, where states retained sovereignty over these matters of domestic security as part of the Third Pillar in the old pillar system.[26] The 1997 Treaty of Amsterdam created the 'Area of Freedom, Security and Justice' (AFSJ), bringing JHA matters into both state and EU realms, as security and justice were recognized as both internal and external matters needing an integrated and coordinated response.[27] The reclassification of JHA from intergovernmental

coordination to the responsibility of a supranational authority at the EU level included the regulation of border control, asylum, immigration, and the movement of third-country nationals.[28] The success of the integration of JHA issues on the European level has been met with some resistance from member states, who are reluctant to give up even more sovereignty and control over legal and domestic security matters which stem from distinct traditions in each state and may directly affect the lives of its citizenry.[29]

The free movement of people and the abolition of internal border controls, dating back to the original Schengen Agreement of 1985, relaxed internal European border controls while compensating for the loss of internal control over border security through the increase of external border controls and increased domestic surveillance.[30] The Schengen Agreement is arguably a successful measure within the EU, but it cannot be denied that it changed the landscape for how individuals from outside Europe enter and move about within Europe. The relaxation of internal EU boundaries has led to the increase of EU agencies, laws and regulations that directly control the movement of people within Europe, including asylum seekers, refugees, immigrants and unauthorized immigrants. The formation of Europol in 1999 as a European agency coordinating and supporting law enforcement and border control assistance is a new and arguably needed bureaucracy, yet it does reinforce the notion that internal security is threatened.[31] The 'Dublin Regulation' of 2003 further delineated the regulation and control of asylum seekers and third-country nationals, designating the authority and responsibility of individual states, as well as such documents as the June 2007 Green Paper on Common Asylum Procedures, institutionalizing accepted attitudes on the importance of controlling borders and the movement of people as vital to European security.[32] Each of these institutions, laws and regulations contribute to the securitization of immigration, specifically including asylum seekers by promoting the EU as a necessary and legitimate body to manage and regulate asylum seekers and immigrants, without which states would be incapable of exercising control necessary to keep their societies secure.[33] The EU has contributed to the act of securitizing immigration and asylum seekers, a process by which the EU now draws its legitimacy through framing immigration as an internal security threat needing supranational control.

Asylum Seekers and Refugees

As previously stated, the tendency for members of the host society to other-define all individuals with similar physical characteristics as 'immigrants' threatening societal security requires the terms surrounding immigration to be unpacked and defined in order to achieve an informed understanding of the role of immigration in the world today. Voluntary migrants moving for economic or other benefits were largely welcome in many European states after World War II to participate in the rebuilding of Europe through various guest worker schemes as well as colonial workers immigrating to former colonial powers. Many of these migration trends within Europe ended in the 1970s.[34] A period of integration and economic transition ensued, and many European states no longer welcomed economic or voluntary immigrants.[35] Forced migration, such as asylum seekers and refugees fleeing persecution or conflict, have been recognized since the end of World War II through the 1951 Refugee Convention, given permanence through the 1967 Protocol and regulated by the UN High Commissioner for Refugees.[36] The 1951 Convention established that states shall abide by the notion of non-refoulment, that is, they should not return individuals to a state where their life may be in danger, and recognized that refugees are worthy of assistance and protection.[37] An asylum seeker is recognized as an individual who has crossed a border claiming refugee status, but whose status as a refugee needing protection has not yet been verified.[38] The Universal Declaration of Human Rights of 1948 states that all people have the right to seek asylum, however, the right to seek asylum does not guarantee a state's acceptance of an individual seeking asylum.

The degree of assistance offered to refugees varies by state, and in some European countries, the rejection of applications for asylum nears 90 percent.[39] The end of the Cold War and regional conflicts saw a peak of 18.2 million global refugees in 1993, but by 2005 this number had receded to 8.7 million global refugees, the lowest number since 1980.[40] Within Europe, North America, and Australia, the number of asylum seekers numbered 323,050 in 1988, then peaked in 1992 with the end of the Cold War at 828,645, and then by 1995 had declined again to 480,000.[41] Through the implementation of various EU programs and restrictions, as well as an increasing perception of asylum seekers as threatening and in need of increasing control, the EU received 180,000 applications in 2006, and within the UK, 28,000 applications for asylum were received.[42]

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Although the number of asylum seekers is declining, there is still considerable anxiety within many European states about the role that asylum seekers play once they have been accepted as refugees and enter a particular European society. Assimilation, implying a one-sided experience requiring the refugee to abandon his or her own cultural traditions and entirely adopt the language and customs of the host country, has been largely recognized as unrealistic. Replacing the expectation of assimilation is the goal of integration, acknowledging that adaptation is gradual and that some cultural identity will persist, but that assimilation may occur over several generations.[43] A policy of multiculturalism, or recognizing the distinct differences of immigrant communities, and allowing these cultural identities to exist without the expectation of eventually abandoning one's culture and conforming to the host societies' linguistic and cultural practices has been implemented in several countries, notably the UK.[44] Given the debates within societies regarding integration, assimilation, and multiculturalism policies, one can easily forget that few societies are static homogenous nation-states, and that any given society is the product of previous movement of peoples, and will likely continue to exist in a dynamic and changing nature.[45]

Asylum Seekers and the UK

The securitization of asylum seekers and refuges within the UK is not something that is particularly new. Political elites utilizing language to elevate the issue of immigration to the level of a threat to societal security has occurred for decades, perhaps most notably with the 1968 speech by the Conservative MP Enoch Powell, 'Rivers of Blood' which stoked the fear of British society rapidly losing its racial and cultural identity:

As time goes on, the proportion of this total who are immigrant descendants, those born in England, who arrived here by exactly the same route as the rest of us, will rapidly increase. Already by 1985 the native-born would constitute the majority. It is this fact which creates the extreme urgency of action now, of just that kind of action which is hardest for politicians to take.[46]

While Powell's speech referenced non-white immigrants to the UK from former colonies as the source of his concern, it was an inflammatory speech stoking the fear of British society under threat from outsiders. Through the use of language, Powell's statements were the requisite speech act necessary to securitize immigration within the UK; he even specifically called for extreme and urgent action to respond to the issue he successfully securitized.

The collapse of the Soviet Union precipitated a drastic increase of asylum seekers as noted above, and the securitization of asylum in Western countries in the following decade was quite evident. When asylum applications peaked in the UK at 103,000 in 2002, Prime Minister Blair sought to cut entry of asylum seekers by 30 to 40 percent in a matter of months.[47] The sense that asylum applications to the UK were too high and needed a new strategy of urgent measures continued, and various unorthodox proposals emerged, including returning applicants to protected zones for asylum seekers in places like Libya, or even within the country or region the asylum seeker was seeking refuge from.[48] Obviously such proposals raise serious alarm on humanitarian grounds, but they are indicative of the climate of fear that enabled asylum seekers to be framed as a security threat by political elites. As stated above, asylum applicants to the UK have drastically decreased since the 2002 peak, largely as a result of tighter measures restricting applicants, increased detention and deportation, as well as a prevailing sense that the EU as a whole does not necessarily welcome asylum seekers.[49]

Established refuges within British society have been perceived as security threats once they have settled. Although they do not constitute the majority of refugees by any means, a small number of Islamist clerics have received asylum in the UK in order to escape persecution from Middle Eastern governments that persecuted them for their extreme views. This small but vocal and influential group of religious leaders has been associated with the terrorist group al-Qa'ida and the radicalization of young British Muslims, arguably posing a very real and serious threat to British security.[50] While these individuals likely do have the potential to incite real violence against British society, the idea of radicalized British youth has caught fire, leading political elites to once again stoke the fear of refugees as well as native-born descendents of refugees as serious security threats.[51] This most recent trend towards criticism of the British multiculturalism policy and fear of radicalized youth may signify a shift away from the fear of asylum seekers and refugees toward an increased fear of Islam. Although no longer framed as stemming from asylum seekers, Islam as a securitized issue constituting an existential threat to many European societies, not only the UK, may just be the

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latest manifestation of other-definition.

Concluding Thoughts

The use of language by political elites and governmental institutions to promulgate the fear of those perceived as outside of European or British society as threatening the very identity, and therefore security of a given society has occurred for decades. The act of securitizing legal immigration, particularly asylum seekers has led to regulations, laws, and policies that promote the framing of asylum seekers as needing regulation and control, rather than as human beings fleeing very real threats needing compassion and assistance. The importance of language and how it is used and accepted, by both political elites and the broader society cannot be emphasized enough. The notion that refugees are an existential threat to the continuity of British social identity must be carefully assessed and evaluated by the British population. The acceptance or rejection of the securitization of legal immigrants is something the broader public must carefully consider for themselves, keeping in mind that British society has never been static or homogonous, and that a threat to societal identity is subjective. If the British population chooses to reject the notion that refugees are an existential threat to British society, there is potential for the de-securitization of immigration to occur. Huysmans offers a cautious prescription for the de-securitization of asylum seekers through the incorporation of ethico-political judgment framing the discussion of societal security and asylum seekers and refugees through language that is careful not to portray immigrants as existential dangers.[52] If one accepts that British society is vibrant and appealing enough to attract and integrate refugees from across the globe, the process of accepting the changing dynamics of British society, and recognizing the very human and non-threatening nature of most asylum seekers can begin.

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Written by: D. Morgan Trujillo
Written at: University of Wales, Aberystwyth
Written for: Alistair Shepherd
Date written: May/2012