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SECURITY AND MIGRATION IN THE 21st CENTURY



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1

Understanding security and migration in the twenty-first century

What is security? What is migration? Both these questions open hundreds of doors into many different disciplines, theories, practices and landscapes. Security as a term can be found in so many different settings and with so many different meanings that a flourishing academic discipline, security studies, has developed, within which the search for definitions is essentially contested. Anyone trying to get a mortgage will be focusing on a very different idea of security from the ones I will examine in this book. Similarly, the concept of migration can be found in multiple environments which point in completely different directions. For instance, Jacques Perrin's 2002 film, *Le peuple migrateur*, translated into English as *Winged Migration*, achieved an Oscar award nomination in the Best Documentary category but does not include any humans. It is about birds.

Human migration has given rise to an academic discipline - migration studies. Like security studies, it comes within the wider framework of international relations. The focus is on the state as the key actor regarding migration, which is a cross-border activity carried out by individuals. The state may be the state of nationality or origin of migrants or that of their destination.

The emphasis in the discipline is on the state and the acts of the state around flows of people.

Both migration studies and security studies as subcategories of political science and international relations tend to reach out towards other fields - human geography, law, history, anthropology, etc. But both remain nested in international relations. It is not surprising, then, that the work of academics in security and migration studies can be classified fairly satisfactorily using the main schools of thought of international relations and political science (Williams 2008). Like security studies, migration studies has some difficulty in determining the scope of its object. Bigo has shown that security studies depends on the enlargement of the insecurity envelope (Bigo 2006). Like blowing up a balloon, the greater the insecurity concerns presented by political actors, the bigger the security issues, and hence the remit of security studies, become. Migration studies has a similar tendency - the bigger the migration flows, the wider the scope for migration studies. As migration flows diminish in some areas (for instance, the forced migration flows to Europe in the beginning of the 2000s), the development of other fields such as security studies provides new points of reference both for political actors (concerns about refugees and terrorism) and for academics (Baldaccini & Guild 2007). In effect, what happens is that foreigners, described in various different ways (migrant, refugee, etc.), become caught in a continuum of insecurity (Bigo 2002). As the foreigner becomes compressed into state-determined categories, those categories are normatively defined, including by reference to insecurity. Political actors may focus on the 'problem' and 'burden' of asylum seekers one year, then the same or other political actors may rail against economic migrants as the source of insecurity the next. Many insecurity discourses are promoted at any given time - the capacity of one set of political actors successfully to impose

their view of the most important one(s) depends on a wide variety of other factors. However, the ease with which the category of the foreigner may be added to an insecurity discourse, with the effect of heightening the perceived seriousness of the threat, remains constant.

In this book I will analyse the intersection of the two fields from the perspective of international political sociology - examining the individual and his or her movement; how the state frames and categorizes him or her as an individual and a migrant, citizen or indeterminate; and how that intersects with the construction of the individual¹ as a security threat. This immediately provokes resistance; the state is not omnipotent. There is a clear correlation between the state-centric approach in migration studies and with that of mainstream security studies. Security studies tend to be dominated by a statist approach heavily influenced by realists, neo-realists and liberals (and neo-liberals). The term 'critical security studies' was coined to encompass a move away from these traditions and to examine again the meaning of the political in the definition of security and its study (Krause & Williams 2003). Central to critical security studies is a challenge to the doxa or belief that the academic experts know what the subject of the discipline is, that is to say what security is. Similarly, in this book I will challenge the supposition on which migration studies is based: that we know what migration is and which actors are entitled to determine the political in respect of migration. While critical migration studies has, as yet, not emerged as a separate approach, nonetheless this is the category which this book promotes. Building on critical security studies, I will examine both the subject matter of security (whose security, who is entitled to determine the politics of security) and that of migration (whose migration, who is entitled to determine the politics of migration). The

insecurity continuum can be ruptured by the individual challenging his or her categorization: as a foreigner (for instance, I will examine the case of David Hicks in [chapter 2](#)), or by moving from the category of 'terrorist' to that of refugee (I will consider these cases in [chapter 6](#)). Similarly, it can be ruptured by a political decision no longer to treat a category of foreigners as foreign - for instance in the European Union (EU), nationals of one Member State who work and reside in another (I will consider this category in [chapter 7](#)).

In the intersection of migration and security, this book moves away from a state-centred focus in which it is the actions of the state alone which define what is political, to an approach which examines the individual and his or her concerns: how does the individual fit into a set of state structural frameworks and become categorized as a threat to security and to state control of migration? These two quite different types of security issues become conflated in much of the discussion: migrants who have escaped the control of the state are defined as security threats because the remit of the state is reconfigured. But even using the concept of migration itself is to think like a state. Individuals do not perceive themselves as migrants or otherwise except by virtue of the coercive prompting of state administrations. Even communities do not live the differentiation of some individuals from others except with a strong state push (for instance as regards the exclusion of undocumented migrants from health services in the UK, proposed in 2008: the general medical association representing doctors refused to participate, maintaining that doctors are not immigration officers).

Before developing further my own approach through international political sociology, it may be useful, briefly, to review the main schools of international relations and position the main academic work on migration and security within them. Starting then with the realist tradition, this

framework is based on the idea that there is a monopoly of knowledge which is real and held by academics. According to this point of view, the state and its duty to control both security and migration are self-evident and matters of objective truth. While at its heart pessimistic, the realist approach provides explanations based on the accumulation of power by states for their own exploitation. In the migration field, Weiner represents this school most unambiguously in examining the issues around migration as essentially about state security and self-interest, in respect of which the capacity of individuals to move without state authorization represents a fundamental challenge and threat (Weiner 1997). Against this rather raw approach, liberalism is well represented in migration studies, in particular by those scholars who approach migration regimes in liberal democracies through the contradictions. While on the one hand they acknowledge the public discourse of some actors which is virulently anti-migrant, on the other they examine the generally liberal outcomes in democratic states' migration regimes (Cornellius, Martin & Hollifield 1994). In the Marxist tradition, the focus places migration within a framework of economic struggle. The way in which states treat migration as part of their economic strategies and the struggles around the exploitation of migrant workers are central to this approach. In *The Age of Migration*, Castles and Miller's central element, which informs the whole work, is the relationship of migration with capitalism and the organization of labour: 'the consequential decline of working class parties and trade unions and the erosion of local communicative networks' resulting from migration create the conditions for virulent racism (Castles & Miller 2003). The work of Robin Cohen also comes within this general group, looking, as it does, at how the preferences, interests and actions of global capital intersect with labour migration (R. Cohen 2006).

Migration as a threat to social cohesion and the right of communities to determine their membership is central to a Communitarian approach to the field. Attention is focused on the sub-state level of community and the relationship of community with the state - how do the state's activities in allowing migration flows affect community coherence (Kymlicka 1995; Etzioni 2004)? One of the difficulties with this approach as applied to migration is that it leads towards a crystallization of the idea of community which excludes change. Constructivist theorists have taken a substantial interest in the migration-security nexus, in particular through the works of Buzan, Waever and Kelstrup. The identities and interests of international actors become central in international relations. They examine the ways in which social construction of interests transforms individuals into foreigners who are perceived as a threat, as opposed to citizens (Waever, Buzan, Kelstrup & Lemaitre 1993). Sassen represents one of the most interesting voices in the constructivist/normative framing of migration. Focusing on the relationship of structure and agent and how the mechanisms work by which institutions are produced by certain sets of practices, conceptualization beyond the state becomes easier. There is, however, a strong normative setting directed at how practices are regulated or produced by norms. Her point of departure is globalization - of which the movement of immigrants is one manifestation - placed not so much in the state setting as in that of the city (Sassen 2006). Because of the strong focus on the construction and impact of norms there is a tendency towards the aspirational in this trend. Here the work of Rubio-Marin fits, examining migration from the perspective of civic membership and exclusion (Rubio-Marin 2000). While this approach is richer than the strictly state-centric ones, its focus on the impacts of globalization generates criticism that it is partial. Critical theory, in particular through the work of Habermas on citizenship,

provides another prism of analysis in the field of migration. Its focus on a critique of domination bringing together social and cultural analytical tools, has proven attractive as a way to engage belonging and movement in a normative societal setting (Habermas 1992). This has opened a new debate on belonging and exclusion, primarily developed at the intersection of theory and philosophy (Follesdal 2001; Mertens 2008). However, it is through feminist theory that the focus of migration studies shifts substantially towards the individual, primarily women and their position as migrants in patriarchal statist structures (Ehrenreich & Hochschild 2002), though the public policy debate is still very much present (Vargas 2003).

More recently, international political sociology has focused on the relationship of the individual with power and authority, in particular through the constitution of power and authority: how do individuals become categorized as migrants or not. Here it is the role of individuals and their resistance to state political actors which is the subject of investigation: what are the challenges to the state's categorization of the individual? Bigo and Huysmans, coming from critical security studies, develop the analysis of migration and security through the sociology of power and its constitution (Bigo 2002; Huysmans 2006). I have chosen this framework in which to examine the nexus of security and migration. In particular, I avoid analysing the constitution of authority and power as an exclusively state attribute which is then applied to flows of people. Instead I look at the individuals and their struggles to achieve authority and voice against the overarching framework promoted by political actors, in particular in liberal democracies. By refusing to accept the disappearance of the individual into an undifferentiated flow of people which is then directed (or not, as the case may be) by state actors or processes, I seek to reveal the construction and deconstruction of assumptions about

migration, identity and security. My contention is that the assumptions about groups of persons - in the case of migration, flows or stocks of migrants - are easily manipulated by political actors. When the flow is disaggregated into the individuals with their individual struggles and objectives in aspiring to constitute authority, a very different analysis is possible, though this is often one which is disturbing to statist approaches and presuppositions. As Stanley Cohen has so seminally shown in criminology, it is through the deconstruction of the mechanisms of authority in state-centric and media discourses that we can understand how society operates (S. Cohen 2003). His choice of asylum seekers and refugees as one of the groups through which to update his thesis in the introduction to the third edition of *Folk Devils and Moral Panics* is symptomatic. The vitriolic discussion about forced migrants and migration promoted by a variety of political and media actors can have real social consequences; Cohen points to the stabbing of an asylum seeker in Glasgow following attacks on 'bogus' asylum seekers in the media. The acts and aspirations of individuals count when analysing migration - both within the state and within the migration flow.

Critical security?

Security cannot be reduced to one element. Rather it can only be understood in relation to power - either more power provides more security (the Cold War scenario in which more military technology was considered essential to security) or security is based on relationships among actors and thus not a commodity at all (Williams 2008). Critical security studies began the investigation into the object of security studies - the meaning of security itself. It is within this rich discipline that the questions I pose about security

are best situated (Krause & Williams 2003). One thing which is generally accepted about security is that there is a tension between collective security and security of the individual. While, in the name of collective security, measures are taken which have direct and immediate impacts on the security of the individual, the safeguarding of security for an individual may constitute a challenge to the dominant framing of the requirements of collective security. This is particularly so when the individual concerned is a foreigner (Huysmans 2006). In liberal democracies, measures taken in the name of security are taken for the good of the collectivity, that is the individuals who are entitled to voice within the community. That these measures may reduce the security of any one individual is inevitable. For example, decisions about the allocation of police resources will result in some individuals having better access than others. Changes to social benefits rules will result in great social security for one individual but not necessarily for another.

A tension also exists regarding the composition of the collectivity which is entitled to security. Depending on the way in which we are using the term 'security' and in respect of which set of relationships, some individuals will be fully included but others less so (Fierke 2007). For instance, the state sanction of social relationships through marriage is intended, among other things, to provide financial security for the economically weaker partner on the realization of specific events (such as death, divorce, etc.). The struggle of same-sex partners to enjoy this state sanction and the security which goes with it has taken up substantial amounts of parliamentary time in many liberal democracies. The question of inclusion or exclusion from the relationships of security varies depending on how one is using the term 'security' and for what purpose. Security is, then, most frequently about inclusion, exclusion and choices about sacrifice (Walker 2009). Decisions of this

kind are the result of struggles around the constitution of legitimate authority.

Similarly, there is a tension between internal security and external security. The political debates on what types of security individuals should enjoy within the state, whether these be in the form of social security benefits or the length of detention before charge (which was a very hot issue in the UK parliament in 2008), take place within highly structured constitutions which constrain the variations possible. The institutions engaged in security within the state are multiple - for instance social affairs and health ministries concern themselves with limiting the risk of pandemics killing many people, the police and criminal justice departments occupy themselves with the question of crime: what it is, who commits it and how they should be punished. The more widely the concept of security is defined, the more state activities fall within its remit. External security, on the other hand, is more limited. In its classic form it is concerned with the physical integrity of the state - ensuring that the state is not overrun by some other state. The institutions most engaged with this form of security are the military and the foreign ministries. However, the boundaries between these two types of security are by no means as clear as first appears (Bigo 2001). Separatist and nationalist movements within parts of states may challenge the physical integrity of the state more fundamentally than any foreign country. Interior ministries may play an increasingly important role in foreign affairs - making extradition agreements with other countries so that the reach of national criminal law can extend into other states and catch individuals, or readmission agreements whereby states will accept back into their territory foreigners who have passed through it on their way somewhere else.

In this book I will be most concerned with the relationship of security, in many of its different forms, with the individual

who is not defined as intrinsically belonging to the collectivity: the foreigner. Among the fields of security which will be central in this book are:

- sovereign, state or national security – the state’s right to determine its borders, who crosses them and what the consequences of crossing a border are;
- security, policing and crime – what a crime is and how it relates to the foreigner;
- security categorization and identity – the state’s power to define the identity of its citizens and thereby exclude others who are not accepted as such;
- welfare and social security – the allocation of resources to protect the individual.

Undoubtedly, for many readers, security is associated with war, strategic studies and international relations. However, my understanding is wider than this conventional one. By bringing into the security equation history, sociology, law and other disciplines which themselves have long and quite independent definitions of ‘security’, it is possible to attempt a deeper and more comprehensive analysis of the relationships involved (Fierke 2007). The definitional problems are part of the changing field of security studies which, until the great failings of the field at the end of the 1980s when the end of bipolarity came as a considerable surprise to most in the international relations discipline, was monopolized by military sector analysis. The addition of the concept of human security added a new range of issues to the international relations security agenda. For the moment, this security divides into three main streams: the natural rights / rule of law approach to human security, as based on internationally acknowledged human rights guaranteed by state institutions designed to deliver rights without discrimination; the humanitarian perspective,

embraced by a number of UN agencies, whereby the deepening of the role of the international community and its engagement in fields which have traditionally been reserves of state sovereignty is based on the humanitarian imperative to pursue or prevent, in particular, war crimes and genocide; and economic, environmental and social issues which affect individuals and their wellbeing.

It is not surprising that 1989 constitutes a moment of transition for security studies, as the fall of the Berlin Wall, the end of bipolarity and the unanticipated transformation of the politics of protection left many professionals exposed. The end of the Cold War was in itself an important de-securization move (Waeber 1995). The traditional understanding of security studies as engaging primarily the military and strategy was in decline (Buzan 1991). At the same time, and as a result of the same sequence of events, internal security was discredited in the former Soviet Union as obviously incapable of maintaining the status quo of the political system, no matter what powers they had. In many former Eastern Block states such as Romania, which is also perhaps the most important example, internal security was the object of such popular rage that the internal security files themselves were destroyed (Deletant [1995] 2006). By 2007, many in Hungary and Poland may have wished the same had happened there as many figures who had been held up as opponents to the communist regimes were gradually being revealed through the investigation of the national archives as, in fact, having been complicit with those regimes (Deak 2006).

The de-legitimization of security institutions both in international relations and in internal affairs was central to the transformation of borders in Europe. The dissolution of a series of previously (apparently) impenetrable borders (most notably the Berlin Wall itself) and the creation of a whole series of other borders - such as those of the three Baltic States, or in the fragmentation of the former

Yugoslavia in a bloodbath - for many, changed the relationship of sovereignty and security. The challenges of the 1990s to sovereignty and security, and the relationship between the two, in Europe resulted in a tremendous shift in where both are claimed and how they are exercised, not least with the creation of new borders and the re-establishment of states which had not been on the international scene for a century or more, but also with the massive expansion of the European Union, itself a challenge to traditional views about sovereignty and security.

The variety of possibilities as to the meaning of 'security' leads us back to our initial question: what is security? It appears that this question may well be unanswerable in the abstract as it involves, rather than a positive state of affairs or situation, a negative, the lack of something - though it is doubtful that the lack is that of insecurity (Bigo 2002). One of the difficulties in examining security and migration is the fact that mainstream security studies not only began to distance itself from international relations studies in the 1990s but also entered into a debate with critical security studies around the meaning of 'security'. The move away from classic international relations studies, which claims fixed boundaries between the international and the internal, has been hastened through the development of concepts such as international political sociology, which reject as a false dichotomy the internal-external divide and demand cross-fertilization among different disciplines in order to analyse political violence, transnational mobilization or indeed migration (Bigo & Walker 2007).

The weakening of the classical international relations grip over security studies which came with the end of bipolarity also permitted security studies to start re-discovering sociology, history, politics and law and, through a multidisciplinary approach, to examine other institutions, internal and external, and other power relationships in

order better to understand the meaning of boundaries (Bigo & Walker 2007). Security studies also began to develop a different vocabulary which includes key concepts such as risk and uncertainty (Beck 1996), (in)security (Dillon 1996), ethnic conflict (Kaufman 2006), human security (Hampson et al. 2002) and environmental change (Dalby 2002), etc. It claimed as legitimate subject matter fields as diverse as the international arms trade (Hartung 1995), peace operations (Pugh & Cooper 2002), private security (Avant 2006) and transnational organized crime (Kyle & Koslowski 2001). Among the subjects into which security studies began to venture was that of population movements, in which the activities of well-established international organizations such as the United Nations High Commissioner for Refugees, as well as ones in the process of transformation following the end of bipolarity such as the International Organization for Migration, became the subject of analysis (Bali 2008).

Critical migration studies

This brings me to the second question which this book addresses: what is migration? Even when one focuses exclusively on human beings (as opposed to birds, whose migration brings up the largest number of references in many internet searches), there are still many ways of defining the notion. The first key boundary in migration studies is that between movement within a country and movement across international borders. Migration within state borders has traditionally been a preserve of geographers. As the example of China in the twenty-first century reveals, this type of migration can be far more significant in terms of numbers than migration across international borders (Fan 2007). Another discipline, anthropology, while increasingly engaged in migration

studies, is less inclined to accept that national sovereignty in the form of borders is of central importance (Vertovec & Cohen 2002). However, it is migration across international borders which has become the core concern of those working in migration studies,² including many geographers who are engaged in relevant research (Rajaram & Grundy-Warr 2007).

In mainstream migration studies, as the focus is on the state and its action regarding migration flows (King & Black 1997), the question of how the state constructs the individual as a foreigner attracts less attention (R. Cohen 2006). The political struggles around the state's claim to categorize the individual are invisible. In this book, I want to focus on the notion of migration which includes: (a) the state as the determiner of international borders, and (b) state sovereignty as encompassing the claim of states to an entitlement to control movement of persons across borders. In this regard, I coin the term 'critical migration studies' to describe the process of deconstructing the state's claims in the face of resistance by individuals. Rather than accepting at face value the state's claims regarding migration flows, struggles with the term 'migration' itself are under the microscope, not as a definitional question but through the agency of individuals.

The modern state claims a monopoly over the legitimate crossing of borders (Torpey 2000). Any border-related definition of 'migration' depends on the deployment of a claim by the state to a sovereign right to designate who are its citizens and who are not (Noiriel 2001). This requires a number of steps already to have been achieved. First the state needs to have a legal definition of who a citizen is, as opposed to those who are not. This will demand a system of registration of births and deaths (and probably marriages if citizenship is related to legitimacy of birth within marriage, as it was in Europe until the end of the twentieth century).

The state will need to produce identity documents which reveal that status to its own officials, whose actions are based on this distinction, and ensure that other states recognize those documents as evidence of the status of their citizens' identity claims. All this is quite an onerous proposition and means that substantial public resources must be spent on documenting citizens.

Only once states have determined who their own nationals are does it make any sense to claim to control entry of persons to the state territory on the basis of citizenship. The reverse side of the citizenship coin is foreignness. Those who are not citizens of a state may fall into two main categories. Either they are citizens of some other country and therefore foreigners to the state in question, or they are stateless and no state at all claims them as their own. Statelessness is a particularly unfortunate status as the individual can rely on the protection of no state to confirm their existence through documents, which is the first step of legal existence and a necessary prerequisite to participation in western democracies, let alone to movement across international borders in a lawful manner (Gyulai 2007). The international community has taken various steps to reduce the occurrence of statelessness, the most important of which are through the UN Convention Relating to the Status of Stateless Persons 1954 and the followup Convention on the Reduction of Statelessness, 1961. The purpose of the multilateral rules which seek to reduce statelessness, according to the 1954 Convention, is to ensure that all human beings are able to enjoy human rights (rights not based on citizenship) due to a profound concern that stateless persons should be able to access fundamental rights and freedoms.

Once a citizen leaves his or her country of nationality, he or she automatically becomes a foreigner unless the individual holds the nationality of more than one country -

commonly called 'dual' or 'multiple' nationality (Faist 2007). Dual or multiple nationality presents particular problems for states and possibly advantages for individuals. To some extent one can make an analogy between citizenship and ownership - the state lays a claim to ownership over the individual. Of course this analogy cannot be taken very far as it rapidly becomes absurd - the range of actions which the state can take in respect of its citizens is restrained by constitutions and, in liberal democracies where the citizen participates in the choice of government, one might justifiably make the opposite analogy, that the citizen owns the state, in order to exemplify other aspects of the state-citizen relationship. However, bearing in mind the limitations of the analogy of ownership between the state and the citizen, it is the state's responsibility in the international state system to take responsibility for its citizens, whether this means accepting them back into the national territory whenever the citizen so chooses or providing consular services to them when they are abroad (that is to say, when they are foreigners on the territory where they are physically).

When two states claim the same individual as belonging to them - dual citizenship - various problems arise, for both the state and the individual. For young people, the issue of military service can be problematic - can both states oblige the individual to complete military service (in principle they can, but there are some international agreements which seek to limit the effect of that possibility (Hailbronner 1996)). Similarly, the question as to which state has the right to extract resources from the citizen to finance itself - otherwise known as taxes - raises problems - does the citizen owe a duty to pay taxes on his or her worldwide income to both countries (a problem which keeps many accountants in employment)? Political participation in two countries also raises questions about the nature of the link between the citizen and the state. There are two main state

approaches to dual citizenship: (a) tolerance – for example China, the UK and many south American countries do not impede their citizens' acquisition and use of another citizenship, nor is this an obstacle to acquiring their citizenship; (b) intolerance – Malaysia, Germany and many Nordic countries actively discourage dual citizenship, often to the point of seeking to deprive an individual of their citizenship if they become aware that he or she has acquired another (Martin & Hailbronner 2003).

The concept of migration depends, then, first on the existence of interstate borders which are the object of sovereignty claims by states, regarding their citizens and others. Thereafter, there needs to be a possibility that the individual may travel beyond the borders of the state (or states) of which he or she is a citizen (Toyota 2007). Whether this possibility is realizable or not by any particular individual is less central (Tangseefa 2007). The cross-border movement of individuals must be accompanied both by the allocation of a citizenship status to the individual which is evidenced in some form, or otherwise discernable, and by an administrative system, at least in the country to which the individual is going, which recognizes the individual as foreign and differentiates its treatment of the individual accordingly (Sadiq 2008). Normally this means that the individual is entitled to fewer rights (and possibly subject to fewer duties, for instance in the case of military service or taxes) than citizens of the state (Guild 2004).

Foreigners, immigrants and migrants: contesting migration

From the perspective of critical migration studies, not only is the subject matter of migration studies the object of investigation, in particular through the actions and agency

of individuals, but also the normative consequences of the allocation of a title must be examined. The words we use in migration studies to describe individuals and groups carry normative loads capable of modification. As Stanley Cohen analysed, the use of the term 'bogus' asylum seeker carries such a heavy normative load in British society that it contributes to an environment where physical assaults on asylum seekers take place (S. Cohen 2003). Once the individual falls into the general category of 'foreigner', the variety of possible statuses which may be applied to him or her multiply. Depending on how the individual is categorized, he or she may acquire quite different and normatively charged titles. It is in the allocation of statuses that the first indications of the relationship of the foreigner with security appear. For instance, so long as the individual is a foreigner or an alien, this definition allocates the individual as the responsibility of another state, in general terms. However, once the individual is categorized as an immigrant or a migrant, a different relationship with the host state comes into existence. Both terms are meant to define foreigners and both relate to the degree of social and economic insertion the individual plans or hopes to have. But nationals of some countries are more easily defined as immigrants or migrants than those of others. For instance, it is rare to come across US citizens being described as migrants or immigrants (except by statisticians). Moroccans or Malians in many parts of Europe are almost always described as immigrants or migrants (and often illegal, irrespective of their status). Further, the children of immigrants who have acquired citizenship of the host state are often described in European discussions as 'second generation immigrants'.³ This discourse was particularly evident (and problematic) during the 2005 social disturbances in the suburbs of Paris, where the categorization of young French citizens as immigrants

provided a mechanism to speak of ethnicity without using the term (Begag 2007). The allocation of the term 'immigrant' or 'migrant' is not neutral. In many circumstances, particularly in Europe, it is already normatively loaded with a security-related content.

The first separation which western liberal democracies make is between foreigners who are legally on the territory and those who are irregularly present. Here the force of the use of the terms 'immigrant' and 'migrant' is particularly clear: if someone is described as 'an irregular foreigner', it would be uncertain exactly what aspect of the foreigner was irregular - his or her behaviour? Dress? One would not be sure. As soon as the term 'migrant' or 'immigrant' is used, there is no longer any doubt - an image is evoked which relates to the decision of the state whether to admit, or refuse admission to, the individual. While the European Union exclusively uses the term 'illegal migrant', most international fora prefer less obviously normative terms such as 'irregular' or 'undocumented' migrants. The claim to neutrality made by many scholars in migration studies disintegrates as soon as one examines the words used to describe individuals and groups (King & Black 1997). The words 'immigrant' and 'immigration' already provide indicators about the normative position of the scholars.

This division of foreigners into legal and irregular is made exclusively on the basis of the host state's knowledge of the individual. A regular migrant is someone who has passed through the formal processes of the state and whom the state recognizes as an individual who is entitled to be on the territory. It is a state-centric division which reinforces the state's claim to a monopoly on the legitimacy of movement across borders (Soguk 2007). Most commonly, these official processes take place at borders and require the formal presentation of documents, but, as I will examine in the final chapter, particularly in the context of

the European Union, this paradigm of the border as the place where the state and the individual meet is subject to change. An irregular immigrant is someone who has not fulfilled the state's rules on admission or stay. This group can be further divided into clandestine immigrants - a term usually used to describe persons who crossed the border surreptitiously, avoiding all contact with state officials who would refuse him or her entry; and irregular immigrants. This term can be used to include clandestine immigrants but also covers those who arrived lawfully but overstayed the period of time they were permitted to be on the territory, or engaged in activities which are prohibited by the immigration status which the state gave them. The most common example of this is the foreigner who arrives as a tourist, then stays on beyond the end of the permitted stay and gets a job. But an illegal immigrant is someone in respect of whose presence on the territory the state has passed a law making mere existence a criminal offence. Nonetheless, how an illegal immigrant will be treated is by no means consistent. The relationship between the state of origin and the state of illegality may mean that no action is taken.

Australia has excellent statistics on entry and exit from its territory as it has a mandatory registration system which is tied to the transport companies. According to the Australian government's publication *Immigration Compliance* (2005),⁴ the country whose citizens form the highest proportion of visitors to Australia is Britain. Of those foreign nationals who stayed beyond the period permitted by their visas (delicately called 'Visitor Non Return Rates') the global average is 1.22 per cent but the average for British citizens in Australia is 1.58 per cent. Thus the country whose nationals, objectively in both numeric and percentage terms, represent the greatest risk of overstaying their visit visa in Australia is Britain. If the

category of illegal immigrant were one neutral of normative content then the efforts of the Australian authorities to reduce overstaying of visit visas would be directed against British citizens. Instead, the Australian report itself obscures the issue by grouping the statistics in such a way that the category of overstayers described as 'a considerable burden to the community because of the cost of their location and removal from Australia' (p. 37) is separate from the Visitor Non Return Rates (by including all sorts of other categories of persons in the first but only visitors in the second) and thereby providing an overstaying rate which puts nationals of Kiribati at the top of the list - the result of a tiny population, in respect of which even one individual overstaying will change the statistics.⁵

Irregular migrants, overstayers and 'visitor non returners' do not remain indefinitely in their categories. As the Australian authorities note in the report (above), 'most overstayers only overstay in Australia for a few days' (p. 37). Because the status is one allocated by the host state by reference exclusively to its own rules, once the individual leaves the state he or she ceases to come within the category. The same individual may return to the state and overstay again, or go to another country and overstay there, as a result of very different rules applicable to that state. Or the individual may go to his or her country of origin and never fall into the category again. These are the options immediately available to the individual as the result of his or her own actions.

It is also open to the state to remove the individual from irregularity. This may happen in many different ways. First the state may change its rules - for instance, extend the period of time generally available for visitors to remain on the territory. Alternatively, as a result of an international agreement, nationals of the state may cease to be irregular

on the territory of another state and enjoy a right of residence. This happened in the EU in 2004 and again in 2007 when, by reason of their states of nationality joining the EU, nationals of ten countries in 2004 and two countries in 2007 gained a right of residence which reduced to a very low level the possibility of them becoming irregularly present in other EU states (Bigo & Guild 2005). The state may take a decision in respect of the individual to extend his or her permission to be on the territory after a period of irregular residence, for instance on the basis of marriage to a national, or successful studies. Equally, the state may open a wide regularization programme to bring classes of foreigners irregularly on the territory into regularity (De Bruycker 2000). Finally, the state may seek to force the foreigner to leave the territory, ultimately by expulsion, a more or less expensive option depending on how far the country of nationality is from the host country.

Thus, by examining the terms 'migration', 'immigrant' and 'migrant' quite a different perspective of migration studies emerges. The state is not a monolithic entity standing before a tide of migrants flowing towards its borders. Political choices are made regularly within states, on the basis of which normative categories are created and deconstructed. There is no fixed meaning to the terms 'irregular', 'illegal', or 'undocumented' migration that a state administration cannot transform very rapidly. Therefore to understand migration one must examine the political preferences, the interests, of political actors, and individuals' forms of resistance to their categorization. Critical migration studies open this field of inquiry.

Temporal classification

Individuals who are foreigners, therefore not in a state which claims them as citizens, can be subdivided into many