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# **The Logic of EU Policy-Making on (Irregular) Migration: Securitisation or Risk?**

ARNE NIEMANN & NATALIE SCHMIDTHÄUSSLER, *University of Mainz*

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## **Abstract**

In the academic literature it has become common-place to assume that migration is treated as a security issue in the EU, and that EU migration policy has become “securitised”. However, countervailing tendencies exist: some observers have recently recognised a certain liberal turn in EU migration policy, and securitisation is sometimes applied in the academic literature rather loosely, i.e. to phenomena and developments that may rather follow a different logic, the logic of risk. The article develops an operationalisation for distinguishing between the two logics empirically. Subsequently we probe the logic of security/securitisation and the logic of risk empirically through a qualitative content analysis of EU documents on (irregular) migration. Our findings suggest that, while there is evidence for both concepts, the risk logic has dominated the EU discourse in this field. In addition, it seems that different types of migrants are treated according to different logics in the EU documentation.

**Keywords:** European Commission, European Union (EU), external border control, Frontex, immigration, irregular migration, Justice and Home Affairs (JHA), migration, risk, policy-making, Political Science, securitisation, security.

## Introduction

Migration is one of the most dynamic areas of EU policy-making of the past two decades. During this time EU migration policy has undergone an astonishing ascent from modest and obscure beginnings to an increasingly mature and vibrant field of EU policy-making. At the constitutional level it has shifted, in less than two decades, from an intergovernmental regime in which only a handful of member states participated outside the Treaty framework, towards an almost fully communitarised EU policy area (Niemann 2008, 2012 forthcoming). At the EU legislative level – although processes have often been cumbersome and frequently reflected only the ‘minimum standards’ stipulated in the Treaty (of Amsterdam) – output in quantitative terms has been remarkable (Monar 2010). The rising importance of this policy field has also found prominent expression at the symbolic level. The ‘Area of Freedom, Security and Justice’, the broader framework within which EU migration policy falls, has been listed as one of the Union’s fundamental objectives in the Treaty of Lisbon where it ‘ranks’ second, ahead of the Single European Market, Economic and Monetary Union, and the Common Foreign and Security Policy.

One of the most prominent debates concerning EU migration policy centres upon the securitisation of migration policy, i.e. the tendency of discussing migration primarily as a security issue (Abiri 2000a: 2). In view of the output of academic literature on this topic it seems reasonable to call securitisation of migration a leitmotif in critical security studies (Aradau 2008: 35). Additionally, such linkages are presumed to be evident in the mass media, but also in public debate, concrete policy outcomes and in official documents (Huysmans 1995: 53-54; 2006: 46; Abiri 2000b: 11). The Schengen cooperation is commonly presented as the starting point for an increased linking of security and migration matters, which resulted in the blurring of different forms of migration and the development of control-oriented, restrictive migration policy (Huysmans 1995: 53; 2000: 752; 2006: 48; 66; Levy 2005: 35; Van Houtum & Pijpers 2007: 299-300). The perceived need of cooperation at the EU level to prevent misuse of free movement by irregular migrants and organised crime tied the debate on migration, refugees and asylum to the fight against drugs, terrorism, police cooperation and assistance in criminal matters.

The security-migration nexus, i.e. the linkage between migration on the one hand, and human and state security on the other hand (Faist 2004: 3), has been subject to academic debate for roughly two decades and scholars have widely analysed, recognised and discussed this nexus. However, often in-depth discussion of the theoretical origin of the nexus is neglected (cf. Carrera & Guild 2010: 2). Instead, securitisation is reflexively applied to refer to the sketchy idea of a security-migration nexus. Those who do address the theoretical foundations of the concept usually refer to the Copenhagen School of security studies, which conceptualises security as a speech-act, characterised by a securitising actor who designates an existential threat to a referent object, to legitimise the use of extraordinary means (Wæver 2000: 251). Notwithstanding its relevance and dominance in the debate, the Copenhagen School has had to face substantial criticism.<sup>1</sup>

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<sup>1</sup> Arguably the most far-reaching critique concerns the threat-defence logic of securitisation, which is accused of being untenable as a framework for studying policy making in contemporary modernity (cf. Aradau et al. 2008; Corry 2010).

This paper seeks to challenge the validity of the security-migration nexus in the way that it has commonly been framed in the debate. There are two principal reasons to believe that migration policy in the EU might *not* be adequately described as securitised in recent years. First, contradictory developments/tendencies can be observed in the field of migration in the past few years, e.g. following the introduction of the Global Approach to Migration (2005). The latter may constitute a ‘shift from a primarily security-centred approach focused on reducing migratory pressures, to a more transparent and balanced approach’ (European Commission 2008f: 3). The Global Approach to Migration presents a coherent framework to manage migration, which acknowledges public resentment against a “closed doors policy” and demands for cooperation based on partnership with third countries (Angenendt 2008: 45; Collyer 2009; Haddad 2008: 204-205). It thus seems that regular immigration from third countries is now desired, and also in terms of asylum policy and refugee protection the EU seems to have raised legal standards (e.g. Kaunert & Leonard 2011; Thielemann and El-Enany 2008).

Second, the above-mentioned lax application of the security-migration nexus does not always match the defining characteristics of securitisation (cf. Abiri 2000a), and securitisation is sometimes applied in the literature to describe phenomena that may rather/better fit another logic, the logic of risk (cf. Aradau & Van Munster 2007). Hence, as an alternative framework for conceptualising EU migration policy, we advance the concept of risk, which has gained momentum in several academic disciplines since the 1990s (e.g. Beck 1993; Luhmann 1993) and also been introduced to security studies (e.g. Rasmussen 2001; Beck 2007; Cory 2010), but has thus far only received little attention in the context of EU migration policy (cf. Neal 2009; van Munster 2009; pp. 12 below). The central issue raised in this paper is thus whether the underlying logic of EU policy-making on migration can be characterised aptly through the logic of securitisation, or may indeed be more adequately described by the logic of risk.

We proceed as follows: section 1 gives an overview of the development of migration policy in the EU, and shows how (and why) migration was linked to security, while also highlighting a potential recent shift towards a more liberal EU migration policy. In section 2 the theoretical foundations for the subsequent empirical analysis are laid out, by specifying the concepts of security/securitisation and risk. Section 3 stipulates our methodology and research design, and pays particular attention to the question of how to operationalise the logics of security and risk by specifying indicators that are used in the subsequent empirical analysis. In section 4, we present our empirical findings, suggesting that the dominant pattern observed in our analysis rather corresponds to the notion of risk. Finally, we draw some conclusions from our findings.

## **1. The development of EU/European migration policy: linking migration to security (and beyond)**

Well into the 1980s, migration was primarily addressed as a manageable problem. With the collapse of the Soviet Union, this changed dramatically (Larrabee 1992: 5). The focus shifted to new migration policies where asylum was increasingly pictured

as an alternative route for labour migration (Huysmans 2006: 66). By the 1990s the elimination of barriers to free movement of goods and people had already become central to the single market programme. However, political elites in the Member States generally still agreed that internal borders were an effective way of keeping control of irregular<sup>2</sup> migration. Thus the abolition of internal borders was initially met with suspicion (Boer 1995: 94). A common fear was that without the filter function of internal border controls Member States would be vulnerable to exploitation by criminals, terrorists and irregular migrants, without the introduction of new measures to fill the internal security gap (ibid.: 92). Meanwhile the fall of the Iron Curtain had increased migratory pressure from the East and highlighted the porosity of Europe's borders (Abiri 2000a: 2; Heisler & Layton-Henry 1993: 150). Hence, many Western European countries introduced new immigration and asylum policies aiming at preventing entrance and residence for third country nationals. At the same time, xenophobia and racist sentiments increased and with it a public demand for stricter immigration policies, intensifying the impetus for joint action of Member States (Lauter and Niemann 2008; Santel 1995: 75).

The emergence and eventual extension of the Schengen area were followed by a transformation of external borders into networks of surveillance and control, promoted by new technologies (Heisler & Layton-Henry 1993: 164). The evolving Schengen cooperation brought migration, refugees and asylum seekers under one umbrella with the fight against drugs, terrorism, police cooperation and assistance in criminal matters. This marks the starting point of an increasing linkage between security and migration (Huysmans 1995: 53). This tendency was reinforced by the Maastricht treaty, which further linked migration policies with police and judicial cooperation by placing them in the JHA pillar, thus embedding migration in the field of security (Hix 2005: 347; 354).

Since the late 1990's – and the partial communitarisation of migration policy through the Treaty of Amsterdam – migration was given top priority on the agenda of numerous summit meetings. A certain liberalisation of EU migration policy was initiated at the Tampere European Council of 1999 where, for example, regular migration and human rights aspects were emphasised. This trend came to a halt through the terrorist attacks of 9/11 in the USA, followed by the Madrid bombings of 2004 and the London bombings of 2005, as well as a weakening European economy, which put internal security and restrictive measures back at the heart of the political agenda (Levy 2005: 35; European Council 1999). This became apparent in the

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<sup>2</sup> The concept of irregular migration is referred to through different terms. The EU and most Member States' governments, commonly speak of 'illegal' migration (cf. Guild 2010: 8). However, the term 'illegal' ascribes non-documented mobility to criminal action of the migrant, committed by entering or staying in a country; it further refers to the simplistic assumption that migration officials can generally draw a clear line between applicants legitimately seeking asylum and those who intend to take advantage of the asylum device by 'malicious intent' (Abiri 2000b: 23; Boer 1995: 100-101; Carrera & Guild 2010: 4). The term 'undocumented' migration, however, does not cover all irregular cases, since people entering regularly but taking up irregular employment or those being sent by traffickers with valid travel documents are strictly speaking not 'undocumented' (Wickramasekera 2002: 2). The term 'irregular' appears to be more neutral and is also increasingly favoured by international organisations working with migration issues (Guild 2010: 9). Therefore, we use the term 'irregular' when referring to these forms of migration, whereas the term 'illegal' will only be used in inverted commas, when paraphrasing EU publications.

Council meetings in Laeken in 2001 and in Sevilla in 2002, when claims for more effective measures against irregular migration were made (Angenendt 2008: 41; European Commission 2009a: 9; Karyotis 2007: 2).

After 9/11 and the subsequent attacks in London and Madrid, migration appeared prominently in the debate on anti-terrorism. Responses by politicians and media reinforced and dramatised the connection between migration and security in public debates (Faist 2004: 3). The attacks increased the feeling of insecurity towards migrants. Anxieties and security concerns thus provided an opportunity to tighten control mechanisms and increase the restrictiveness of migration policies, for example through fingerprinting of asylum seekers, increased data-exchange and stricter visa requirements, which had been debated for years and were (allegedly) approved because of the supposed threat from terrorism (Levy 2005: 52-53; Boswell 2007: 590; Karyotis 2007: 6; Van Houtum & Pijpers 2007: 295).

However, it seems that the terrorist attacks in New York, Madrid and London did not initiate a re-orientation in migration policy, but rather strengthened prior existing tendencies (Huysmans 2006: 68; Karyotis 2007), and provided “grist to the mill of all those who were already calling for a proactive approach based on prevention, technological intelligence gathering and more intrusive and comprehensive surveillance” (Bigo 2009: 588). In addition, Boswell (2007: 601) claims that instead of presenting migrants *per se* as potential terrorists in the post-9/11 era, in practice migration was linked to terrorism by exploiting policy tools of migration control for countering terrorism. She also notices that public debate on migration has remained relatively unaffected by the anti-terrorist agenda, with the exception of some attempts to link security to migration in the direct aftermath of the attacks (2007: 596). Thereafter, “a process of negotiation, accommodation and compromise between the Commission and the Council” has even been witnessed, with policies that were rather ordinary and within the normal limits of EU politics (Neal 2009: 340), thus by no means resembling the “extraordinary means” suggested by scholars subscribing to the notion of securitisation (cf. e.g. Wæver 2000; cf. section 2).

The potential shift towards a more liberal EU migration policy became apparent soon after. In 2005 the Commission produced the Communication ‘Priority Actions for Responding to the Challenges of Migration’ (European Commission 2005), in which the foundations of the Global Approach to Migration were established. The Council of the EU then confirmed these basic guidelines in their resolution ‘Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean’ (Council of the European Union 2005). In the following years few EU documents on migration or asylum policy were produced that did not make reference to the Global Approach. At the heart lies the insight that a balanced and coherent approach to migration is needed to reduce irregular migration in the long-term, since border-control has proved to be insufficient. The Global Approach further acknowledges public resentments towards a “closed doors policy” and demands for cooperation in migration policies based on partnership with third countries (Angenendt 2008: 45). The Global Approach thus seems to present a coherent long-term strategy to tackle the causes of irregular migration:

‘Action must be taken to reduce illegal migration flows and the loss of lives, ensure safe return of illegal migrants, strengthen durable solutions for refugees,

and build capacity to better manage migration, including through maximising the benefits to all partners of legal migration, while fully respecting human rights and the individual's right to seek asylum.' (Council of the European Union 2005: 3)

Migration is now more integrated into the development agenda and other external policies of the EU. This has been interpreted as a change from a primarily security-centred approach to one guided by a deeper understanding of all aspects relevant to migration (European Commission 2009a: 8; Haddad 2008). In 2008, under the French presidency, the Council adopted the widely recognised 'European Pact on Migration and Asylum' (Council of the European Union 2008), aimed at guiding the future of EU migration policy. In line with the principles of the Global Approach, the pact acknowledges the values of migration, thus also seems to indicate a renunciation from the policing and security vision of migration control (Bigo 2009: 582). Migration is presented as an opportunity for the EU and its Member States, while the idea of zero immigration is rejected for being "unrealistic and dangerous" (Council of the European Union 2008: 2). It has also been noted in the academic debate that EU cooperation on migration (esp. asylum) matters has contributed to a rise in the legal protection standards applicable to migrants in the Union and thus influenced Member States to adopt more liberal practices (e.g. Kaunert 2009, 2010; Kaunert & Leonhard 2011; Thielemann & El-Enany 2008; Levy 2010; also Boswell & Geddes 2011: 151;). Hence, for a number of years now, we can witness tendencies that seem to reflect an abandonment of policies exclusively oriented towards restriction.

The next section will provide the theoretical foundations for the subsequent empirical analysis. First, the mainstream logic of security is specified, which seems to have provided an adequate perspective for EU migration policy so far. However, given the developments in recent years, we also introduce an alternative rationale for conceptualising and understanding (EU) migration policy: the logic of risk.

## **2. Theoretical foundations: the concepts of security and risk**

### *Development of the security concept*

Up until the late 1980s consensus prevailed in security studies as to what counted as legitimate objects of study. This was basically military threats for citizens of a state or a community of states in an anarchic international system. The end of the Cold War has commonly been portrayed as a profound shock to security studies. For decades a bi-polar world order had been an integral, seemingly natural part of the international system. When it dissolved in 1989, the identity-creating narrative lost its force (Huysmans 2006: 16). At the same time the fall of the Iron Curtain opened up political and academic redefinitions of the security concept (Buzan 1991; 1993: 1; Huysmans 2006: 15; Wæver 1995). In general, the narrow focus on military security was increasingly criticised for being detached from the actual threats to lives and the well-being of most people and states. Thus, a new focus on insecurity emerged that centred no longer on states, but on society (Buzan 1993: 2). In this context a wide range of issues and referent objects entered the field of security studies, among them migration and refugee flows (Booth 1991: 320). Simultaneous to the debate on the widening of the security concept, another discussion emerged which defines security

as a discourse and looks at the implications security framing has on non-military issues. According to this view, which is strongly influenced by the scholars of the Copenhagen School of security studies, the meaning of security depends less on the nature of threat than on the nature of framing in security practices (Huysmans 2006: 16).

### *The Copenhagen School of security studies*

While in the US the principle debate within security studies remained largely ‘intra-realist’, i.e. between different strands of the realist IR approach, in Europe three competing, though not clearly delimited schools in security studies emerged:<sup>3</sup> (A) critical security studies, mainly advanced by Aberystwyth-based scholars, such as Ken Booth (1991) and Richard Wyn Jones (1999) as leading figures, who argue against a narrow focus on national security, by shifting the focus towards ‘real threats’ to real people. (B) Approaches inspired by Bourdieu and other sociologists are largely associated with Paris and particularly the work of Didier Bigo (e.g. 1996, 2000, 2002), which is characterised by detailed, empirical studies of practices of different agencies, practices that tend to uncover processes and patterns different from those to be found by analysing official discourse. (C) Last, but not least the Copenhagen School of security studies, whose origin is strongly tied to the work of Barry Buzan (1983), who was one of the first to draw attention to the concepts and logics of the field. Security was still defined in terms of survival of the state or society as political unit and conceptualised as a basic need that can be possessed, measured and obtained (Buzan *et al.* 1998: 21).

From this perspective, gradually Buzan and Wæver, and some of their colleagues, developed an increasingly inclusive, constructivist approach to security (cf. Eriksson 1999: 314). Since absolute security is presumed to be unattainable, it is treated as a relative value, depending on the vulnerability of the threatened object and intensity of the threat (Wæver 1993: 23). Accordingly, security is not treated as an objective, material condition set out in the ‘real’ world, but as socially constructed. As Buzan *et al.* have suggested security is not bound to an issue, but to a certain logic:

‘[w]e seek to find coherence not by confining security to the military sector but by exploring the *logic* of security itself to find out what differentiates security and the process of securitization from what is merely political’ (Buzan *et al.* 1998: 4-5; emphasis added).

This broader understanding of security focuses on the process of how different referent objects turn into subjects of securitisation through speech acts that label an issue a security concern, i.e. the construction of issues as security problems:

‘Security is the speech act where a securitizing actor designates a threat to a specified referent object and declares an existential threat implying a right to use extraordinary means to fence it off.’ (Wæver 2000: 251)

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<sup>3</sup> This paragraph draws on Wæver (2004).

Accordingly, “security” can be understood as “the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics” (Buzan *et al.* 1998: 23). This occurs when an issue of common politics is pushed into the security realm by using the language of existential threats as rhetoric, in order to gain legitimacy to apply emergency measures (*ibid.*: 23–24; Karyotis 2007: 3). What happens is that issues that have been securitised are re-inscribed in a different logic, one that is characterised by urgency and exceptionalism (Aradau 2004: 392). Speaking security goes beyond description and presentation of an already present security problem that exists independently of the speech act: “the *word* ‘security’ is the *act*; the utterance is the primary reality” (Wæver 1995: 55; emphasis in original). Or as Huysmans (2006: 24) suggests, a threat becomes a threat, because it is named as such. However, a securitising act is not reducible to the speech act, since the historically constituted and socially instituted conditions under which they are uttered are relevant for their success (Wæver 2000: 252-253).

Which issue is securitised is not naturally given, but a question of choice. However, only those threats are regarded as relevant that could affect the survival, i.e. the self-determination and sovereignty of the political unit (Wæver 1995: 52-53). An issue is securitised if the relevant audience accepts the assertion and grants legitimacy to the speaker to use extraordinary means outside the repertoire of everyday political practices and if necessary, breaking with established norms. The existential character the speaker ascribes to the securitised object, calling for an expansion of the scope of action in order to secure survival, justifies these exceptional measures (Wæver 1995; 2000; Buzan *et al.* 1998). Thus, placing an issue on the security agenda can be an effective means to draw attention to it and to prioritise the issue over competing topics. Securitisation further enables power holders to gain control over an issue and obtain special rights. Accordingly, “the main effect of uttering security is its potential to let an audience tolerate violations of rules that would otherwise have been obeyed” (Wæver 2003: 11).

Security logic also has a tendency to be self-sustaining in that it produces insecurity that requires counter-measures to handle it, while creating further insecurity. Hence, the relationship between security and insecurity is not one of binary opposites. Rather security describes a situation with a security problem and measures taken in response. Insecurity refers to a situation where a security problem is claimed, but no measures are taken. If no security problem is defined, security is irrelevant in the given context (Wæver 1995: 56). This reveals two insights: first, the importance of the question whether an issue should be treated in security terms in the first place and second, the absurdity of working toward maximising security (*ibid.*: 57). These shortcomings are addressed in the concept of de-securitisation. Desecuritisation refers to the process of removing an issue from the security agenda and relocating it within the realms of ordinary politics. At the heart lies the assumption that it is not reasonable to define as many developments as possible as security problems. Security thinking risks militarised thinking and handling of issues according to threat-defence logic. It further tends to facilitate ‘us vs. them’ thinking (Wæver 1995; Deudney 1990).

An innovation to the study of security, which also has implications for the study of migration, is the distinction of two categories of security: national security

and societal security. For Wæver “societal security concerns the ability of a society to persist in its essential character under changing conditions and possible or actual threats,” or to put it more generally, “societal security is about situations when societies perceive a threat in identity terms” (Wæver 1993: 23). Like national security, societal security is concerned with survival. However, instead of being concerned with threats to state sovereignty, it focuses on threats to group identity, i.e. the self-conception of a community, as a separate referent object. “A state that loses its sovereignty does not survive as a state; a society that loses its identity fears that it will no longer be able to live as itself” (Wæver 1995: 67).

Wæver stresses the relevance of the concept of societal security for communities without a state basis. Accordingly, larger emerging communities based on societal identity, including the EU, ought to be studied in these terms (Wæver 1993: 27). However, the concept of securitisation has been developed and applied mainly to nation-states, thus application to security policies in the EU raises some issues. As Abiri highlights, the nation-state is particularly sensitive to cross-border migration, since it does not only aim at bounded territoriality, but also at bounded membership. Even though most states are not genuinely nation-states, they generally endeavour to form a relatively homogenous population, rooted either in shared ethnicity or cultural values (2000b: 62-63). Contrary, there is no European identity with a stable core, but rather various sets of ideas, all linked to the notion of Europe (Wæver and Kelstrup 1993: 65). Nevertheless, attempts by European policy-makers to foster a feeling of belonging and shared identity exist. The introduction of the AFSJ demonstrates that policy makers are not solely interested in an area of security, but a bounded space with a stable social order. According to Wæver, speaking security can be applied as “a tool for Europe”, thus as an answer to what Europe really *is*:

“In the *European* version of order/security, there is a statebuilding logic at play. Security is invoked in a sense that can be interpreted as a call to defend a not-yet-existing social order” (1995: 74; emphasis in original).

Securitisation thus serves as a means to create shared identity, although European identity has not replaced national group identity, and arguably will not do so in the near future. Nevertheless, European identity is important for the reshaping of national identities. It provides an additional layer to national self-conception, and facilitates the definition of interest and options for action of nation-states (Wæver 2000: 266-267). Following Buzan, Europe has experienced a profound redefinition of the relationship between state and society. European integration is constructing a new macro level which forms an entity in the political and economic realm, but also in terms of identity. In a single market, cultural peculiarities are felt to come under pressure of standardisation and homogenisation, thus societies feel they are losing control. Credible provision of adequate defence is claimed to be crucial for the success of European integration, as otherwise nationalist forces might claim that permissive migration policies and homogenisation undermine national identities (Buzan 1993: 2-3).

Still, some important differences remain. Contrary to national political contexts, discourses on the EU level are rarely widely reported and discussed in the general public. The lack of public debate challenges some assumptions of the

securitisation theory. Above all, in the EU, the link between securitising speech acts and the intersubjectivity of the public is less certain than in nation-states. In addition, it is more difficult to identify a central securitising actor in the EU, due to the complexity of institutional arrangements (Neal 2009 336; Hempel 2011: 131). If securitisation is about the granting of extraordinary rights, which EU institution has the institutional, political or legal capacity to make use of such special means (Neal 2009: 337)? Therefore, even if securitising moves can be observed in the institutional discourse of the Union, it is unclear what this implies for the interpretation of policy outcomes.<sup>4</sup>

More generally, when considering securitisation as a guide for empirical research, some caution is needed. Alternative trajectories in the framing of migration are possible and should not be overlooked. Lately the logic of risk has been proposed as an allegedly more adequate framework for discussing security related question in contemporary modernity.<sup>5</sup>

### *The concept of risk*

Michel Foucault was one of the first who observed a tendency in Western societies to suppose a constant state of everyday dangers for the individual that are fundamentally different from existential threats of the previous centuries (Foucault 2004 [1979]: 101). Since then, the notion of risk gained momentum in public debate, as well as across academic disciplines. Sociological risk-literature has more and more been applied to the study of security, claiming that risk thinking has turned into “the operative concept of Western security,” thereby replacing threat-defence modality, proclaimed by securitisation theory (Rasmussen 2001: 285). For Corry, suggesting that the “grammar” of security changed, has been the most fundamental critique of the Copenhagen School so far (Corry 2010: 1; 4).

For Ulrich Beck, “[t]he narrative of risk is a narrative of irony”, in which highly developed institutions of modern society struggle to anticipate what cannot be anticipated. This puts us in a situation in which “[w]e don’t know, what it is we don’t know - but from this dangers arise, which threaten mankind!” (Beck 2006: 1). Beck further claims that threat and insecurity have always been a precondition to human existence, while the semantics of risk have only emerged during modernisation processes. Following Beck, modern societies (“risk societies”) are characterised by extreme uncertainty and impossibility to control risks, which are of low probability but have devastating consequences. Thus, semantics of risk refer to presently discussed future dangers that frequently result from actual successes of civilisation (Beck 2007: 19). The quality of modern risks, be it weapons of mass destruction, climate change or terrorist attacks, has contributed to enforcement of a logic of

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<sup>4</sup> These limitations apart, the theoretical framework of the Copenhagen School concept of securitisation has been subject to further critique from different directions (cf. e.g. McSweeney 1996; 1998; Eriksson 1999; Hansen 2000; Aradau 2004; Balzacq 2005; Stritzel 2007).

<sup>5</sup> Naturally, alternative discourses to the security or risk one are possible, for instance, discourses that emphasise humanitarian or economic aspects of migration (Karyotis 2007: 13). However, security and risk both refer to an overarching logic in which economic, humanitarian and social concerns may be embedded. Therefore, the focus of this study will be on security and risk as key orientation in the field of migration.

prevention. In this view, “we are also trying to anticipate and prevent risks whose existence has not been proven” (Beck 2006: 5). Following a logic of “[t]he more emphatically the existence of world risk society is denied, the more easily it can become a reality” (ibid.: 1), actions are taken in anticipation of catastrophes, not in response to them. For Beck, the distinction between risk and catastrophe is key to an understanding of risk:

“Risk does *not* mean catastrophe. Risk means the *anticipation* of catastrophe. Risks exist in a permanent state of virtuality, and only become ‘topical’ to the extent that they are anticipated. Risks are not ‘real’ they are ‘*becoming real*’. At the moment at which risks become real - for example, in the shape of a terrorist attack - they cease to be risks and become catastrophes” (ibid.: 4; emphasis in original).

Consequently, risks refer to future events and developments that are threatening and may become reality, thus they envision a situation that is not (yet) reality. The public accepts measures taken in anticipation of future events, as long as they believe a risk is ‘real’. However, it is not relevant how probable the occurrence actually is. People need to feel a risk is real; therefore it needs to be staged. Only by staging future risks do they turn into present concerns (Beck 2007: 29-30). It is inessential whether the world is objectively safer than before. The staged anticipation of catastrophes obliges to take preventive actions, mostly by states, as principal guarantors of security. Applying the logic of risk also allows turning non-political questions into political ones. Once threats become normality, they take on an institutionalised form, response mechanisms are established as part of the normal political practice and things are evaluated according to the promoted moral standard (ibid.: 323-324). Due to their temporal orientation towards the future, risks remain hypothetical and are not least induced by uncertain scientific claims and contested normative ideas (Beck 2006: 5).

Another principal characteristic of risk is that it presupposes human decisions, entailing positive and negative consequences. In relation to risks the question of social accountability and responsibility are always at stake. Recognition of the decision-governed social roots of risks makes it impossible to externalise the problem of accountability (ibid.). The origin of risk is thus bound to decision-making of the self and cannot be ascribed to an external source. While threat is often understood as any not all too improbable negative impact on one’s living sphere whose causes lie beyond one’s control, risk usually refers to a situation where possible disadvantage or dangers are a consequence of one’s own behaviour. In case of self-attribution of potential damage, we speak of risk, whereas in situations of external-attribution we would speak of threat (Luhmann 1993: 327; 2005b: 252-253; 662).

Beck claims that risk contains an ‘infinite appetite for reality’ (“*unendlicher Wirklichkeitshunger*”). This means that risk functions as a superordinate category which swallows any other qualities of a group presenting a risk. A group defined as being risky runs into danger of being excluded. Though risk is not a binary code, discriminating between good and bad; rather it distinguishes between people that possess different levels of risk (Beck 2007: 334). Thus decisions usually are not

between a secure and a risky alternative, but between alternatives that bear risks of different character, thus are incommensurable (ibid.: 17).

For Luhmann (2005b: 129; 133), the future is primarily addressed from the perspective of prevention of damage. The notion of risk thus inevitably entails questions about its control, or at least rational management (ibid.: 687). So, contrary to Beck's "risk society" that is characterised by uncontrollable and unpredictable dangers of modern civilisation, in this view, the quest for knowledge and management is key to the logic of risk. Aradau and van Munster sustain this viewpoint. For them, what is novel about risk is not uncertainty and awareness of a catastrophic future, but the emergence of a precautionary element in the management of danger, which requires that future catastrophic prospects need to be avoided at all costs. Risk is conceptualised as a "dispositif" for governance of social problems, comprising different discursive and material elements (Aradau and van Munster 2007: 91). Hence, risk is not characterised by its uncontrollable, incalculable quality, but, quite the contrary, as an attempt to "govern what appears to be ungovernable" (ibid.: 107) and as "a social technology by means of which the uncertain future, be it of a catastrophic nature, is rendered knowable and actionable" (Aradau *et al.* 2008: 150). Risk is thus a way of ordering the world and managing social problems, which could also be described as "active prevention of catastrophe" (Aradau and van Munster 2007: 97-98). From this perspective, management of risk is part of an ideologically constituted everydayness, rather than an exceptional act. The focus is therefore on how presumably incalculable risks are governed in a state of not knowing (Aradau and van Munster 2007: 101).

Unlike Beck's notion of risk society, which is based on the idea that the nature of risk has profoundly changed due to technical and societal progress, Luhmann proposes that the expansion of technical mechanisms of control, i.e. the potential ability to prevent danger, has made the world more contingent and dependent on decisions. Meanwhile, it has also turned an increasing number of processes and events into objects of calculation of decision makers. The selection of which risks ought to be discussed in public, is socially and culturally contingent (Luhmann 1993: 328). What is new about the risk problematique is its self-referential character. This means that omission of decisions bears the same risk as making a decision. More than threats, risks depend on societal development. In risk thinking, traditional conceptions of power, assertiveness und stamina become obsolete. They are replaced by insurance, participation and consensus strategies, which later prevent ascribing individual responsibility (Luhmann 2005a: 150).

In the context of EU migration, the risk logic has so far received only limited attention in the literature. Neal has used the modality of risk to shed light on the remit and operation of Frontex. He considers the concept to be suitable as the organisation constitutes "the institutionalization of *normalization* in the form of European Union technologies and regulations" (Neal 2009: 348).<sup>6</sup> Van Munster in

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<sup>6</sup> The very useful contribution of Neil (2009) can be clearly distinguished from our study: while Neal's article focuses more on the origins of Frontex, established in 2004 (but also its remit and operational practices), we focus on documents published on the Frontex *website* (from 2005 onwards) on the broader theme of irregular migration and external border control, mainly from the European Commission, but also from Frontex and RABIT News Releases, legal texts, etc. In addition, while

his broader analysis of EU immigration policy also finds evidence of risk management and governance through risk in the EU, but sees risk intervention as self-perpetuating and embedded in expanding webs of control that ultimately lead to the “institutionalization a permanent exception” (van Munster 2009: 144).

*“Securitisation” of migration: risk (logic) in disguise?*

The developments in EU migration policy have led numerous scholars to claim that migration has increasingly been linked to security threats, which allegedly had an impact on EU policies in the field (Gruszczak 2010; Houtum & Pijpers 2007; Huysmans 2000, 2006; Ibrahim 2005; Karyotis 2007; Levy 2005). This tendency has often been described as a securitisation of migration. Indeed, one could get the impression that securitisation has almost become a dictum in academic writing on EU migration policies of the last two decades. However, the term is frequently applied without in-depth discussion of its theoretical foundation. Many authors neither define, nor clarify the theoretical origin of securitisation in depth, but rather employ the term to refer to the vague notion of an interrelation of migration and security practices, which have supposedly affected EU policies in the field (cf. Carrera & Guild 2010: 2). Its lax use does not always match the defining characteristics of securitisation (cf. Abiri 2000a: 2).

In addition, securitisation is sometimes applied to describe phenomena, which according to our model would more precisely be termed risk logic or merely a discursive connection of security and migration. For example, one of Gruszczak’s major findings is that the EU recently “put a growing emphasis on securitization of its external borders” (2010: 2). For Gruszczak:

“Highlighting threats and risks coming from criminal activities developed by organized criminal groups, gangs and ‘mafias’ originating from the ‘East’ was the traditional element of securitization of EU external borders. The need to introduce strict protection measures, develop and modernize technical and organizational means of control and surveillance was legitimized by preventive and protective role of state authorities (...) against dangerous expansive criminal gangs” (ibid.: 15-16).

In this instance, to outline of a clearly defined threat and an actor responsible for providing protection legitimises application of strict measures. So far, securitisation seems to apply. However, at second glance his observations appear to be more coherent with risk logic. For instance, Gruszczak claims that EU border management “aims to strengthen control and surveillance in order to prevent and anticipate potential threats coming from its close environment” (ibid.: 27). This highlights a principal element of risk logic: the precautionary principle and future orientation of actions. Despite being discussed under the heading of securitisation, increased reliance on biometrics as a technology of risk management and threat prevention is presumed to show “that border security has more to do with monitoring, surveillance, filtering, protection and law enforcement than traditional defense or guarding” (ibid.:

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Neal stays relatively silent concerning his operationalisation of the two logics, our study is more explicit in that respect.

15). Yet, these tendencies would rather be attributed to risk thinking for embracing mostly un-exceptional, preventive measures for long-term governance, responding to diffuse threats and protecting vague referent objects. Against this background, Gruszczak's findings should not be taken as a proof for securitisation of migration policy, but rather as a reflection of risk logic.

Didier Bigo acknowledges the critical contribution the Copenhagen School provided by questioning that security is the explanation of the security process and not a discourse to be challenged. At the same time, he criticises scholars working in that tradition for accepting the "truth" about what security is. He finds fault with the acceptance of the exceptional, urgent nature of security, which focuses on survival, while forgetting about the "field effect" deriving from the struggle between different security professionals engaged in the field. At the same time Bigo calls for deconstruction of the notion of state and societal security. He further advocates a conceptualisation of securitisation characterised by day-to-day practices, instead of 'exceptionalisation' (Bigo 2002).

For Bigo securitisation of an issue is possible without speech or discourse, merely through non-discursive practices, institutional processes and routines, which influence the perception of an issue (2000: 193-194). This refers primarily to the activities of administrative officials and bureaucratic networks, involved in the legislative process on questions of immigration and internal security. Unlike government speakers, these actors are presumed to be marginally interested in securing public legitimacy. They rather act according to a power-maximising logic. Their interest is in expanding influence through exporting technological and technical practices into other policy domains. Thus, they infiltrate the field of migration by applying policing and surveillance methods in order to confirm their role as providers of security.

Following Bigo, securitisation is better understood as the interplay of securitising speech acts of political leaders and application of diverse administrative practices of security professionals, such as profiling, risk assessment, statistical calculations, creation of categories and proactive action (Bigo 2002). By deviating from an exclusive focus on the exceptional, threat to survival, and introducing everyday routines and technologies of security professionals, Bigo can also be seen as a proponent of a risk approach to security studies (Aradau & Van Munster 2007: 98).<sup>7</sup>

### **3. Methodology and research design**

#### *Case selection and (temporal) delimitation*

For the twofold aim of probing the prevalence of securitisation and the emergence of alternative patterns, it makes sense to select issue areas and processes that can be

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<sup>7</sup> Similarly, Huysmans claims that the distribution of insecurity is too complex to grasp it with only one referent object and one kind of attributed threat. Yet, instead of referring to risk logic, Huysmans defines migration as a meta-issue, transporting threat, danger and fear, working as an overarching concept, crossing and linking functionally different policy fields (2006: 83).

expected to reveal much about security and risk logic in recent EU migration policy. Five central subfields of EU migration policy can be broadly identified: labour migration, integration, cooperation with countries of origin, refugees and asylum, irregular migration and external border control (Angenendt 2008; Bendel 2009; Nuscheler 2011). In the realm of integration and economic migration, competencies remain for the most part with Member States, so that truly EU migration policy is only rudimentary here (Nuscheler 2011: 307-308). Thus, both fields seem unsuitable for the study of EU policy rationales. Asylum and refugee policy is profoundly influenced by international obligations and fundamental laws, thus not wholly characteristic for EU policies (Hayes 2009: 33). The external dimension of migration is a relatively new sub-field, and presumably the logic behind it is still in the making and will only be developed over time.

Overall, irregular migration and external border control constitute the most revealing case(s) for analysis. The Commission identifies the “fight against illegal immigration of third country nationals” as a central part of EU common migration policy (European Commission 2006a: 2). Irregular migration is presumed to pose a special political challenge, as it erodes state sovereignty, questions functional integrity and legitimacy of government actions (Angenendt 2008: 51; Huysmans 2006: 49). Since the implementation of the Schengen agreements, external borders and irregular migration have become central for the linking of security and migration (Hayes 2009: 33). They are at the centre of attention from a security angle, perhaps more than any other form of migration (Fauser 2006: 14). Irregular migration and external border therefore constitute a most-likely case for prevalence of securitisation. Hence, if securitisation were not confirmed, this would be a strong indicator for doubts on securitisation. At the same time, irregular migration and external border constitute a least-likely case with regards to chances for a change of the driving rationale (e.g. towards the logic of risk).

Furthermore, the period under study should not be too limited, since the logic of policy-making is expected to evolve over the course of time. Considering that the impetus were perpetual societal changes, as well as the phenomena/events such as the introduction of the Global Approach – that some observers have considered as a shift away from the control and security agenda (Collyer 2009; Haddad 2008: 204f) – the latter seems to be a good starting date for analysis, since the former cannot be ascribed to a certain date. Hence the period under study will roughly cover the time from the introduction of the Global Approach (2005) until the time when the empirical analysis was carried out (2011).

### *Basic methodological approach and operationalisation*

Data collection will be structured by qualitative content analysis, which allows for “discovery and description, including search for underlying, meanings, patterns, and processes, rather than mere quantity or numerical relationships” (Altheide 2000: 290). The detection of underlying patterns is exactly what the study seeks to achieve. Accordingly, the main interest does not lie in the appearance of certain words *per se*, but the discursive pattern involved in their presentation. Such approach is to some extent interpretive, but remains empirical, “meaning that instances of certain meanings and emphases can be identified and held up for demonstration” (ibid.).

Since the focus is on the official discourse, manifested in policy changes and official rhetoric, the source of material are official publications by EU bodies. Frontex, in its function as an autonomous and independent EU agency and the key tool for the control of external borders, is at the heart of a newly established border regime (Nuscheler 2011: 306). Therefore texts on the official website of Frontex and official documents linked to the website, provide the basis for content analysis. The reasons for this decision are manifold: the credibility of official EU agencies, the presumed relevance of official texts, and the easy accessibility. However, the most relevant reason for this choice was the presumed function of the website, which serves to present Frontex to the public, the press, and policy-makers. It is assumed that texts on this website will help to reveal the driving logic of policy-making in the realm of irregular migration and border control. Bearing in mind the research interest in a logic that characterises EU policy-making on (irregular) migration, it seemed reasonable to start initial sampling with Commission Communications linked to the website. Rather than representing primarily EU citizens, like the European Parliament, or interests of Member States, like the Council, the Commissions claims to uphold the interests of the Union. In addition, Communications include a great variety of issues, particularly well-suited to get an overview. Further samples included Frontex and RABIT News Releases, press packs, principal legal texts and information about origin and tasks of the agency. When data gathering did not generate new insights into theoretical categories, i.e. when theoretical saturation was presumed to be accomplished the inclusion of new material ceased.<sup>8</sup> In total, 53 documents have been analysed.

Information extraction has been structured by search patterns and listed in categories. A category system has been developed, which respects previous considerations and hypotheses on linkage of variables. This ensures that preliminary theoretical considerations guide the extraction of information. At the same time, the category system remains open for modifications, in case information appears which seems relevant but is not captured by existing categories (Gläser & Laudel 2010: 200-201). At the heart of our qualitative content analysis lie the categories distinguishing the security-risk rationales, i.e. the reference points for the security and risk logics. These consist of all text passages that reveal some information about the rationale that is driving policy-making in the realm of migration, with regard to threat, referent object, origin of threat, threat management (in terms of aim, duration and nature of measures), and the temporal direction (of action).

In the category labelled '*threat*' we have coded information for any influence presented as 'unwanted' for whatever reason. If such influence is perceived as rather diffuse, such as irregular migration in general, this would indicate a risk logic, whereas more concrete threats, for instance specific criminal offences committed by irregular migrants, imply a security logic, since a concrete threat is necessary for securitisation. Furthermore, the '*origin of threat*' will be coded (as a sub-category of threat), where a certain danger is located. "In risk society you become the object of your own actions", which presents a radical change from the dichotomy of the self-other image dominating in security thinking (cf. Rasmussen 2001: 293). It will thus

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<sup>8</sup> On theoretical sampling, cf. Glaser & Strauss 2010 [1967]: 61; Strauss & Corbin 1990: 193; Breuer 2010: 110; Charmaz 2006: 113.

be noted whether the source of threat is located within the unit (internal), or comes from outside (external). An internal origin means that (potential) dangers arise from decisions or omission by the EU, its organs and Member States. Such rather self-inflicted origin of threats would indicate risk, whereas external casualties hint at security logic. Dangers of an external origin could refer to third country nationals crossing borders or traffickers of human beings, threatening the lives of migrants.

The next category refers to the *'referent object'*, in terms of an object presumed to be affected by negative impacts and/or presumed to benefit from proposed measures. Since this object is key to the speech act of security, a concrete referent object, for instance the territory or identity of a specified Member State, would hint at security logic. Absence of referent objects or vague reference to 'the EU' or 'external borders' would indicate a risk logic.

The next three sub-categories address different aspects of migration *management*. The *'management aim'* sub-category seeks to capture the objective of proposed actions. In risk logic threats are constructed as governable, and their handling is thus part of a constant management (governance) process, whereas in security logic the threat is presented as uncontrollable and thus needs to be eradicated (Beck 2007; Corry 2010: 16-17). In addition, the duration of measures will be coded in the *'management duration'* sub-category. Actions applied in situations of risk are long-term, if not permanent. This may include 'sustainable partnerships with third countries' or 'open end operations'. In security situations, actions need to achieve an instant goal and can be suspended afterwards, thus they are usually temporary and short-term oriented. For instance a 'temporary deployment of troops' would be typical for a logic of security. The *'management: nature of measures'* sub-category looks at the type of action proposed, in particular at how conventional they are. In situations of proclaimed risk the nature of response tends to be part of the repertoire of everyday politics, such as adherence to international obligations, reports, risk analysis, but also surveillance (cf. van Munster 2009: 10), as it might become institutionalised and part of normal political practice (Beck 2007). On the contrary, in security logic, "extraordinary means" (Wæver 2000: 251), even norm-breaking actions are legitimated, though they are only implemented temporarily in reaction to exceptional situations. This may include actions involving force, or the violation of laws and obligations.

Finally, we assess the 'temporal direction' of (EU) action. The third feature of risk logic refers to the *presence of future*. According to Rasmussen, "risk is the consequence of an action, which has yet to materialise" (2001: 293). In situations of risk, present problems are defined according to their anticipated future consequences, regardless of whether they will ever materialise. In order to manage the future, precautionary measures are applied, to prevent future catastrophe. This could include risk-analysis, pooling of resources and diminishing push factors for migration in third countries. In contrast, security is status quo oriented. Actions are constructed as responses to threats, which can possibly be identified and assessed empirically; hence, security action is usually reactive. Measures may include, for instance, help mechanisms for Member States that are currently endangered. In the logic of risk the identification of an existential threat is not mandatory, since potentialities rather than actualities are the defining principle. Thus, potentially harmful events of varying gravity replace existential threats of securitisation (Aradau *et al.* 2008: 150). In

addition, some more open (e.g. 'motivation for action') have been coded for, allowing for the possibility of finding regular patterns and arguments that may not have been anticipated.

It should be noted that a multitude of authors has used the concepts of security and risk, many highlighting different features, and sometimes making contradictory claims. Certainly these characteristics refer to ideal types. Real world observations are expected to be ambiguous and are often inconsistent. However, this should not stipulate rejection, as these preliminary findings are only meant to indicate tendencies and serve as a basis for explorative research.

**Table 1: Indicators/reference points for the logics of security and risk (ideal types)**

<b>Indicator</b>	<b>Logic</b>	<b>Security</b>	<b>Risk</b>
<b>Threat</b>		<ul style="list-style-type: none"> <li>- Unambiguous, existential, ‘actual’ threat</li> <li>- External origin</li> </ul>	<ul style="list-style-type: none"> <li>- Varying degree of concreteness and gravity</li> <li>- Internal origin</li> </ul>
<b>Referent Object</b>		Unambiguous	Different degree of concreteness
<b>Management</b>	<ul style="list-style-type: none"> <li>- Aim</li> <li>- Duration</li> <li>- Nature of measures</li> </ul>	<ul style="list-style-type: none"> <li>- Eradication</li> <li>- Temporary/short-term</li> <li>- Exceptional/norm-breaking measures</li> </ul>	<ul style="list-style-type: none"> <li>- Governance</li> <li>- Institutionalised/long-term</li> <li>- ‘Normal’/conventional action</li> </ul>
<b>Temporal direction (of action)</b>		Response to contemporary situation; status quo orientation; reactive	Prevention in anticipation of future events/future orientation

(Source: own work)

#### **4. Empirical findings**

##### *Threat*

Threats, generally the starting point for securitisation, seem to play a surprisingly marginal role in the documents under study. Frequently they are not even mentioned to legitimise action:

“Member States must be supported in designing and implementing voluntary return programmes and plans for enforced return, (...). Supporting Member States in obtaining the necessary documentation for an immediate return and readmission of illegal migrants remains a priority” (European Commission 2006c: 9; also cf. e.g. ibid. 2006a: 3-5; 2006b: 5-8; 2008d: 8-9; 2008e: 6; Council Regulation (EC) 2007/2004).

Typical for risk logic support for return and readmission is pronounced, without pointing at a particular threat demanding precisely this response. No explanation is provided why such policies must be supported and remain a priority. However, at times the context described in the analysed documents allows conclusive assumptions on undefined, but anticipated dangers:

“An improved cooperation between the relevant customs and other border control authorities of the Member States is a key element of the integrated border management model, whereby persons and goods are controlled using similar working methods and risk management approaches. A further analysis of the content of a single window concept (...) should be pursued taking into account the on-going evaluation of the future of customs” (European Commission 2008a: 9; also cf. e.g. *ibid.* 2006a: 8-9; 2006b: 4, 10; 2007: 6, 8; 2008b: 5-1; 2008e; 2008f; 2009b: 13-16; Frontex 2010c).

Trafficked goods and persons attempting to cross the external borders of the Union are target of improved cooperation and risk management. However, they are not presented as existential threats, which can only be tackled by elimination, as securitisation would suggest. Quite the contrary, threats are rather presented as controllable dangers, which can be included as variables, much like risk logic suggests. By far the most commonly presumed danger mentioned is ‘illegal’ migration in general, including undocumented border crossing and irregular stay of third country nationals. Occasionally this might take explicit forms, as in the following example where expansion of Frontex’s capacity is addressed:

“When Member States in the region are faced with a critical situation such as the mass influx of illegal immigrants, the capacity of the future Coastal Patrol Network (...) should be reinforced to deal with the situation” (European Commission 2006b: 6; also cf. e.g. *ibid.* 2006c: 8, 15; 2008b: 3; Regulation (EC) No 863/2007: 1).

In this instance the “mass influx of illegal immigrants” is highlighted as a concrete danger, demanding clearly defined action. However, such arguments are exceptions that prove the rule. Commonly, irregular migrants or attempts of third country nationals to enter the territory of the Union are presented to be undesired for no specified reason, but seemingly for the mere fact of being identified as ‘illegal’.

Interestingly, regularisation of ‘illegal’ migrants, thus turning them into ‘legal’ citizens of a Member States is also presented as undesired. This is noticeable in the commitment by Member States “to use **only case-by-case regularisation**, rather than generalised regularisation, under national law, for humanitarian or economic reasons” (European Commission 2009b: 13; emphasis in original). Other Commission Communications (European Commission 2006a: 78; 2008d: 14; 2009b: 12) address this question by presenting large-scale regularisation as a general threat to an undefined referent object. However, they neither specify which “economic” nor which “humanitarian” reasons speak against regularisation. It also remains unclear why general regularisation needs to be prevented, as this would free third country nationals residing on the territory of a Member State from their legal state of ‘illegality’, which presents by definition a criminal offence. However, without mentioning this link explicitly, it appears plausible that the reason why regularisation could be perceived as a threat might be the attraction of further irregular migrants.

Concrete threats supposedly following from an influx of migrants and possibly affecting societal security, as securitisation might suggest, are very rare. One of these exceptions is cross-border crime, which is mentioned once in the wider context of the AFSJ, where cross-border criminality is presented as a threat to EU citizens and a reason for implementation of internal security strategy, following a threat-defence

logic (European Commission 2010a: 5-6). Indeed, cross-border activities are connected to crime discursively; however, migrants are not presented as the performer of criminal acts (also cf. Regulation (EC) No 863/2007; European Commission 2008d: 3; *ibid.* 2009b: 14; 2010a: 5-6; Frontex, Tasks and Origin / Origin). This is also evident in the context of the creation of EUROSUR:

“Border surveillance has not only the purpose to prevent unauthorised border crossings, but also to counter cross-border crime such as the prevention of terrorism, trafficking in human beings, drug smuggling, illicit arms trafficking etc. [...] To counter these threats is first and foremost a task for the police forces and intelligence services of Member States. However, an effective border management system both at national and European level will provide a valuable tool for fighting cross-border crime” (European Commission 2008b: 3-4).

Prevention of “unauthorised border crossings” and countering “cross-border crime” are brought together under the umbrella of “border surveillance”, thus crime and irregular entry are connected. However, migrants are not presented as an immediate threat supposed by security logic, but as variables to be integrated in border management. In addition, rather than exclusively presented as a cause of danger, migrants are also framed as being at risk of being exploited and becoming victims of xenophobic attitudes:

“Member States (...) create pull factors by tolerating the illegal employment of third-country nationals. [...] Moreover, illegal employment (...) seriously undermines the credibility of legal migration channels and erodes Member States’ tax revenues. It can also lead to serious exploitation or even slavery-like conditions [...] Illegal employment prevents workers from benefiting from social welfare and creates an uneven playing field for employers. Also, (...) this may lead to resentment when these jobs are taken by illegally staying third-country nationals. Reducing employment of this kind might contribute to reducing intolerable forms of exploitation, increasing tax revenues and diminishing xenophobic attitudes” (European Commission 2006a: 8; also cf. e.g. *ibid.* 2006c: 8; 2008d: 12-13; 2008e: 6; 2009a: 6).

‘Illegal’ employment is presented as being undesired due to its diverse negative consequences, affecting migrants, employers, the economy and the credibility of migration policy alike. However, negative effects are diverse but not existentially threatening to any of the affected groups. Moreover, ‘illegal’ migration is presented as a manageable phenomenon, sustained by lax handling and toleration in Member States. Irregular employment would also rather be a risk, since it is not an existential threat, internally caused, manageable and can be handled by usual political means for fostering regular employment through “modernisation of social security, the reduction of non-wage labour costs and reducing the tax burden on low-income/low-skilled workers” (*ibid.*). There are more instances where migrants are presented as threat and referent object at the same time:

“The **pressure of illegal migration** (...) has reached an unprecedented high, requiring immediate and decisive action at both national and European levels, in order to safeguard the Schengen system and prevent further tragedy among illegal migrants who die in large numbers in attempting to reach the shores of

the European Union” (European Commission 2006b: 3; emphasis in original; also cf. e.g. *ibid.* 2006a: 8-9; 2008d: 12-13).

In this case ‘illegal’ migration threatens the Schengen system, while migrants are at risk of losing their lives at sea. Presumably in such situations threats to migrants might be an additional cause for action, but probably seldom the principal reason.

Logically, the *origin of threat* can only be analysed if a concrete danger is identified. If a threat is deduced from the context, conclusions on its origin are necessarily subject to interpretation. Despite these limitations some general trends are detectable: First of all, the most common threat are third country nationals trying to cross external borders, thus the origin of threat is external:

“Illegal entry, transit and stay of third-country nationals who are not in need of international protection undermine the credibility of the common immigration policy. Without reinforced Community action, the crisis as already seen and perceived today would increase both in qualitative and quantitative terms” (European Commission 2006a: 3; also cf. e.g. *ibid.* 2006b: 3; 2009b: 18; Frontex 2008; 2011a; 2011b: 9).

Third country nationals coming from outside are typically presented as threatening the internal constitution of the EU and must thus be countered. This supports the logic of securitisation. However, a closer examination reveals that more frequently threats arise from a mix of internal and external factors. Usually the starting points of such arguments are irregular migrants as a source of impairment, presenting an external threat, while simultaneously the responsibility and ability to handle the situation is assumed to lie within the EU and its Member States. Thus omission and inadequate response as internal sources of danger figure prominently in the documents under study:

“Overstayers present by far the biggest category of illegal immigrants in the EU. Even if such data would be collected by individual Member States there are no means for sharing such data between Member States. Border guards are neither able to calculate the length of stay when different travel documents are used to enter and exit the EU or when they are confronted with practical difficulties (...)” (European Commission 2008c: 5; also cf. e.g. *ibid.* 2006a: 6; 2006b: 3-4; 2006c: 8, 11; 2007: 10).

Here, overstayers can be identified as an external danger, while technical shortcomings create internal danger. According to this logic, overstay (external threat) could be avoided or at least diminished, if internal deficiencies (internal threat) were removed. Taking the responsibility of the EU into consideration fits well into risk logic. Likewise, Frontex acknowledges that accountability lies within the EU:

“While there is a limited number of measures that can be taken to try and mitigate ‘push’ factors (...) more can be done to address the ‘pull’ factors since they depend on matters the EU Member States control directly such as visa policy, a country’s asylum system, detention and return policy, social welfare policy etc” (Frontex 2011b: 5; also cf. e.g. Frontex, *Origin and Tasks / Tasks*).

Pull factors as internal cause for migration are presumed to fall into the responsibility of the Union. Hence, even if migrants are external to the EU, the cause for their arrival is partly due to internal shortcomings. Perhaps even more along the lines of risk logic in terms of external border management the Commission suggests that:

“[T]he responsibility for control and surveillance of the external borders remain with the Member States. The Member States must thus also organise their services internally in the most efficient way, including by considering the establishment of national coordination centres (...). **It should be borne in mind that the Agency will be able to deliver tangible results only if Member States are committed and determined to give FRONTEX the necessary human resources and technical assets for joint operations**” (European Commission 2006b: 4; emphasis in original).

In this case the danger arises from a lack of coordination and resources from Member States. Thus the efficiency and operationality of Frontex is at risk, but not due to some external threat, as in security logic. Rather, much along the lines risk logic would assume, the threat arises from technical, manageable issues located inside the unit.

In sum, in the documents under study threats are mostly vague and frequently only revealed when the context is considered. In the majority of cases irregular migrants were presented as general danger, but seldom specific anticipated negative consequences were mentioned. Contrary to the logic of securitisation, and very much along the lines of risk logic, these threats were not existential, but governable and integrated as variables in every-day practice. As for the source of threat, our analysis reveals a mixture of internal shortcomings and migrants as external dangers. It is thus neither clearly attributed to security, nor to risk logic, while arguably rather leaning towards the latter.

### *Referent object*

Looking at the referent objects in the study, the most striking finding is their frequent absence. In the overwhelming number of cases no negative impact is directly linked to an object, nor is it clearly stated that specific actions are implemented for the benefit or protection of someone/-thing. However, often the context allows sound conclusions on the implied object, like in the case of Frontex risk analysis:

“FRONTEX (...) has presented together with Europol a report on the high risk routes regarding illegal immigration in the Western Balkans. Beyond these assessments, which i.a. support Member States in reacting to new threats and in focussing resources to specific sections of the border, risk analysis plays a pivotal role in most activities of the Agency, including the planning of individual joint operations and training activities” (European Commission 2008a: 5; also cf. e.g. ibid. 2006a: 3-6; 2006b: 2-3, 9; Frontex 2010c).

In this example, Member States are affected by supposed “new threats” and benefit from risk analysis; thus they can be identified as referent objects. However, a threat-defence (security) logic, which would oppose an existential threat to a referent object whose survival is at stake, is not at play. Member States are not fundamentally threatened, rather a gradual change of their situation is at stake, which is in line with

risk logic. Moreover, there are a considerable number of cases with broad and rather diffuse referent objects, such as:

“[T]he Union's common policy in support of Member States' efforts should be continuously developed and strengthened in response to new threats, shifts in migratory pressure and any shortcomings identified, using new technology extensively and proportionately” (European Commission 2008c: 2; also cf. e.g. 2006a: 3, 7-8; 2006b: 3, 6, 12; 2008b: 3; 2008c: 2).

In this instance, again Member States seem to be affected by diffuse threats, and should thus be considered as referent objects. However, as risk logic would suggest, they are subject to continuous efforts and support of the Union, and not in need of one-time defence which is supposed by security logic. Moreover, one can identify different categories of referent objects. The most frequent group has already been introduced in the two prior examples and generally includes Member States, the EU and the Schengen Area, without further specification. (Irregular) migrants are another group of referent objects. However, in their case dangers are commonly presented as a result of a decision migrants voluntarily make, thus as a risk they (consciously) take, rather than an external threat to them, as the following excerpt exemplifies:

“Many illegal immigrants and persons in need of international protection are travelling in conditions of extreme hardship and are taking great personal risks in their attempts to enter the EU illegally by hiding in vehicles, on cargo vessels, etc. The recent practice of travelling on board of unseaworthy and overcrowded boats, has multiplied the number of unfortunate migrants who continue to lose their lives by drowning in the Atlantic (...)” (European Commission 2008b: 4; also cf. e.g. *ibid.* 2006a: 4, 7; 2006b: 4-5).

In addition, migrants are occasionally presented as referent objects, requiring fair treatment, while simultaneously presented as a challenge and creating a need for effective management. If political action for the benefit of migrants is proposed, this tends to be explained with reference to international obligations and fundamental laws, ‘standard’ measures within the repertoire of everyday politics that generally hint at risk logic:

“**Mixed migratory flows** where there are a plethora of reasons for individuals’ attempts to enter the EU, including for international protection, present Member States with an array of challenges. For this reason, an effective policy on illegal immigration has to respond to different areas of concern and, at the same time, ensure that international human rights obligations are fully respected, including **the right to seek asylum**” (European Commission 2006a: 2; emphasis in original; also cf. e.g. *ibid.* 2006c: 8; 2007: 8; 2008a: 5; 2008b: 11; 2010a: 7).

Here the distinction made between people eligible for international protection or as asylum seekers on the one side and ‘illegal’ migrants on the other side plays an important role. While ‘illegal’ migrants need to be countered effectively, since posing challenges to Member States, asylum seekers are presented as referent objects, since their right to seek asylum might be threatened. Therefore, Member States failing to fulfil protection obligations are a source of threat to asylum seekers and refugees:

“As **irregular maritime immigration [...] is a mixed phenomenon**, comprising both illegal immigrants with no particular protection needs and refugees in need of international protection, the response of the Union must be targeted accordingly. [...] [I]t is necessary to ensure coherent and effective application of the Member States' protection obligations in the context of measures relating to the interception and rescue at sea of persons who may be in need of international protection (...)” (European Commission 2006b: 4; emphasis in original; also cf. e.g. *ibid.*: 11; 2006c: 3).

There are two other groups of migrants who appear as referent objects menaced by threats that are not self-inflicted; these are regular migrants and unaccompanied minors. Even if the following example does not use the term ‘legal’ migrant, it appears that they are nevertheless presented as a referent object, whereas ‘illegal’ migrants are presumed to threaten EU migration policy:

“Robust defence of migrants' fundamental rights out of respect for our values of human dignity and solidarity will enable them to contribute fully to the European economy and society. [...] The prevention and reduction of irregular immigration in line with the Charter of Fundamental Rights is equally important for the credibility and success of EU policies in this area” (European Commission 2010a: 7).

Irregular migration is presented not only as having a direct negative impact on EU migratory policies in general, but also as constituting a threat to ‘legal’ migrants, who would normally benefit from EU policies. Threats to ‘legal’ migrants seem to arise from disrespect for their rights, but also from ‘illegal’ migration. This results in a logic where ‘legal’ migrants need to be protected from ‘illegal’ migrants. As indicated above, a special position is also granted to unaccompanied minors, who are unequivocally presented as vulnerable and in need of protection:

“Unaccompanied minors should be informed of their rights and have access to complaint and monitoring mechanisms in place. Wherever unaccompanied minors are detected, they should be separated from adults, to protect them and sever relations with traffickers or smugglers and prevent (re)victimisation. From the first encounter, attention to protection is paramount, as is early profiling of the type of minor, as it can help to identify the most vulnerable unaccompanied minors” (European Commission 2010b: 9).

Thus minors are threatened by a number of external threats, including inadequate legal provision, traffickers and smugglers. This indicates that children are treated according to security logic.

Altogether, similar to the findings on threats, referent objects are mostly vague, therefore supporting risk logic. The most frequent referent objects were Member States and the EU in general, but seldom more specific aspects, which would justify immediate, extraordinary protection measures. Irregular migrants were also presented as a referent object, but since they are in danger as a consequence of their own decisions and not threatened by external threats, they are responsible for the risks they face. On the contrary, asylum seekers and refugees, ‘legal’ migrants and minors were more clearly presented as referent objects, threatened either by irregular migration or inadequate provisions of Member States.

## *Management*

Regarding the aims of migration management, they are mostly broadly defined and positively connoted, such as solidarity, effectiveness and success of common policies. Correspondingly, in the realm of border control some of the main commitments of Member States and the Commission are:

“to mobilise all their available resources to ensure **more effective control of the external land, sea and air borders**; (...) immediately **improve cooperation between Member States' consulates**, pool resources as far as possible and gradually set up, on a voluntary basis, **joint consular services for visas** (...) give fuller consideration, in a spirit of solidarity, to the **difficulties of those Member States subjected to disproportionate influxes of immigrants** (...)” (European Commission 2009b: 16-18; emphasis in original; also cf. e.g. *ibid.* 2008d: 8-9; 2009b: 13).

As the scope for improvement of effectiveness, cooperation and solidarity is almost infinite and hence a permanent task for Member States, they must clearly be attributed to everyday politics and not to the singular, exceptional logic of security. However, when efficiency in stopping third country nationals from arriving or staying irregularly is addressed, usually no further explanation is given as to why this is actually desirable:

“Determining more accurately the correct *modus operandi* for the purpose of **intercepting vessels** carrying, or suspected of carrying, illegal immigrants bound for the European Union would improve the much needed efficiency of joint operations to prevent and divert illegal immigration by sea (...).” (European Commission 2006b: 10; emphasis in original; also cf. e.g. Frontex 2009b).

Instead of providing details on why the proposed measures are necessary, countering of irregular migration is connected to the positively connoted goals of efficiency in the reduction of the number of third country nationals entering the EU, without stating some kind of threat arising from their presence. Furthermore, in the context of external border control compliance with fundamental laws, obligations and responsibility are commonly cited when third country nationals are referent objects:

“Systems must comply with EU data protection rules including the requirements of necessity, proportionality, purpose limitation and quality of data. [...] Individuals should have the right of access to information held on them and to challenge and correct this information as provided for in Community and national legislation. Provisions should be made for an appeal mechanism in cases where third country nationals are ‘forced’ to overstay.” (European Commission 2008c: 9; also cf. e.g. *ibid.* 2006b: 10)

Hence, legality of provisions and respect for individual (migrant) rights are both respected in the context of data processing. Thus, adherence to laws and normative obligations, which positively influence the public image of EU migration policy, seem to motivate actions at times. Generally, the objective of measures in the vast majority of cases is governance of situations, with improvement of long-term management as the most common goal. This fits well into the emerging risk pattern

and is also present when the recent overall strategy in the field of migration is laid out by the Commission:

“During the next few years focus will be on consolidating a genuine common immigration and asylum policy. (...) it is more necessary than ever to develop these policies, within a long-term vision of respect for fundamental rights and human dignity and to strengthen solidarity [...] The establishment of the common European asylum system and the European asylum support office should ensure uniform status, high common standards of protection in the EU and a common asylum procedure, with mutual recognition as the long term goal. Solidarity will be at the heart of our asylum and resettlement policy (...)” (European Commission 2010a: 7).

In the absence of concrete dangers, controlling the overall situation through means of operational measures, including surveillance, adaption of legislation, risk-analysis, research, employment of technical tools and cooperation seem to dominate actions in the field of irregular migration, whereas force is hardly mentioned as possible means (e.g. European Commission 2006a: 5-6, 8, 10-11; *ibid.* 2006b: 12; 2006c: 12; 2008a: 9; 2008b: 3, 5-6; 2008f: 6; Frontex, External Relations; Frontex, Origin and Tasks / Tasks). This is also confirmed when long-term cooperation with third countries is addressed:

“[I]t is therefore necessary for the European Union to adopt a two-pronged approach identifying a set of complementary measures which can be implemented separately:

- Operational measures to fight illegal immigration, protect refugees and reinforce control and surveillance of the external maritime border which can be implemented immediately, and
- Building on the existing relations and practical cooperation already established with the third countries, pursuing and strengthening our dialogue and cooperation with third countries on these operational measures in the context of the Association Agreements and ENP Action Plans as well as in the context of the Cotonou Agreement.” (European Commission 2006b: 3-4; also cf. e.g. *ibid.* 2006a: 3, 5; 2006c: 9; 2007: 6; 2008b: 4; 2008c: 2; 2008f: 5-6; 2010a: 7; 2010b: 8, 12-13; Council Regulation (EC) No 2007/2004: 2; Frontex, External Relations).

Such rather conventional, by no means norm-breaking, measures speak the language of risk, not the exceptional language of security. The majority of measures tend to be part of everyday political practice. They included cooperation with third countries, signing of working agreements, technical regulations on access to resources and databases, sanctions against employers of irregular migrants, application of fundamental laws, provisions for information exchange, etc. Other measures are extensive but do not include the use of force or violation of fundamental rights, for instance the plan for implementation of EUROSUR, which is divided into three phases:

“PHASE 1: Upgrading and extending national border surveillance systems and interlinking national infrastructures in a communication network.

PHASE 2: Targeting research and development to improve the performance of surveillance tools and sensors (e.g. satellites, unmanned aerial vehicles /

UAVs, etc.), and developing a common application of surveillance tools. A common pre-frontier intelligence picture could be developed to combine intelligence information with that obtained from surveillance tools.

PHASE 3: All relevant data from national surveillance, new surveillance tools, European and international reporting systems and intelligence sources should be gathered, analysed and disseminated in a structured manner, to create a common information sharing environment between the relevant national authorities” (European Commission 2008b: 5).

Indeed, the proposed steps indicate a significant expansion and connection of surveillance tools, so do the requests for the creation of a generalised and automated entry-exit system to complete and address constraints of VIS and SIS II (European Commission 2006a: 6) and automated alerts on overstayers, involving registration of information on time and place of entry, length of stay authorised of third country nationals requiring visa (European Commission 2008c: 7-8). Nonetheless, even if such measures may be contestable, they are still largely within the scope of conventional political practice. They do not propose eradication or the use of force and do not correspond to a norm-breaking, exceptional logic of securitisation. Neither do they justify permission for singular, exceptional action. Rather political action in the field hints at a gradual expansion and institutionalisation of practices that can be ascribed to risk logic. Such policies gradually expand the scope of everyday politics, by including new measures for the prevention of catastrophes which have not yet materialised, but might do so in the future, due to self-inflicted omission. This is underlined by the repeated call of the Commission for a steady extension of Frontex’s mandate “in response to concrete needs, based on a step-by-step approach and a gradual reinforcement of its administrative capacity” (European Commission 2008a: 8).

One exception to the dominant logic of risk is the Council Regulation establishing RABITs, where the prerequisite for the use of arms are specified:

“While performing their tasks and exercising their powers, members of the teams shall be authorised to use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State.(...) service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of members of the teams or of other persons (...)” (Regulation (EC) No 863/2007: 3).

Indeed, the use of weapons is legitimised and could be interpreted as exceptional measures. However, the use of force is confined within narrow boundaries, therefore it is not clear if one can speak of security logic in this place. RABIT deployment also presents an exception with regard to duration of deployment, which is short-term and the aim, which can be interpreted as eradication. By this, it is not indicated that the aim of such operations is bringing irregular migration generally to an end, hence eradicating irregular migration once and for all. Rather the goal is to resolve a crisis situation, to uphold the status quo, instead of dealing with it over the long-term:

“RABIT Operation 2010 came to an end on March 02, 2011, four months after its launch on November 02, 2010 in the Evros River region of north-eastern

Greece. (...) RABIT Operation 2010 achieved a significant reduction of 76% between the average daily numbers of irregular migrants [...] Prior to the RABIT operation in 2010, the maximum number of migrants apprehended at the Greek-Turkish land border was recorded in October, with an average of 245 detections per day” (Frontex 2011a; also cf. e.g. *ibid.* 2010b).

This example illustrates how RABITs are deployed for a limited duration, in this case four months, to resolve a crisis situation, characterised by 245 detections of irregular migrants per day, and establish a state of normality. Therefore RABITs are the most striking exception to the usually rather conventional, long-term oriented measures applied in the field of irregular migration.

One more issue shall be addressed here, which will be revisited in the conclusion. Normative arguments are remarkably strong, when it comes to policies on unaccompanied minors. The obligation to protect minors persists regardless of their legal status; in contrast to adult migrants where the legal status is decisive for their treatment:

“This common approach should be based on the respect for the rights of the child as set out in the EU Charter of Fundamental Rights and the UNCRC, in particular the principle of ‘the best interests of the child’ which must be the primary consideration in all action related to children taken by public authorities. It is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost.” (European Commission 2010b: 3; also cf. e.g. *ibid.*: 6, 8, 12, 14, 16)

Laws and international obligations, but also the “best interest of the child” and protection are the guiding principles for political action directed at unaccompanied minors. This subject-centred view is unusual and cannot be observed in the context of irregular migration in general.

Overall, in terms of migration management the risk logic is dominant, since actions are mainly directed at long-term governance of the situation, typically by means of surveillance, cooperation and employment of technology. Some measures are extensive, but do not correspond to the norm-breaking logic of securitisation. Eradication as aim of action has only been observed with reservation for a very limited number of statements.

### *Temporal direction*

Regarding the temporal direction of EU action the picture is mixed. Both reactive and preventive action can be identified. Still, the general idea seems to be that “[t]he EU needs to anticipate challenges rather than wait for them to reach our borders“ (European Commission 2009a: 16). Thus, precaution seems to be the guiding principle for policy on irregular migration. This is *inter alia* displayed in the proposal for integrating technology to secure borders:

“To this end, an integrated technological approach - e-borders - should be included in the fight against illegal immigration. In the context of intelligence-led border management, advance passenger information is used for border control purposes. Directive 2004/82/EC provides for an obligation for certain

carriers to communicate data contained in their passenger's passports to the authorities which carry out checks on persons at the external border. (...) this system should be extended to other carriers and further enhanced, with a view to developing threat analyses and risk assessments" (European Commission 2006a: 6; also cf. e.g. *ibid.* 2006b: 5; 2008c: 5, 7-9; 2008d: 11; 2010a: 6; Council Regulation (EC) No 2007/2004).

Advance passenger information and more generally "e-borders" are used to facilitate control of third country nationals before even reaching EU borders. This illustrates the preventive nature of border-management, which is therefore in line with risk logic. Nevertheless, a limited number of reactive measures, responding to present or past developments, are also observable:

"The steadily increasing migration pressure from sub-Saharan Africa means that the European Union is faced with a major challenge: on the one hand, there is a clear need to **cooperate with African and Middle Eastern transit countries** to deal with the issue of illegal migrants; on the other hand, the required levels of operational and political cooperation with those countries cannot be established overnight, although they are being gradually built on the basis of dialogue and cooperation on migration issues (...)" (European Commission 2006b: 3; emphasis in original; also cf. e.g. *ibid.* 2006a: 3; 2006c: 11-12; 2007: 15; 2008c: 2; 2009b: 18).

As shown, actions shall be taken in response to current migratory pressure and shifts in EU borders, yet they do not follow the exceptional, short-term logic of security. Rather long-term cooperation implies a tendency towards a quieter tone of institutionalised risk management. Commonly, if reactive measures are taken, they are linked to negative external influence, a presumed general need or exceptional circumstances, e.g. crisis or increased migratory pressure, much like security logic presumes. This pattern is normally found in the context of RABIT deployment and Frontex Joint Operations:

"In 2006, the Canary Islands were under the greatest migratory pressure, with as many as 31,700 migrants crossing this border illegally in one year. [...] In response to the situation in this area, Frontex coordinated its first maritime operation, HERA" (Frontex 2011b: 9; also cf. e.g. *ibid.* 2007a; 2010a: 2; 2010d; 2011c; 2011d; European Commission 2006b: 6; *ibid.* 2006b: 5; 2008a: 7).

According to this logic a situation of "greatest migratory pressure" triggered a reaction, in form of maritime operation HERA. However, RABIT deployment and Frontex Joint Operations seem to be the only cases where this logic is noticeable. Apart from that Frontex's tasks are mainly preventive, long-term oriented measures for management of external borders. Accordingly, Frontex presents itself as being an

"intelligence-driven agency whose core activity is operations, the first stage of which is risk analysis. The agency's situation centre gathers and collates information from partner countries, within and beyond the EU's borders, as well as from open sources [...] The result of this is a comprehensive model of the strengths, weaknesses, opportunities and threats at the external borders enabling Frontex to balance resources and risk with a view to neither under- nor

over-protecting the border” (Frontex, Origin and Tasks/ Tasks; also cf. e.g. Frontex 2008: 4; 2007b; 2009a; 2009b).

Risk-analysis lies at the heart of Frontex’s activities. And since risk-analysis is the basis for long-term planning, anticipatory action and preventing future crisis situations, Frontex activities include both, preventive and reactive measures.

Overall, prevention and anticipation of future events seem to be the general rule in policy on irregular migration – though reactive measures are also observable. Thus risk logic seems to be dominant, but at the same time not unchallenged.

## 5. Conclusions

Our empirical analysis has revealed that securitisation – which focuses on concrete threats and referent objects to justify implementation of exceptional, short-term measures – does not adequately capture the EU discourse on irregular migration from 2004 onwards. Instead, the dominant pattern observed rather corresponds to the notion of risk.<sup>9</sup> Accordingly, threats are rather unspecific, often pointing at irregular migration in general. The objective of managing such migration flows is commonly long-term improvement of a current or anticipated future situation, achieved by conventional action and permanent installation (and institutionalisation) of practices, resulting in a gradual change of norms. The overall logic is preventive, seeking to keep threats at a distance. By contrast, defence against external threats, let alone their eradication only play a marginal role.

Nevertheless, it is still unclear what the practical (i.e. policy-making and implementation) implications of these findings might be. As Boswell strikingly notes, while securitisation might be applied to legitimise implementation of security practices, public legitimation is not always a precondition, since there is substantial scope for action within administrative agencies, independent of public scrutiny (Boswell 2007: 593). Hence, the significance of public consent presumed in the Copenhagen School at times appears to be overstated. This insight helps to understand how substantial measures in the area of irregular migration and external border control could be implemented with hardly any proof of securitisation, but gradually, through step-by-step institutionalisation. Migration policies may not call for public attention by pointing to the exceptional character of a situation in order to gain control over it; rather they incidentally and gradually change the norm and definition of everyday political practice. Therefore, the connection between insecurity, migration and control-oriented, exclusionary policies might well still prevail. Van Munster – who discerns the liberal tendency in the EU of “governing through risk” – goes as far as to claim that “targeted forms of risk intervention may become self-perpetuating and self-reinforcing”, as a result of which “security has been de-dramatized under liberal rationalities of governance” so that “the exception seems not to have disappeared; rather the exception has become the rule” (van Munster 2009: 143-145).

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<sup>9</sup> However, arguments seldom correspond perfectly with the ideal type of risk logic (see Table 1), but frequently deviate in some detail.

Nonetheless, this study has indicated that the tone in which migration is linked to different security threats is quieter than securitisation might suggest and concrete threats are seldom ascribed to migrants. The general argument advanced in this paper seems to be in keeping with a reversed trend in the academic literature. Former research was almost exclusively concerned with the state and society as endangered objects in the political and media discourse. Therefore it might seem unexpected that in this study migrants were identified as referent objects, frequently in the context of international law, fundamental rights and obligations. This seems to indicate a deviation from the Fortress Europe mentality many analysts have been observing for the past two decades (for possible indications of a somewhat reversed trend in the literature see e.g.: Bigo 2009; Thielemann and El-Enany 2008; cf. Kaunert and Leonard 2011; cf. pp. 5-6 above). Following Bigo (2009), this apparent change in policy (or at least policy *style*) becomes more comprehensible when looking at the other side of the coin, which were massive protest movements against the European practice of closed doors. Accordingly, due to fear of condemnation, EU Member States have complied with international obligations of non-refoulement and the prohibition on mass expulsion. Furthermore, public criticism might have led to the containment of exceptional rhetoric for justification of coercive actions. Bigo further believes that the new institutional structure in which governments increasingly recognise the role of the courts and the European Human Rights Convention might become particularly important in the future. He anticipates that the new institutional practice, which includes the dismantling of the pillar systems, the increased legislative power of the European Parliament, the growing role of the European data-protection controller and the Agency for Fundamental Rights, will strengthen the rule of law in the realm of migration policy (Bigo 2009: 589).

Building on Bigo and Huysmans, who expand the Copenhagen School concept of securitisation to non-discursive practices, prospective studies investigating the relevance of risk logic should also focus on the micro-level of migration policy. Thus, everyday practices of actors in the field of migration could be compared to the official discourse in order to probe coherence or significant divergence of findings. Interviews with EU politicians involved in the field of irregular migration could be revealing to verify findings and shed more light on the rationale underlying policy-making in the field.

In addition, future studies should examine how the gradual introduction of majority voting has affected policy-making in this field. According to Hailbronner (2010: 5), unanimity “explains a predominance of techniques to solve controversial issues by vague formulations”, and “unclear compromises”, which leave open what as to exactly is meant by the provisions in question. Given the considerable average length of decision-making under unanimity and the time it takes for Member States to transpose decisions into national legislation, focusing on precaution, rather than on reactive measures, seems self-evident, since reactive measures would simply take too long. It remains to be seen, if legislation reached by means of QMV is characterised by a higher degree of harmonisation and clarity (and possibly also reactive measures).

Finally, unlike prior studies had suggested (Huysmans 2000: 752; 2006: 48, 66; Karyotis 2007: 12; Levy 2005: 35), irregular migrants, labour migrants, asylum seekers and persons eligible of refugee status, as well as unaccompanied minors were

treated according to distinctive logics. Hence, a blurring of different concepts of migrants was not confirmed. Our analysis suggests that the Commission in particular made an effort to distinguish between different motivations for migration and different treatment of respective migrants. The impression arises that possibly minors and asylum-seekers can neither be adequately captured by security, nor by risk logic, but by something that could be termed ‘humanitarian’ logic, which defines concrete referent objects and emphasises protection, fundamental rights and norms. Another logic appears to dominate in the context of regular migrants, who are rather portrayed as welcome contributors to national labour markets. Accordingly, an ‘economic’ logic manifests, according to which “new members of the European club are sought after if they are attractive enough to upgrade welfare on the internal market, whereas others are preferably stopped at the gates” (van Houtum & Pijpers 2007: 304). This is also in line with the principles of the Global Approach and the European Pact on Migration and Asylum, which both advocate possibilities of regular labour migration for the economic benefit of the Union. These different logics are only suggested tentatively and are, of course, subject to further empirical substantiation.

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