

Emergence of a “Big Brother” in Europe: Border Control and Securitization of Migration

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ABSTRACT

The European Union (EU) has been devising new methods to manage irregular migration and border control. In the last few decades, a clear link has been established between migration, borders and security in Europe. The paper critically examines this link and the EU's response to the problem through the implementation of two methods: the externalization of border control and increased surveillance. Both these instrument mainly aim at eradicating risk with the help of surveillance tools such as databases and profiling people travelling from third countries, preventing irregular migrants from reaching the EU through pre-emptive measures, and dealing with them outside of the Union as much as possible. However, these methods create other forms of insecurities while claiming to attain a more secure Europe, such as empowering states at the expense of individual liberties and making individuals part of a total surveillance system where their daily actions and preferences are recorded.

Recently, a boat carrying 72 passengers sent out a distress call, which was ignored by European military vessels, allegedly even including a NATO vessel. As a result, only nine people managed to survive thirst and hunger as their vessel drifted in open waters for 16 days. Images of the dead bodies of African migrants, who were left to die by European military, were broadcasted on European television in May 2011. For sure this was not the first incident, which caused a loss of life; however, it did once again reveal the tragedies taking place in the Mediterranean, the severity of the situation, and the illiberal practices of European security agents in dealing with irregular migration.

It is no secret that European nation-states have been adopting restrictive migration policies particularly since the mid-1970s. Furthermore, a link between borders, migration, and security has been established as a result of Euro-

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pean policies for the last three or more decades. This period also overlaps with the increased efforts for regional integration, which culminated in establishing an internal border-free Europe. Since the Amsterdam Treaty, the European Union (EU) shares the sovereignty of its nation-states on issues of border control, asylum, and illegal migration policies. In doing so, it faces a major dilemma: “how may the ambition of nation-states to control

the entry and movement of people be reconciled with liberal standards promoting free markets, open borders and, humanitarian values?”¹ On the one hand, it strives to facilitate freedom of movement inside the Union as well as easing the rules and reducing the red-tape for entering the Union from neighboring countries, as it claims to want to obviate erecting new “walls” in Europe.² Yet, on the other hand, it aims to provide security through filtering out unwanted goods and aliens, to be free from the security risks they might pose. To put it bluntly, the EU wants to liberalize but also strictly regulate its borders. While doing this it evokes the welfare of European citizens and keeps referring to “meeting their expectations”³. Indeed, the regulation of its borders has lately become very militarized, especially in the Mediterranean through FRONTEX, the specialized European agency for border control and its operations.

The situation is far more complicated than a simple threat definition of migrants. The concept “risk” is involved in the EU’s security calculations. Risk calculation inherently is a preemptive act to prevent threats before emerging mainly by relying on past experiences and collecting as much data as possible. Although this method became very popular among security agents, it does bear potential threats to the liberties of ordinary citizens and more so to irregular migrants and asylum seekers, among the most vulnerable groups.

Increased population movements, as a result of the “Arab spring” and the struggle taking place in the Middle East, makes it is even more pressing to re-think European policies on border control, migration, and asylum. In this context, this paper critically inquires about the link being established between security, borders, and migration or more commonly known as, the securitization of migration and the EU’s methods of tackling the issue. The EU’s two crucial methods of dealing with migrants and borders are: externalization of border control and increased surveillance. These mainly aim at eradicating the risk with the help of

surveillance tools such as databases and profiling people travelling from third countries, preventing illegal migrants from reaching the territories of Europe through pre-emptive measures, and dealing with them outside of the Union

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as much as possible. The article will first dwell on securitization discussions and problematize the notion of risk. Then it will critically discuss the EU’s externalization and surveillance methods to “manage” the borders and risks of irregular migration. Finally it will highlight the insecurities these create while claiming to attain a more secure Europe.

Securitization of Migration and the Concept of Risk

With the end of the Cold War, security started to be re-thought. On the one hand security agents have been trying to identify new threats in a new world order, whereas on the other hand, a lively theoretical debate has been taking place on the meaning and ways of attaining security. In this context, the so called “new security threats” or “soft security” issues, including migration, replaced the discussions on nuclear warheads of the Cold War era. The discussion on the global character of these new threats, permeability of borders, coupled with increasing numbers of migration flows to Europe, pushed the European nation-states make a greater effort to benefit from European integration. The expansion of the security agenda and the emergence of a new actor in this field started discussions on security governance at the European level. One result of these discussions was the erosion of a clear line between internal and external security threats at the European level. Increasing integration in the Justice and Home Affairs (JHA) was a clear output of this. During this emergence of security governance, new methods, techniques and processes were imagined, mostly to control migration flows before reaching the territories of the Union. Thus, Europeanization and securitization went hand in hand to a certain extent and fed on each other.

On the other hand, while this scenario was being played out in Europe, attempts to interpret the developments, disagreeing with the practitioners, and warning them of the wider meaning of security became a wide spread practice within academic circles. These practices were lumped together and dubbed “Critical Security Studies,” which became a large umbrella concept, covering several distinct ideas and arguments.⁴

The Copenhagen School’s securitization discussions provided a useful starting point to interpret the developments in Europe. Ole Waever, when inquiring about

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security, started by asking a simple question: “what makes something a security problem?” His answer was shockingly simple “something is a security problem when elites declare it to be so.”⁵ Waever adopted a post-positivist stance that approaches security at the discursive level, according to which “[...] the actual definition of security depends on its suc-

cessful construction in discourse.”⁶ Thus, he defines security as a speech act. For such an interpretation “security is not of interest as a sign that refers to something more real; the utterance itself is the act.”⁷ Securitization denotes, portraying a problem as an “existential threat,” i.e. a threat to the existence of a particular referent object, which has a legitimate claim to continue its existence and making the relevant audience believe in that discourse. Acceptance of the audience will legitimize taking measures beyond the daily routines, putting the issue on top of the agenda and even breaching the rules which would normally be binding for the securitizing actor(s)⁸.

In this context, the European states’ way of handling the issue of migration, lately, resembles what Waever defines as securitization. Similarly, the discourse of the EU in this field is mainly built on the inevitability of increased border control, the necessity of cooperation with third countries, and the need of formulating immigration as a risk rather than as a threat to the security of Europe. The discourse formulates a “normalized” secure inside versus a dangerous and risky outside, where the borders lies at the intersection.

However, with its exclusive focus on speech act at the discourse level, securitization theory shall be criticized for failing to focus on the change and the practice on the ground. The Paris School tried to remedy this with its focus on institutions, practices, and modern technologies. The leading figure of the Paris School, Didier Bigo, argues that the EU has been constructing a “ban-opticon” like structure. As opposed to a “pan-opticon” initially designed as an architectural instrument by Jeremy Bentham, which allows surveillance of all with little effort, the “ban-opticon” is a helpful metaphor in understanding European practices. In a “ban-opticon” certain groups are selected as target groups, as potential criminals, as risky groups and are subjected to increased surveillance, whereas movement for the rest is facilitated. In Europe the group, which is the subject of surveillance, consists of illegal immigrants and asylum seekers. Therefore, securitization is seen not only as the “speech acts” of politicians but more importantly a result of daily

routines and practices of experts. Indeed, the EU has been developing a border management model intertwined with its common asylum and immigration policies. An increased emphasis is placed on the external dimension that aims to contain, confine, and dissuade unwanted and “risky” elements. It does that by incorporating bureaucrats, private companies, and citizens of third countries into its border management system.

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Moreover, the Paris School argues that the main mentality behind the practices of the EU in this area is framing migration and border control issues as risk management rather than purely as a security issue.⁹ The argument can be made that the EU is generally uneasy in dealing with mainstream security issues, as nation states are extremely sensitive in this regard. Also the Union claims to be a sui-generis entity, different from nation-states as a project of peace and welfare. Thus, when analyzing how the institutions of power operate, we see that they refrain from using the discourse of threat, but instead employ the language of insecurity and migration, risk and management. Indeed, the institutions of the EU, particularly the European Commission, depict the issue as a technical problem to be tackled by keeping the unwanted out and at the same time easing the transfer of *bona fide* travelers and goods. However, defining migration, asylum, and borders as mere technical issues to be decided and dealt with by experts is not an innocent act. It empowers experts to a degree that itself might cause different sort of risks the first and foremost of which is narrowing down the room for politics.

Thus, a crucial concept that deserves further scrutiny here is the notion of “risk.” The simplest definition of risk would be the exposure to the chances of injury or loss and for the EU it refers to calculating these chances and managing them, which requires expert knowledge, statistical methods, and collecting as much data as possible. Gammeltoft-Hansen underlines the fact that behind the evolution of this “ban-opticon” structure lays the notion of managing risk in an advanced liberal system, as opposed to a simplistic understanding of threat.¹⁰

This understanding of risk plays into the EU’s migration and border management imaginary, policies as well as its policing practices. When these extensive efforts are reviewed one might get the false image that the EU is hosting extreme numbers of migrants or asylum seekers. However, in reality, the EU countries “host only a small and declining fraction of the world’s 13 million refugees, but there

are few more politicized issues than asylum in Europe.”¹¹ Similarly net migration numbers of some European countries are declining.

Thus, in such a system of border management based on risk management, migrants are categorized, catalogued, and traced. Several institutional categories are being formed such as tourist, asylum seeker, and illegal immigrant. “Furthermore, upon entry migrants are thoroughly examined because of the specific risk potential they inherit in terms of transnational crime, overstay of visas and terrorism.”¹² Indeed, a sophisticated model for managing the relations between the police and other bodies concerned with management of risk at borders are being established.

To sum up, the two crucial components of the EU’s governing practices, as already mentioned, are its conceptual framework and the knowledge that define these practices both at the micro and macro levels. Practices of governing both inside and outside take on the form of creating new legislation and institutions within the EU. The core mentality is linked to the notion of risk and the goal of fortifying external borders through compensatory measures that increasingly benefit from the advance technological methods of profiling and generalized surveillance, keeping “the unwanted” out and returning them at the easiest and most cost effective manner, yet facilitating the movement of goods and “the desired ones” as much as possible. In this context, managing risks before reaching the territories of Europe plays a central role, which accentuates the emphasis on external dimension of migration and border control policy fields. The following section will first quickly narrate the evolution of externalization measures, which aims to eliminate risks before reaching the borders of Europe, by either taking preemptive action or remote controlling the situation from afar.

Externalization of Migration and Border Control

The Treaty of Amsterdam, which partly aimed to prepare the Union for the next round of Central and East European Countries (CEEC) enlargement, was a major turning point. Because it brought the issues of immigration, asylum, and border control that lie at the intersection of freedom, security and justice, under the formal competence of the European Community (EC), by placing it under Title IV of the EC Treaty. When the CEECs become members of the Union they would be in charge of the eastern external borders of the Union. Thus, Amsterdam clarified the issue by bringing Schengen legislation to the formal competence of the EU and set the standards for border control practices. The competence of the EC covered issues related to ensuring the free movement of persons in accordance

with the EC Treaty and adopting the directly related compensatory measures on external border controls, including issues on visa, asylum, and immigration. Since then policies of border control, illegal immigration, and asylum have been moving fast and have become increasingly intertwined. In the same year, the Tampere European Council took decisions on how to realize the goals of the Treaty. The Schengen Agreements already brought about a change in mentality, particularly through the notion of compensatory measures to avoid the negative effects of a borderless Europe. Still, cooperation in these fields have revealed a relatively imbalanced development; while internal issues, or in other words legal migration, was confronted with resentment from member states, the external dimension of migration and asylum policies prevailed over the rest and developed into a main field of cooperation. With a particular emphasis on the international dimension of the migration issue, cooperation pays special emphasis on engaging with countries of origin and transit in controlling migration flows. What follows is a growing stress on extraterritorial control.¹³

The external dimension of migration and asylum policies were officially embraced in Tampere. The Presidency Conclusions stated that concerns on migration and asylum should be incorporated into other policies and activities of the Union, including external relations. “Since then, ‘partnership with countries of origin’ and ‘stronger external action’ figure prominently in the work-plan of the JHA Council.”¹⁴ In such a context, the late 1990s and early 2000s saw a heightened discussion on migration and border control, which was directly linked to the prospective enlargement of the Union. According to Ben Hayes and Tony Bunyan “a central tenet of EU immigration policy through the 1990s was the creation of a “buffer zone” in the accession countries of central and eastern Europe.”¹⁵ This buffer zone was enabled through several means as already mentioned in the European Union documents, as possible areas for action such as visa requirements, bilateral readmission agreements between EU and candidate countries, EC funding and technical assistance to immigration and border police authorities, declarations that CEECs are safe for the return or protection of refugees, and the condition that candidate countries must implement the EU Justice and Home Affairs *acquis* in full before they can be considered for full accession.¹⁶ All these enabled the EU to export its border management regime as well as the “...responsibility for countless asylum-seekers and refugees to the candidate states.”¹⁷

Therefore, enlargement acted as a major component of pre-emptive action. While on the one hand disciplining new comers through several capacity building projects and legislative changes, a new buffer zone was created for the “core”

Europe. However, once the CEECs are integrated to this regime, the EU has gone one step further to incorporate countries of origin and transit of migrants and refugees heading for Europe. Bunyan and Hayes again correctly claim that

The policies were an attempt to pass responsibility for prevention of immigration to the countries of origin of refugees and migrants and the countries through which they pass by tying trade and aid to the prevention and return of “refugee flows.”¹⁸

Externalization of border control and migration long existed within the EU documents. However, the emphasis on security logic has altered over time. Extra-territorialization of control was put in place via several methods such as visa policy, readmission agreements, carrier liability, safe third country rule, which were implemented through bilateral agreements, enlargement or intermediary instruments like European Neighborhood Policy. In a way the Union differentiated between various regions and developed tailor made relations with each by benefiting from different tools. Sandra Lavenex argues that “[i]n contrast to a preventive comprehensive approach addressing the factors, which lead people to leave their country of origin, European policies focused on the repression of undesired inflows through externalization.”¹⁹ This externalization worked with the implicit rationale of “remote control,” where the aim has been to shift the locus of control further outside of the Union and its common territory. Schengen Agreements granted the Schengen group several instruments which became a part of the EU *acquis* as a result of the Amsterdam Treaty. The early coordination of visa policies in the Schengen group, the introduction of carrier liability in the second half of the 1990s, and placing national liaison officers from home ministries of member countries at airports in countries of origin in order to check validity of documents were among these instruments.

In such a ban-opticon structure, one crucial element of externalization of internal security and the fight against illegal immigration has been the return policy of the Union, a crucial component of which is signing readmission agreements. A European Commission Communication published in 2001 claims that the return policy of the community should be based on three elements: common principles, common standards, and common measures. It further argues that

[...] readmission clauses should be included in all future Community association and co-operation agreements. Targeted technical assistance, if needed supported by Community funding, could be offered where appropriate. The EU should also use its political weight to encourage third countries, which shows a certain reluctance to fulfill their readmission obligations.²⁰

Thus, a crucial tool of this system has been the “readmission agreements,” which would enable European countries to send back these asylum seekers or migrants to a “safe third country.” Readmission agreements are also extremely controversial, particularly as they can jeopardize the security of the whole asylum system process and put the asylum seekers in danger. However, the Union took a decision in 2001 to incorporate the clause for signing readmission agreements to all its external relations. For instance, the EU when giving development aid to African states, or when signing an action plan with a neighboring country would insert a specific clause for readmitting illegal migrants.

Nevertheless, a “second form of early externalization was the mobilization of third countries in the control of migration flows to Europe, mainly through the adoption of the ‘safe third country’ rule.”²¹ Regarding remote controlling asylum seekers, the Schengen Agreements and the Dublin Convention led to the emergence of such a rule. However, it was later adopted by the Union as well through the Council Regulation no. 343/2003 of February 18, 2003, which replaced the 1990 Dublin Convention. Article 3(3) of the Regulation clarified the “safe third country rule.” According to this, member states were given the right to deny examination of an asylum claim and send back the applicant to a third country where s/he would have had the chance to apply for asylum so long as this state is party to international refugee treaties. As a result of this rule, member countries tried to delegate the responsibility of asylum seekers to neighboring countries.

Although, all these initial “remote control” techniques were developed within the intergovernmental Schengen cooperation, they soon became a tool of the Union. At this junction, enlargement of the Union has been a defining moment in managing the environment of the Union and formulating specific tools and mechanisms towards this end. Especially the last round of enlargement deserves particular attention, as major policy tools of externalization related to border management and migration were structured through this process. There are several policy instruments at the EU’s disposal to influence the actions of other countries. Indeed, they represent a significant strength enabling the EU to tailor its external cooperation according to the situation of each country. The Commission lists in one of its Communications: bilateral agreements, enlargement and pre-accession processes, European Neighborhood Policy Action Plans, regional cooperation, individual arrangements, operational cooperation, institution building and twinning, development policy, external aid programs, international organization and monitoring – as examples of these policy instruments.²² Among all these “instruments,” the pre-accession process leading to enlargement, particularly the 2004 enlargement deserves particular attention as it laid down the initial work to

formulate the EU policy on externalization of internal security in a coherent and comprehensive way by incorporating all the readily existing tools of Schengen into Union actions.

The Union has been publishing various documents, including five-yearly plans starting with Tampere, to regulate and manage this policy field. A major milestone in migration management of the EU has been the Hague Program that was adopted as the second multi-annual program. Following the European Council meeting on November 4-5, 2004, the European Commission agreed on an action plan on May 10, 2005 that listed the concrete steps to be taken in the coming five years to achieve the objectives in this field. The Hague Program divides the agenda into three; strengthening freedom, security, and justice. It places “immigration” (regular and irregular) under the heading of “Strengthening Freedom.” There is the stress for developing a comprehensive approach that pays attention to all stages of migration, ranging from root causes to admission, integration, and return policies. It is explicitly stated in the program that migration, asylum, and borders are among the priorities for the following five years. However, the Hague Program, when compared with Tampere, is generally criticized for being more security focused. Despite several issues like migration or borders are discussed under the freedom section, the measures proposed to be taken like biometrics or visa policy are more relevant to security measures than measures to increase freedom. Again the stress on the external dimension of migration is very overt. For instance, the Commission in the Hague Program states that

A common immigration policy cannot confine itself to admission and return policies: successful management of migrations (sic) flows must become an integral element and comprise a serious investment in relation with third countries, both of origin and of transit, notably through assistance and cooperation, in the mutual interest of third-countries and of the Union.²³

Therefore, the emphasis on the external dimension of migration and border control has not diminished but on the contrary increased in time. Following the Hague Action Plan, the European Council of June 16-17, 2005 declared the necessity to adopt a Strategy for the Union on the External Dimension of the Area Freedom, Security and Justice. Following this call, the European Commission was set to identify main external challenges and the objectives of the Union’s external actions with the Communication, *A Strategy on the External Dimension of the Area of Freedom, Security and Justice*.²⁴ The Commission classifies issues to be tackled under five headings one of which is migration, asylum, and border management. Under this title it claims that improving the capacity of third

countries in migration management and refugee protection as well as supporting their capacity for border management; enhancing document security; preventing illegal immigration; re-linking development with migration and ensuring the return of illegal immigrants are impor-

tant. Moreover, according to this Communication, there are several policy instruments available for the use of the EU, some of which are: bilateral agreements, enlargement and pre-accession processes, European Neighborhood Policy action plans, regional cooperation, individual arrangements, operational cooperation, institution building and twinning, development policy, external aid programs, international organizations and monitoring.²⁵

An important component of the EU border and migration management system is the large network of surveillance and identity systems

Following the fifth round of enlargement that took place on May 1, 2004, the EU Heads of State and Government held an informal meeting at the Hampton Court on October 27, 2005 and called for a comprehensive approach to tackle the issue of migration. Following the call of the Council, within a month, the Commission prepared a plan for a comprehensive program of action, titled *Priority actions for responding to the challenges of migration: First follow-up to Hampton Court*.²⁶ With this Communication some concrete measures to set up a comprehensive program were proposed, which allowed the Council to focus specifically on Mediterranean and African regions for which Union’s policies are becoming more and more controversial.²⁷ According to the Commission, global approach to migration specifically refers to the external dimension of the EU migration policy and “[i]t is based on genuine partnership with third countries, is fully integrated into the EU’s other external policies, and addresses all migration and asylum issues in a comprehensive and balanced manner.”²⁸ The Commission clarifies its efforts with the following statement

Adopted in 2005, it illustrates the ambition of the European Union to establish an inter-sectoral framework to manage migration in a coherent way through political dialogue and close practical cooperation with third countries. The Global Approach has already been the subject of three specific Commission Communications over the past three years, setting out short-term measures in relation to particular geographical areas and countries.²⁹

Moreover, most recently the EU has published its third multi-annual Stockholm Program that was drafted by the Swedish Presidency and adopted by the European Council at the end of the year 2009. The Communication of the European Commission³⁰ already received huge criticism for increasing the surveil-

lance tools and changing the balance between liberty and security at the expense of the former.³¹ Thus, parallel to externalization efforts the Union pays increasing emphasis on relying on advanced technology and surveillance in managing its borders and migration.

Emergence of a European ‘Big-Brother’: Surveillance

The formal inclusion of the Schengen Treaty within the *acquis* with the Treaty of Amsterdam resulted in the proliferation of border control measures as well as a qualitative change in their nature. Indeed, according to Mitsilegas the terminology even shifted from border controls to border security, which was heightened by the September 11, 2001 events.³² Since border control refers to a governing activity, border security includes a pre-emptive dimension as well, which is best exemplified with profiling people through different databases for surveillance.

Both at the national and European level there have been a trend to employ creative methods of surveillance. Relying on biometrical data of individuals is one such method, which is the new “trend” among security instruments and one of the favorite of security agents. Brouwer defines biometrics as “[...] automated methods of recognizing a person based on a physiological or behavioral characteristic.”³³ These characteristics include but are not limited to fingerprints, retinal and iris scanning, and voice patterns. The use of biometrical data in passports and travel documents are becoming an oft-repeated priority of governments to fight against issues as diverse as visa shopping, illegal immigration, and terrorism. This tendency is quite clear in European governments, which is also supported by EU wide measures. Thus, the European Union also supports arming “the big brother” of an Orwellian society.³⁴ In this context, an important component of the EU border and migration management system is the large network of surveillance and identity systems that are being used in different areas. There exist different electronic databases that are being improved to ameliorate their coordination with the goal of supervising the movement of people and goods. That is, the EU is increasingly benefitting from what the “risk society” promises in terms of science and technology in controlling its territories, which according to Ulrich Beck’s creates new risks in trying to compensate for others. One of the foremost is the potential to eradicate the right for protection of personal data and right for privacy.

The main database in use in Europe are Schengen Information System (SIS), which was recently upgraded and called SIS II, the database for keeping the records of asylum applicants, EURODAC, and finally the database where infor-

mation on visa applications are stored, which is called the Visa Information System (VIS). Moreover, since 2004 the Union agreed on tracking the passenger data moving in and out of the Union by air through a “Passenger Name Record” (PNR) system. The data for this system is provided by airline companies through their booking systems. Lately a major concern has been how to facilitate the interoperability of databases to increase the efficiency. In its Communication on the implementation of the Hague Program, the Commission links the establishment of an area, where the free movement of persons is fully ensured, with the necessity of “an integrated control of the access to the territory of the Union, based on an integrated management of external borders, and with the support of new technologies, including the use of biometric identifiers.”³⁵ Parallel to the concern of the European Council, the Commission is also concerned with increasing the efficiency and effectiveness of these surveillance tools in fighting against illegal immigration and improving border controls. Brouwen makes an important observation about the increasing emphasis on databases, exchange of information and interoperability of different systems and databases. According to him, the first link was established between border controls and immigration control with the fight against terror and ensuring internal security. This helped authorities to connect different tools, most commonly databases built for separate purposes. This put a third country national, who is willing to enter the Union or who is already residing within the Union, as the object of all these databases. Indeed, these tools, such as biometric passports, enable states to track their citizens all around the globe as well. This fundamentally alters relations between states, citizens, and third country nationals. In this context, Brouwen correctly argues that migrants are very vulnerable to these changes.

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As an unprivileged group, they are left without or with few rights when confronted with extra controls and possible wrongful identification. In the second place, EU policy makers tend to degrade the meaning of fundamental rights of data protection and privacy, by upgrading other public interests or tasks. Describing these rights merely as a ‘notion,’ privacy and data protection are thus opposed to the ‘collective right to security’ or to ‘the principle of availability.’ The new emphasis on ‘securitization’ undermines as well another fundamental principle of European law: the freedom of movement. Freedom of movement is difficult to achieve if national authorities have the possibility to control people always and everywhere, in-and outside the EU territory.³⁶

The latest five-year Stockholm Program offers some new methods in facilitating the implementation of the existing border management model, such as developing a new electronic device to record entry and exit from the border gates of member countries or electronic border gates in airports. The Program reconfirms the perspective of seeing migration and asylum policy as part of Union's external relations and stresses the importance of furthering relations with countries of origin and transit. There is a tendency to rely much more on new technologies, particularly "computerized systems of information exchange and data processing. These, in turn, are largely defined in terms of the priorities and viewpoints of security professionals."³⁷ Although there is a clear reference to the data protection rights of EU citizens, rights of third country citizens and people in need of international protection is not as clearly stated. Bigo and Jeandesboz criticize the document for locating border related issues to the external dimension section, while actually "border control and surveillance policies arguably link back into the EU's internal security policies."³⁸

A crucial method employed is profiling through predictive data mining, which is being used to guess the risk potentials of people before their actions. This has been used by the private sector to guess consumer behaviors of different groups, and now the technique is being presented as a very beneficial tool for predicting the security risks in Europe by finding recurrent patterns. "When applied in the context of security, profiling is generally used to select a group of people, objects, or actions considered as 'deserving further attention' or 'special treatment.'"³⁹ This affects potentially anyone performing selected actions such as travelling from one country to other or transferring money between countries. This also has the potential to threaten a major human right, the right to privacy and the right to the protection of personal data. As a result of these techniques, daily actions of ordinary people are becoming tools to profile them and make them subjects of generalized surveillance even without noticing. And the most controversial point here is the issue of transparency in constructing profiles, defining risky elements. Fuster et al correctly differentiate profiling from other techniques by claiming that it

implies a shift from searching and measuring towards detecting: while more classical statistical approaches aim at validating or invalidating proposed correlations believed to be pertinent answers to existing questions, with profiling there are no preliminary questions. The Correlations as such become the 'pertinent' information, triggering questions and suppositions. The result is that the tracing of behavior becomes the source of an almost unlimited network of possible profiling practices generating knowledge with an impact upon individuals.⁴⁰

However, this is being introduced as the necessity to attain security in a risky environment and “no satisfactory debate is taking place on how the use of profiling in this particular area can encroach upon the fundamental rights and freedoms of individuals.”⁴¹

Conclusion

Border control and migration are being represented in Europe as major challenges of a globalized world. As discussed and demonstrated above, the EU has been devising externalization and surveillance tools to control the conduct of others as well as its own subjects. The latest round of enlargement has created a sense of urgency on issues of internal security and accelerated the process of adopting different measures in this field. However, this security oriented way of seeing borders, migrants, and asylum seekers is not a product of the last round of EU enlargement. Long before the 2004 enlargement, in 1999, a draft roadmap was already adopted to ensure the safety of the Union after the enlargement. Indeed, the formulation of this security discourse around borders and aliens goes way back in time to the times of Schengen Agreements and Trevi. However, they found wider acceptance as a result of anxiety regarding the capability of new members, the September 11 events, and the misrepresentations of the risks inherent in globalization. Indeed, also with the help of technological developments, tools for externalization and surveillance became much complicated. These tools are represented as inevitable measures to safeguard internal security; however, they bear the potential or “risk” to threaten the security of individuals by making them part of a total surveillance system where their simple and daily actions and preferences are recorded. Therefore, states are being empowered at the expense of individual liberties. This is a challenge not only for irregular migrants or asylum seekers but for all Europeans at large. Indeed, externalization tools export these technologies, tools and methods to third countries, which do not necessarily boast the best human rights records.

Endnotes

1) Thomas Gammeltoft-Hansen, “Filtering Out the Risky Migrant, Migration Control, Risk Theory and the EU,” *AMID Working Paper Series*, No: 52, 2006, p. 1, retrieved from http://www.amid.dk/pub/papers/AMID_52-2006_Thomas_Gammeltoft-Hansen.pdf.

2) Olli Rehn, *Europe’s Next Frontiers* (Baden-Baden: Polity, 2006).

3) This is a recurring phrase in all five year JHA programs; The Tampere, The Hague and The Stockholm Programs.

4) A convenient and widely accepted way to classify them is through three schools: Aberystwyth, Copenhagen and Paris, all of which contributed in different ways to theoretical discussions on

security. See CASE Collective “Critical approaches to security in Europe: A networked manifesto,” *Security Dialogue*, Vol. 37, No. 1 (2006), pp. 443–487; Ole Waever, “Aberystwyth, Paris, Copenhagen: New Schools in Security Theory and their Origins between Core and Periphery,” *Paper presented at International Studies Association Conference*, Montreal, March 17-20, 2004.

5) Ole Waever, “Securitization and Desecuritization,” in Ronnie Lipschutz (ed.), *On Security* (New York: Columbia University Press, 1995), p.55.

6) Lene Hansen, “The Little Mermaid’s Silent Security Dilemma: The Absence of Gender in the Copenhagen School,” *Millennium*, Vol. 29, No. 2 (2000), p. 288.

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