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Security and Immigration Policies in Europe



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Introduction

Immigration control, that is maintaining authority over a state's territory, is a basic element of national sovereignty, says Givens in his book *Immigration Policy and Security: US, European, and Commonwealth perspectives*. He says that the pre-9/11 world was an optimistic one for people who favored the development of a common immigration policy for the European Union (Givens, 2009). He further stresses that not only the economic and political context was favorable but the EU had begun to take some concrete steps towards harmonizing of immigration policies.

In countries like Belgium, Luxembourg, and Switzerland, large numbers of immigrants mainly come from OECD (Organization for Economic Co-operation and Development) member countries, whereas in other countries the proportion of immigrants coming from poor countries is large (Parsons & Smeeding, 2006).

Immigration may also threaten public security when the specific circumstances of immigration weaken the host state (Givens, 2009). This may come in the form of loss of national identity caused by more than necessary cultural diversity. If a country's immigration policy is too open the public may view the immigrants as outsiders trying to attain the financial and economic advantage of the state. Ethnic conflicts with minority groups are also likely to emerge. Another security issue associated with immigration comes in the form of intentional threats by individual migrants or group of migrants (Givens, 2009). One example of such intentional threats would include the guerrilla warfare campaigns led by Fidel Castro in Latin America. Another major example of intentional threats is the "fifth column" threats which occur from the second and third generation of the immigrants. These second and third generations may then undermine the people of host country.

Immigration-Security Nexus

The 9/11 tragedy has led to the “securitization” of migration policy, says Givens in his book *Immigration Policy and Security: US, European, and Commonwealth perspectives*. The 9/11 terrorist attacks in New York, the 2004 train bombings in Madrid, and 7/7 London bombing have somehow led politicians and governments to correlate terrorism with immigration (Givens, 2009). In the post 9/11 era immigrants have been portrayed as security threats and many governments have been implementing restrictive measures to control immigration.

After 9/11, mass immigration has raised security, cultural, economic threats. Immigration policies of European countries have shifted from liberalism to securitization. Governments that encouraged multi-cultured environment and cultural diversity in the past are now concerned about the trade-off between cultural diversity and loss of national identity or national solidarity. In the past decade, concerns regarding risks to cultural identity and ethnic conflicts have risen (Doty, 2000). The immigration-security nexus has led governments whether they should permit mass immigration in their countries in order to promote multi cultured atmosphere. Too much immigration may weaken the national identity of a country and raise ethnic conflicts and racism. Therefore, the governments must maintain a balance in the public security and human rights protection policy. Terrorist attacks in New York, Madrid, and London in the 2000s and the influx of millions of immigrants have posed a new question of international security and some European governments have started adopting more restrictive immigration policies to reduce the level of immigration (Ayhan, 2009).

Although the securitization of immigration policies of nations tightened after the 9/11 attacks, immigration concerns have been emerging long before this incident in New York. The end of the Cold War in 1989, opened a new era in the history of European immigration (Eichengreen, 1998). Thousands of people migrated from Germany as a result of ethnic cleansing. The European Union has been taking many measures combat this immigration-security influx. In 1992, the Maastricht Treaty was signed in Netherlands by member countries of European Community. The treaty aimed at building inter-governmental cooperation in security, justice, civil affairs and foreign policy. The treaty adopted a centralized policy regarding immigration and proved ineffective. The Amsterdam Treaty, signed in 1997, focused on citizenship and right of individuals and a Common Foreign and Security Policy (CFSP). However, the unified nature of the policy also failed to address the major immigration issues such as conditions of entry, residence, and family reunion (Tom, 2006). The treaty showed a deeper commitment to human rights and aimed at harmonization of immigration policies in the EU. The treaty for called for some relaxation Third Country Nationals (TCNs), granting them free movement and abolishing internal border checks (Tom, 2006). However, since, the member countries were allowed to adopt at least the minimum standards to asylum law, the policy did not result in the harmonization of immigration policy. Whereas some countries offered more protection to the immigrants, other adopted more restrictive measure as equivalent to a closed immigration policy. The Maastricht and Amsterdam treaties have contributed to important insides and outsides for various forms of migration (Arts, Lagendijk & van Houtum, 2009).

In 1985, Schengen Agreement was signed by five European countries creating Europe's borderless Schengen zone with no internal border controls to encourage free movement across borders. As of current the Schengen Zone covers 25 countries, 22 EU states and 3 non-EU states. The three non-EU states are Switzerland, Iceland, and Norway. The

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Schengen Zone is a passport-free region to remove all barriers to free traffic flow. UK and Ireland are the only European Union member countries which are not a part of the Schengen Agreement. Historically, The United Kingdom has had a large number of immigrants stemming from the Asian continent, mainly from former colonies (Parsons, Smeeding, 2006).

Italy

In recent decades, Italy has transformed into a target country from mass migration. Immigrants have arrived in Italy by dangerous routes through the Sahara desert and across the Mediterranean. According to the Italian government Italy has been offered little help in struggling with mass immigration from North Africa and that the issue concerns the entire continent. The immigration policy of Italy has faced a lot of criticism from European states and human right groups. Some claim that by allowing the illegal migrants Italy is opening doors to security threats and that in the present condition there is a need for implementation for very restrictive policies. Italy's immigration policies are coming under close scrutiny (Associated Press, 2011).

In July 2009, the Italian government passed new anti-immigration laws in order to combat with mass immigration. Under the new law, the illegal immigrants were liable to pay a fine of 10,000 Euros and could be detained for six months. This new law faced intense criticism and was investigated by the European Commission to check whether it complies with EU immigration policy (BBC News, 2009).

Belgium

Until 2007, Belgium has maintained a fairly liberal approach toward immigration. The country stood out as one of the leading European countries in helping the settlement of immigrants, providing them employment rights, and offering permanent residence. The

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federal government has adopted a more reserve approach toward the issue of immigration since 2007. Increased terrorism and security issues have put a significant impact in the relationship of Belgian government with the Muslim community living in the country. In 2004, the Belgian police arrested members of a Moroccan group accused of connected with the Madrid train bombings. The arrest was done a week after the bombings in Spain. A few months later, a few Islamic militants were sentenced to prison for being linked with Al Qaeda. The arrests of Moroccan Muslims continued in 2005. One of the incidents that occurred involved a Belgian convert woman committing a suicide attack. In 2007, security across the country was tightened. The arrests, however, continued.

In July 2009, Belgium made a move to legalize 25,000 immigrants living in the country. The federal government agreed to regularize the status of illegal immigrants who had been living in the country for minimum five years. The immigrants who had been working in the country for at least two and a half years could also apply for the regularization. The law was passed after a year of negotiations and was considered as the only solution to the humanitarian problems in Belgium. The government, however, denied that the new law did not aim at mass regularization. To regularize the status was important for the immigrants in order to access the health care and education facilities. However, the law was criticized of being too restrictive and did not prove very successful. The government imposed strict criteria for foreigners to obtain legal status. The immigrants who had been working in the country were required to produce contracts with their employers. In addition to this, some other factors such as language skills of the applicant and attendance were also taken into consideration while regularizing their status. Previously in 2000, the Belgian government enforced a law of legalizing all those immigrants with at least one Belgian parent or those living in the country for minimum seven years. However, for those residing for over three years the policy was too restrictive. The immigrants who had been residing in the

country for more than three years were required to qualify language and cultural requirements. Analyzing both the laws, passed in 2000 and 2009, it can be concluded that Belgium has maintained cultural integration a significant factor in legalizing the immigrants.

Holland

In the past, the Dutch immigration policy of foreigners was considered an open and tolerant in contrast with other European countries. Holland was known for its tolerant immigration policy because of the large number of immigrants living in the country and forming a substantial part of the total population. However, since 2001, Holland has adopted reserved and restricted policies towards immigration. The shift in the immigration policy was due to two main reasons: social cohesion and security. Since a large number of immigrants arrived from countries significantly different from Europe, it was thought to be difficult for them to integrate in the Dutch culture and society. As racism and terrorism concerns continued to increase in Europe, the Dutch government moved toward a closed policy for immigrants. The rising Muslim extremism and violence aroused fear in the country too. These security concerns have led the Dutch government to improvise the immigration policy.

In 2006, the government introduced a Dutch language test for the foreign immigrants to pass prior to settling in the country. Along with the language test, the immigrants were required to pass a pre-arrival Dutch integration course. This culture integration test was mainly focused on the liberalism in the Dutch society and to check the immigrants' compatibility with Dutch liberalism. Opponents of this new policy declared that the government is trying to impose barriers on foreign immigrants, especially those from Muslim countries. The Dutch immigration policy, once a model of tolerance, has now adopted harsh restrictive measures to control immigration. The rise of Islamic fundamentalism in Europe has strongly influenced Netherlands which hosts the second largest proportion of Muslims in

the entire European continent. Meanwhile, there is little possibility that immigrants' rights will be increased in Holland (Arts, Lagendijk & van Houtum, 2009).

The recent rise of an anti-Islamic political party in Holland has created a hostile political atmosphere and the Muslims living in the country are beginning to have concerns about their future. In 2010 Dutch elections, Geert Wilders' anti-Islamic party 'Party for Freedom' (PVV) recorded third place with 24 out of 150 seats. The party has staged many anti-Islamic campaigns such as banning any new mosques in the country and ending immigration from the Muslim countries. However, Wilders is not the first politician with anti-Muslim beliefs. Pim Fortuyn, a Dutch politician assassinated in 2002, was also known for publicly airing his views against Islam and Muslims. Fortuyn coined the widely known slogan "Holland is full" aimed to close the doors for Muslim immigrants coming in Holland. This led the Dutch citizens to believe that foreign immigrants are taking advantage of the welfare state.

Current Scenario

The EU immigration policies believe in free movement and encourage member states to provide financial, economic, and social support to immigrants. However, there is no doubt that Netherland's tough immigration policy is impeding EU goals. On the other hand, other EU member states have begun to imitate Netherland's restrictive immigration policy. In order to restrict immigration, Germany proposed a history exam to question the immigrant's views about terrorism, women's rights, homosexuality etc. In Britain, a rating system was proposed for potential immigrants to rate them on the basis of their skill levels. The current coalition government in Britain has emphasized on restricting the number of visitors in the country and lowering of student immigration privileges (Hutton, 2011).

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The on-going political unrest and instability in the Middle Eastern and North African region has forced thousands of people to flee their country migrate towards European countries. This may prove to be huge security threat to the European countries. As of May 2011, EU moved to tighten its border controls in the Schengen Zone. This move reflects huge concerns about the arrival of about 25000 illegal immigrants in Italy earlier this year (BBC, 2011). These illegal immigrants have been reported to be from North African, most of them Tunisians. This influx of illegal migrants has caused tension between Italy and France. The 25000 immigrants overwhelmed the Italian island Lampedusa by coming through boats. Italy is encouraging other EU states to allow the arrival of illegal immigrants in their countries and cooperate with Italy. France, on the other hand has stopped any migrants to arrive in the country by train from Italy. The government has instituted patrols on the Italian border to block any illegal immigrants from entering the country. Moreover the French government showed its anger over Italy's move to grant the immigrants in permitting temporary residence in Italy. France shows its concern that many of the immigrants arriving in Italy are French speakers and may enter France. This issue has become so sensitive for EU leaders that the governments have been arguing over the issue. Germany has supported Italy's move to block illegal immigration to the country. The German government may respond in the same way if faced by the issue in the current circumstances. Recently, Denmark decided to reintroduce permanent controls on its borders. This decision of the government faced criticism from EU, declaring the move as a challenge to the freedom of movement. According to the federal government of Denmark the tight security checks on the borders are introduced to halt the illegal immigration of criminals from Eastern Europe. Previously the government announced that strict immigration policies have saved the country a total of 6.7 billion Euros over the last ten years. Denmark is known for its toughest immigration laws that have reduced the flow of immigrant in the country. The foreign couples living in the country are allowed to

marry at the age of at least 24. Moreover, strict regulations have also reduced the number of asylum seekers entering in Denmark. The state also requires the immigrants to deposit an amount of 13,000 Euros with the public for future public financial assistance. The stricter laws adopted by government have made the entry of the spouses of immigrants difficult in the country. The political groups in Denmark have been pressuring the government on adopting more restrictive immigration policy (Eichengreen, 1998).

In response to the unrest in the Middle Eastern and North African regions, other European governments have stated their concerns that they can re-impose border controls if the extraordinary flow of migrants continues. Some have called for a reform in the Schengen rules to grant the government a permit to re-impose border controls (Messina, Lahav & Vasquez, 2006).

Conclusion

The immigration-security nexus has led many European governments to change their immigration policy and has increased more concerns regarding public security interests. However, in some countries, under the shroud of anti-terrorism measures, anti-Islamic measures have been taken in making the immigration policies more restrictive.

Nevertheless every state has a right to protect its country borders from any external security threats. In the present circumstances, the European Union must relax the Schengen rules so that member European countries could impose border checks halting any security threat. However, the European Union must oversee that in re-imposing border security the states do not deny the individual human rights. The European Union has tried to maintain a harmonizing immigration policy promoting freedom for movement. But, given the present situation of international security the free movement approach needs to be amended.

References:

Associated Press. (2011). *Italy protests as France blocks train carrying migrants from Tunisia*. Guardian.co.uk. Retrieved May 16, 2011, from <<http://www.guardian.co.uk/world/2011/apr/17/italy-protests-france-tunisia-migrant-train>>

Arts, B., Lagendijk, A., van Houtum, H., (2009). *The Disoriented State: shifts in Governmentality, Territoriality and Governance*. Netherlands: Springer.

BBC News. (2009). *Italian Migration Policy Draws Fire*. Retrieved May 16, 2011 from <<http://news.bbc.co.uk/2/hi/europe/7880215.stm>>

BBC News. (2011). EU Warned Against Changing Schengen Deal on Borders. Retrieved May 16, 2011 from <<http://www.bbc.co.uk/news/world-europe-13266402>>

Doty, R. L. (2000). “Immigration and the Politics of Security,” *Security Studies*, 8, No. 2-3: 71-93.

Eichengreen, B. J., (1998). *Transatlantic Economic Relations in the Post-Cold War Era*. New York: Council on Foreign Relations.

Givens, T. E., Freeman, G. P., David, L. L., (2009). *Immigration Policy and Security: US, European, and Commonwealth perspectives*. New York: Taylor & Francis.

Hutton, W. (2011). *While the European left dithers, the right marches menacingly on*. Guardian.co.uk. Retrieved May 16, 2011, from <<http://www.guardian.co.uk/commentisfree/2011/may/15/will-hutton-populist-right-gaining-europe?INTCMP=SRCH>>

Kaya, Ayhan (2009). *Islam, Migration and Integration: The Age of Securitization*. London: Palgrave. Chapter

Political Science
International Relations

Messina, A., Lahav, G., Vasquez, J., (2006). *The immigration-security nexus: A view from the parliament. Paper presented at the biennial EUSA International Conference*,

Montreal, Canada. Retrieved May 16, 2011 from <aei.pitt.edu/7945/lahav-g-08g.pdf>

Parsons, C., Smeeding, M. P., (2006). *Immigration and the Transformation of Europe*. UK:
Cambridge University Press.

Tom, A., (2006). *How stricter Dutch immigration policies are contributing to rising Islamic fundamentalism in the Netherlands and Europe*. Washington University Global Studies Law Review, 5, 541-468.

Work Permit. (2006). *New Dutch Immigrant Test Under Attack*. Retrieved May 16, 2011

from

http://www.workpermit.com/news/2006_04_06/europe/new_dutch_immigration_test.htm

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