The European Union and the Racialization of Immigration, 1985-2006

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Abstract

Over the past two decades, the European Union (EU) has played an increasingly influential role in the construction of a *de facto* common immigration and asylum policy, providing a forum for policy-formulation beyond the scrutiny of national parliaments. The guiding principles of this policy include linking the immigration portfolio to security rather than justice; reaffirming the importance of political, conceptual and organizational borders; and attempting to transfer policing and processing functions to non-EU countries. The most important element, I argue, is the structural racialization of immigration that occurs *across* the various processes and which escapes the focus of much academic scrutiny. Exploring this phenomenon through the concept of the "racial state," I examine ways to understand the operations of immigration policy-making at the inter-governmental level, giving particular attention to the ways in which asylum-seekers emerge as a newly racialized group who are both stripped of their rights in the global context and deployed as Others in the construction of national narratives.

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Recent scholarship on the European Union and migration has identified a number of significant strands over the last decade. It has noted the existence of a distinct sphere of supranational policy-making that exceeds the sum total of individual member-states' interventions.[1] This multi-tiered policy involves the privatization of internal controls,[2] co-operation with "third countries,"[3] a burgeoning set of practices to deal separately and punitively with asylum-seekers as opposed to labor migrants,[4] illegal migration,[5] and finally the "securitization" of immigration policy.[6] This corpus also deals with the technical aspects of governing migration and links work on immigration to its global operations,[7] not merely focusing on Europe in isolation.[8] As one might expect, the academic responses to immigration policy in the EU are multidisciplinary, ranging from human geography to political science, history, and sociology—making it something of an equivalent to a North American "Area Studies" discipline.[9]

Despite all of this research, it is rare to find work that focuses centrally on the issue of racialization or racism.[10] This may be attributable, in some part, to the slipperiness of terminology or the difficulty in providing evidence. Redressing the dearth of information on racialization and supra-national migration policy, this essay investigates the construction of EU immigration policy with respect to racialization, and demonstrates that the complex and multi-causal configuration of inter-governmental immigration policies has, over two decades, racialized immigration in Europe by rendering the conditions of entry and settlement more difficult for those people not racialized as "white." First, I examine the ways in which the significance of European political borders have shifted, and analyze the emergent permeability of national boundaries for certain groups of people. I address other forms of borders and contemporary migration schemes that have followed from the freedom of movement regime ushered in by the Schengen Accords, and using asylum-seekers as a case study, I detail the ways in which immigration policy in the EU has racialized effects. Finally, I explain how racialization is driven by the State, and offer some suggestions on how to understand these conclusions.

Defining Racialization

Racialization is based on the idea that the object of study should not be "race" itself, but rather, the processes by which "race" becomes salient. Often, methodological approaches to the subject have focused on a "race relations" model, a framework which "assumes that 'races' exist and seeks to understand relations between them."[11] Critiquing such conceptualizations of race, Michael Omi explains that the meaning of race "has been and probably always will be fluid and subject to multiple determinations. Race cannot be seen simply as an objective fact, nor treated as an independent variable."[12] Analyses of race, therefore, should consider "how groups not previously defined as 'races' have come to be defined in this way and assesses the various factors involved in such processes."[13] Focusing on the process is significant, since "racialisation is an exercise of power in its own right, as opposed to a commentary that enables or facilitates a prior exercise of power."[14] At times, racialization is an intentional endeavor, an act that is *done to* others as part of a power relationship. "Racial projects" such as apartheid, Jim Crow, or the Final Solution represent this form.[15] Racialization can also be a consequence of institutional operations, an intrinsic feature of the modern State's functions of classification, biopolitics, and governance.[16] In both cases, "race" is a salient factor in the way social resources are allocated.

My research begins with the observation that all immigration policies use classificatory methods that distinguish between problematic and unproblematic bodies, imposing more conditions on the latter's entry into national territory and rendering all regimes racialized in some form or another. The first immigration laws *per se* in the world (in Canada and the USA) in the 1880s are clearly racist, explicitly banning Chinese workers from entering national territory. Prior to these pieces of legislation, Chinese immigrants had been blamed for stealing employment from and corrupting the morals of their North American hosts. In contrast, more than a century later, Europe has no outright bans on nationals of any country immigrating, nor are there exclusions of people by racial group. Rather, a selection process is carried out through various visa schemes which indirectly limit documented flows from particular regions of the world and are particularly stringent for nationals of the poorer countries. Indeed, all the EU nations are required to have equality legislation outlawing racial discrimination and providing redress to its victims. From this starting point, the attempt to argue that EU immigration policies have been racialized over the last two decades appears futile.

However, the argument presented here rests on two broad claims. Firstly, in the post-World War II period, discursive norms on race have developed both in academia and the rest of European civil society, and although the formulation of race through the so-called "new racism" (in which culture is the idiom to the exclusion of physical differences) has been a feature of the European landscape since the 1950s, there is no consensus that it represents something distinctly "new" *per se*, or that it is the only plausible model. .Problematic immigrants are not viewed as such because they happen to be brown-skinned or have particular phenotypical distinctiveness not shared by the majority of white Europeans, but because the cultures to which they are assumed to subscribe are seen as incapable of assimilation into European liberal, democratic, individualistic, Judeo-Christian norms. This putative cultural mismatch enables the presence of particular groups of immigrants not only to become problematic, but also to be blamed in periods of acute economic and social change, which Etienne Balibar labels "crisis racism."[17]

Secondly, identifying a policy as "racializing" does not exhaust its meanings. A policy does not only have one outcome: it can combine forms of *de facto* exclusion; "race," class, religion. The UK's 1905 Aliens Act was directed at stemming the flow of East European Jews into Britain, yet the final legislation stipulated that immigration officials had the right to prevent disembarkation of passengers who had paid for the cheapest passage and could not show proof of funds to

support themselves once in the country. The Act therefore targeted poorer East European Jews, excluding them on the basis of "race," religion, and class, but not one of these identities alone. Having arrived at a working definition of racialization, I shall now sketch the background to the new racialization of immigration in Europe. This revolves around the significance of internal and external EU borders since 1986, and the various types of border that are involved in the racialization process.

Borders I: The Significance of "Schengenland"

The capacity of national governments to control what goes on within their borders is constrained by transnational capital flows, including the power of transnational corporations.[18] While it has been argued that this late capitalist process has instantiated a loss of state sovereignty, I suggest that nation-states have instead experienced a loss of *autonomy*.[19] This distinction is significant for several functions of national borders remain, especially those concerning defense and nationalist ideology. The EU experience illuminates the ongoing importance of national borders. The practice of immediate detention and deportation operational in border localities such as Ceuta, Melilla, and Lampedusa,[20] and the new border-patrolling functions devolved to accession States, indicate that the contemporary *limes* (the civilized limit of the Roman Empire) lie effectively on the Southern and Eastern borders of the EU, and possibly further South.[21]

Moreover, if, as Etienne Balibar argues, categories of persons (nationals and non-nationals) are the result of state strategies and politico-cultural regimes aimed at "producing the people,"[22] the internal categories of non-nationals are created in the same process. This combination of processes is not necessarily specific to late twentieth-century and early twenty-first century Europe. However, I want to explore here the ways in which state interventions at the EU level appear to be impacting the racialization of immigration.

The signing of the Schengen Accord in 1985 was a key moment in EU history as it heralded the beginning of the pursuit of freedom of movement within the EU as a practice of governance, rather than an aspiration of the founding treaty. As of spring 2007, the Schengen Zone extends across fifteen nations, while an additional fifteen signatories—some of which are not even EU member-states—await approval to join. The UK, the Republic of Ireland, and Denmark have signed up to part of the agreement, but have not implemented it. Together, the first two constitute

the Common Travel Area (CTA), which in itself is a mini-Schengen zone of free movement for British and Irish nationals.[23]

Although the first signatories joined in 1985, it took until 2001 for the last of the current fifteen to officially implement the agreement. Schengen's primary intentions were to enable freedom of movement for EU nationals within the EU, to instate a common visa procedure for all members, and to maintain and distribute information related to border security through the Schengen Information System (SIS) and its successor (SIS II). Moreover, the principles explicated in Schengen were to be incorporated into the Treaty of Amsterdam (1997)—which also granted EU nationals the right to reside and work in each other's countries without a visa. Finally, Schengen defined the objective of creating a "European area of freedom, security and justice." The newest European Community "ministry," the Directorate-General for Justice, Freedom and Security,[24] was established to help achieve this objective.[25]

Through uniform visa regulations, the capacity to gather and share information on individuals, and the freedom of movement for EU nationals, Schengen and its offshoots represent an EU immigration policy. This has important consequences in terms of racialization. First, freedom of mobility for EU nationals is predicated on visa regimes that impede the mobility of non-EU nationals. In addition to the uniform Schengen tourist visa, each individual state has its own work permit and labor migration regime. A so-called "Third Country National" (TCN) working legally in one Schengen state therefore does not usually benefit from freedom of movement *between* countries. Second, despite paying taxes and not being granted a vote, this type of migrant cannot be naturalized as an "EU citizen," only as the citizen of an individual state. In other words, it is possible to reside and work legally in the EU for many years without accruing the right to apply for citizenship. Since this would only be beneficial to non-EU nationals, those who are trapped in this position are millions of overwhelmingly African, Middle Eastern, and Asian nationals.[26] So while many non-white EU nationals do benefit from such freedom of movement, the main thrust of the Schengen Zone's external border is to hinder the movement of non-white labor into and across the Zone. Finally, with the addition of the Eastern and Central European "accession states" in 2004, the labor market is now open to more white European workers. Although there has been contention over what rights the "A8" (former Communist-bloc) accession state nationals should enjoy (with the provisional denial of access to some labor markets and/or benefit systems), the temporary adjustment of regulations should not lead us to

imagine that the enlarged EU constitutes anything but a *de facto* racialized order. Indeed, recognition that white European labor will suffice came in the UK Home Office's 2005 White Paper in which future policy was acknowledged to be one of "phasing out low-skilled migration schemes, in the light of new labor available from the European Union."[27]

For example, the Republic of Ireland has witnessed a usurpation of the migrant labor field by accession state nationals, with more than half of all work permits from 1998 to 2004 issued to them.[28] The Ministry responsible for the issuing of work permits published the following guidelines regarding the enlargement of the EU:

The Department of Enterprise, Trade and Employment, in accordance with the EU accession Treaty, will henceforth give preferential consideration to work permit applications received in respect of accession state nationals…All employers are strongly encouraged to source their potential work permit requirements from this expanded pool of labor. The Department will return new applications received for Non-accession state nationals where it is satisfied from experience that the position may be filled by Accession state nationals.[29]

The effect of this policy is that as more EU nationals prepared to do lower-skilled work (even as a short-term option for educated Eastern Europeans) arrive,[30] the chances of non-EU nationals obtaining low-skilled work visas diminishes correspondingly. This policy has severely limited options for non-EU nationals, leaving only the possibilities of acquiring a visa for performing professional work, being recruited through agencies supplying hotel and catering or cleaning staff, hoping for success in the asylum-seeking category, or entering Europe illegally.

To reiterate, there are three central policy-based operations that are working to produce racialized effects on migration. First, the supranational EU performs some functions that exceed the sum of its parts, the most significant for this conversation being the embryonic coordination of immigration and asylum policy. Second, the process of strengthening external borders has incited the creation of new administrative-bureaucratic terminology, intensifying classificatory regimes. In the early twenty-first century, it is non-EU nationals, accession state nationals, and EU nationals who populate the geopolitical space of the European Union. The distinction between citizenship and migrant status (in all its diversity) is the key dividing line around which member-states are maneuvering. Finally, as the labor market can potentially be filled with accession state nationals, opportunities at the lower end of the skills economy diminish for non-

EU national workers. Not only does this raise the stakes of entry, but it also exacerbates human trafficking.

Borders II: Mobility, Managed Migration, and Symbolic Actions

Indeed, the heightened stake in securing Europe's external borders against those without the requisite documentation lies at the heart of the current phase of the racialization process. Linked as they are to potential mass immigration into the West, the Southern and Eastern borders remain the most contentious. Fear of the East—as a source of criminality, nomadic peoples, prostitution, and wage-cutting labor—has flickered in and out of political consciousness in the West over the last eighteen years. The fall of the Berlin Wall triggered the first security-oriented scares of invasion from the East, the spur in asylum applications (especially in Germany), and the Dublin Treaty. Now the A8 accession States are on the list to join Schengen, and like Portugal and Italy before them,[31] must demonstrate that they are capable of effectively policing the external border of Europe.

Managed Migration

Examining the topic of national borders, Andrew Geddes argues that not only are physical political borders being constantly reformulated, but so too are "organizational and conceptual" ones.[32] Indeed, in terms of racialization, the conceptual border between highly skilled and other migrants is intrinsic to the organizational border of "managed migration" vis-à-vis asylum, for example. One emerging trend in terms of migration regimes parallel to Schengen and the CTA is a reshaping of the existing *ad hoc* models in favor of Canadian/Australian-inspired systems that seek to compete for highly skilled, value-adding migrants in specific sectors: healthcare, computer science, civil engineering, etc. This targeted visa scheme that ensures the deployment of complementary skills within the labor market is now referred to as "managed migration," and held up as the sensible alternative to unchecked flows[33] Various countries have developed specialized visa schemes, including the UK's Highly Skilled Migrant Programme, Ireland's work visa/authorization and the green card scheme that replaced it in 2007, and Germany's much less successful green card scheme, in an effort to secure economic advantage, or at least not lose out. France, which had long been resistant to such ideas, adopted new immigration legislation in July 2006 enabling the state to attract highly skilled migrants.[34] A variety of relative benefits are

attached to such status: a degree of family reunion, welfare coverage, facility in visa renewal, and the ability to have a visa assigned to the employee rather than the employer (which allows movement between employers within an industry and reduces the scope for exploitation). Some countries interested in this recruitment, such as the Netherlands and Sweden, offer tax breaks and expedited application in lieu of special visas.[35] The geographical border crossing of such individuals thus occurs under a different regime from those governing both EU citizens and other statuses of migrants, giving rise to what could be considered a five-tier model of racialized spatial mobility in the EU.

Tier	Freedom of movement and rights
1. EU nationals*	Absolute right to residence, employment, movement, welfare in other EU states.
2. Highly skilled professional non-EU migrants	Right to residence, limited family reunion, welfare, employment within an industry.
3. Short-term non-EU documented migrants	Limited right to residence in one state; right to employment by specified employer.
4. Undocumented migrants	Limits on movement, employment and residence are entirely contingent on finding actors willing to provide them - outside the law.
5. Asylum-seekers	Severe restrictions on movement (possibly detention); not allowed to work. Welfare at below levels of EU nationals.

* Includes European Economic Area (EEA) nationals (Norway, Iceland and Liechtenstein). Switzerland is also included although not an EEA member. Strictly speaking, there would be an intermediate tier between 1 and 2 for non-EU spouses of EU and EEA nationals.

Figure 1. Five-tier Model of Mobility Within the EU

Although I have placed undocumented migrants above asylum-seekers in terms of mobility, the two would be reversed in terms of rights. Moreover, some undocumented workers are trafficked

and therefore virtually bonded laborers, and would clearly fall below asylum-seekers into the bottom tier. The most salient border in terms of mobility and rights is the one dividing EU (and EEA) nationals from the remaining four categories. A large portion of these nationals are white, while the majority of countries (and more importantly of people) affected by the other four categories are from the developing world, and not white.

"Managed migration" has occurred in the context of tightening external borders and EU enlargement. The effect of managed migration, then, is to further force non-EU nationals without the requisite professional skills out of the running for documented entry. States argue that they do not discriminate against non-EU nationals because doctors, computer professionals, and the like can gain access to the labor market. Yet, the majority cannot. Europe's immigration policy leads us back to the conclusion that white Europeans have, on the whole, a major institutional advantage in terms not only of mobility but access to employment and the perks of citizenship, as well as the lesser ones of "denizenship."

Indeed, the perspective from which managed migration seems a rational bureaucratic response is one that simultaneously places the national economy as the paramount interest and acknowledges reciprocal border control responsibilities within a broader EU strategy. The context of national migration policies since the early 1990s has been one of contemporaneous, contested, but nonetheless real, development of EU policy. Migrants are conceptualized by the State in both managed migration and low-skilled migration modes predominantly in terms of economic output, productivity, and contribution. Although there is an EU agenda of equality and integration, it is by far the weaker partner in its relationship with the justice-security-freedom agenda.[36] Moreover, while the harmonization of citizenship and nationality legislation has not been subject to EU directives and is understood as one of the few remaining bastions of sovereignty for individual States, the Republic of Ireland harmonized itself in 2005 by *de facto* dividing its citizens into two groups: those with foreign parents and those with Irish ones. The former group lost their automatic right to Irish citizenship, which had existed since the foundation of the state in 1922.[37]

"Symbolic" Border Control Actions

Growing anti-immigration sentiment is part of the social landscape of the EU, and public attitudes have only hardened toward immigration since the late 1980s.[38] In some countries, this

also generates far-Right political activity and in others, very little. Moreover, one of the observable trends in interview research and media studies is the increased blurring of perceived boundaries between various categories of migrants on one hand, and non-white nationals of EU countries on the other. In other words, people often visually identify people of color as "asylum-seekers" or "illegal immigrants."[39] It would be unfounded to assert that this line between white Europeans and Others is always prominent, nor is it equal across classes, regions, and countries. Indeed, white migrants are the object of attacks in some places such as the Portuguese and Eastern Europeans in Northern Ireland and Eastern England.[40] The consistent enactment of racist attacks on people of color belies the glib banishment of the "old racism" into the dustbin. These individual acts coexist with more complex cultural forms of racism. These racially motivated, anti-immigrant attitudes have tangible effects on public policy, especially as "symbolic actions."[41]

State actions such as vigorous border policing, crackdowns on over-stayers, and increased rates of deportation[42] function symbolically, generating an image of the State as in total control of migration. The symbolism of national control and exclusion takes on a racialized dimension when police operations that disproportionately target Muslim populations (and Asian and North African populations by extension) are considered.[43] That is, the symbolic actions of the state are increasingly effective in that they promote an idea that certain bodies *en masse* pose particular threats to resources and public security. In 2000, John Howard's Liberal Party in Australia deployed this racialized symbolism, seizing the public imagination to implement draconian border controls including detention centers, armed naval patrols, and the "Pacific solution,"[44] which served as a blueprint for current EU thinking. Detention centers have mushroomed in the past few years (as Migreurop's map demonstrates),[45] and the outsourcing of border control functions offshore (the "Mediterranean solution") is beginning. It is also significant that the European Union's input into the symbolic actions has included the fetishization of the EU external borders, whose consequences include increased *internal* controls that impact non-whites disproportionately, including nationals and/or people with long-term resident status.[46]

Moreover, the object of EU asylum policy appears to be to keep asylum-seekers as far away from people's homes and hearts as possible. In a 2003 White Paper, the British government proposed the concept of "safe havens" for asylum-seekers, a strategy comprised of two elements: "Regional Protection Areas" (RPA), near, or inside countries producing refugees; and "Transit

Processing Centers" (TPC), outside EU borders in which refugees in transit as well as those deported back from EU countries would be interned pending an examination of their asylum claims.[47] This was brought to the EU and debated in March 2003. Although the proposal was officially withdrawn later that year, and rejected by the European Parliament in 2004, it has resulted in pilot projects between individual governments and countries outside the EU.[48] The relationship involves funding and training given to the immigration officials in the "third country."

The message to emerge from such strategic distancing of asylum-seekers from Europe is that they are dangerous and very much "unwanted," in Joppke's terms.[49] In addition to the exclusions constituted by border policies in Schengen, TREVI, the Schengen Information Systems (SIS) (mark I and II), and the two five-year Tampere programmes (1999-2004 and 2004 onwards), which prioritized EU-level cooperation on securing external borders against infiltration from the South and the East,[50] the EU has now been crowned with the symbolic action *par excellence*: the creation of an EU border agency FRONTEX. This Warsaw-based agency was set up by a 2004 EU directive and opened for work in June 2005. Its website proclaims that:

Frontex promotes a pan European model of Integrated Border Security, which consists not only of border controls but also other important elements. Exchange of information and cooperation between Member States, immigration and repatriation form the first tier of the model. The second tier is represented by border and customs control including surveillance, border checks and risk analysis followed by cooperation with border guards, customs and police authorities in neighbouring countries which forms the third entity. The last part is connected with cooperation with third countries including common activities.[51]

The strategy thus involves EU-level cooperation with regard to expertise and information-sharing, collaboration with non-EU states to police the external borders more effectively, and even the performance of some detention and application-processing functions that were previously the sovereign domain of EU member-states. Examples of this type of work are evident in the increasingly fraught relations between Morocco and Spain over Ceuta and Melilla, funded pilot schemes to establish processing centers in Libya and the Great Lakes region of Africa (and engage in joint naval exercises with the former), and the establishment of the Budapest Group and the "5+5 Dialogue."[52] The Italian government's reliance on Libya involves disregarding the UN Convention on Human Rights.[53]

The past twenty years have witnessed the ossification of a pan-European immigration policy whose components deal, *inter alia*, with labor migration, freedom of movement, and asylum. Having explored the racialized outcomes of such a policy, I now turn to an analysis of the impacts such changes have for structural racism in the EU.

Racialization and European "Racial (Super) States"?

While the thrust of my analysis of the effects of inter-state policy on race treats the EU in the post-Schengen period, I also examine examples from Australia and North America that reference the EU discourse on immigration.[54] These non-EU examples are significant because, in the global context, the ever-expanding EU is affected by outside influences. Despite the attention to supranational forms, I do not wish to suggest that policy has no impact on nation-states, nor that it has not produced a "second space" of immigration discourse that both overdetermines, and sometimes underscores, national policies.

In an attempt to explore the idea of the "racial state" (or indeed the "racist state" in Goldberg's terms) as it pertains not just to individual member states, but also to the embryonic EU super-state, I begin in the East. Commenting on a poster campaign aimed at convincing the Polish constituency to vote yes on the referendum to join the EU, Marciniak states that: "…'Yes I am a European' underlines a desire to emerge from the enclosure, from the space deemed outside 'civilization,' at the same time tacitly acknowledging that the notion of civilization has always been perceived as belonging to the 'proper,' 'legitimate' Europe."[55] She elaborates that, "…the production of a climate of 'rightful' belonging to Europe-Empire discloses the need to detach the nation from those who are not yet allowed to enter this exclusive club."[56] Indeed, the recrudescence of the anti-Semitic, anti-immigrant and anti-black graffiti in the city of Lodz is indicative of the westernization of Eastern Europe, which intrinsically embraces key elements of "civilization," including the racial classification that has been central to modernity since at least the Enlightenment.[57] Never mind that Poles have lived for decades as an *ethnos* beyond the *demos* that is "Western Europe." Now they, like the Turks and others, must stand as sentries against penetration into civilization from beyond the new Eastern borders. In Poland's case, this means Russia, Ukraine, and Belarus. Marciniak's analysis also refreshingly highlights both the continuities and ruptures in Europe's history of racism. Just as the longstanding anti-Traveler

racism in Ireland has also been reconfigured in the contemporary economic boom, the current configurations of racialization have been molded by changing political conditions.

Super-State

A number of scholars have attended to the ways in which the State is racialized. In his text *The Racial State*, for example, David Theo Goldberg argues that the State is an intrinsically racialized institution and details the historical evolution of this position.[58] According to Goldberg, the State in the West developed as the locus of order, rationality, and progress, against which the subjugated groups (both home and abroad) were constructed as chaotic, irrational, and backward. Similarly, Omi and Winant maintain that the State is an actor that racializes its population and is engaged in redefining the meanings attributed to "race" in its constant interplay with civil society actors.[59] In short, the State acts as a racializing machine and is defined by what it does: holds the legitimate monopoly of violence, controls the definition of the nation through education, immigration and nationality/citizenship legislation; and carries out practices of enforcement. In short, the State produces the people and therefore non-nationals. Such analyses can be applied to individual states, as Lentin and McVeigh do challengingly to the Republic of Ireland and Northern Ireland,[60] situating them as "gated communities" in a complex system of shifting resources and relocations, in which bodies are racialized and subject to different Foucauldian systems of surveillance. While not using the "racial state" paradigm, Squire covers some of this ground in terms of New Labor's construction of a framework in which to value immigration.[61] Its emphasis is placed firmly on productivity; the linking of asylum with, at best, potential illegality; and the characterization of welcome/unwelcome migrants through the criteria of skills and easily assimilable diversity. In general terms, immigration has become a serious political 'problem' rather than an 'issue' in countries where, at the beginning of the 1990s, it raised little or no discussion.[62]

While immigration into Europe before the oil crisis had been viewed as largely an extension of employment policy,[63] what followed saw it become an object of social and eventually foreign policy. The 1990s saw the mainstreaming of anti-immigration politics in the new reunified Germany, Aznar's Spain, Italy and the Republic of Ireland. From the Italian context emerged the splendidly resonant term '*extracommunitari*' (non-EU national), a designate of limitless non-belonging. Both left and right-wing parties campaigned on immigration, plus the far-Right,

imputing social problems to immigration, succeeded in turning it into a mainstream topic for political activity in the Netherlands, Belgium and Austria. In France, the far-Right candidate Jean-Marie Le Pen placed second in the country's 2002 presidential elections. Other populist right-wing parties have taken advantage of their constituent's hostility to current immigration policies to take office, such as Kjeersgard's People's Party supporting Rasmussen's governing coalition in Denmark, and the sporadic interventions of Hagen's Progress Party in Norway.[64]

This shifting of immigration into a policy concern does not only relate to the increasing numbers: such reasoning is part of the common sense of the racial state. Schain demonstrates how the USA and France witnessed top-down changes in the way the immigration was viewed, a process he attributes to various agencies acting on the State, and its responses to those claims.[65] The State therefore occupies the privileged position by its capacity to set parameters for discourse (through both legislation and policy discussion), and introduce key ideas anchoring such discourse. Different forms of immigration, and/or sources of immigration can be problematic or unproblematic, and the State's interventions determine such outcomes. Moreover, the State's response to racism can be unequivocal or ineffective, implicitly deprioritizing and condoning it, as Lentin and McVeigh maintain is the case in Northern Ireland.[66]

The Expanding Space of the 'Racial State'?

To argue that the State imposes concerns about immigration on its population, or oppositionally that the electorate forces the State to be more restrictive in its immigration policies is a reductionist approach to understanding complex operations. If the object is to understand the dynamics of racism in contemporary Europe, then the relationship should also involve the media and both pro- and anti-immigration lobby groups.[67] Yet, it is clear that the nation-State is by far the privileged actor, generating the rules for entry into national territory and presenting the issues in a particular way: some types of migration are wanted and others unwanted, dangerous, illegal, etc. Most significantly, however, the difficulty in comprehending EU-level immigration and asylum policy is that it emanates from a variety of sources that are *inter-governmental*, within an EU framework, rather than from the European Commission downwards. They are therefore not the fruit of State action, *stricto sensu*, but of supra-state interventions. Can the "racial state" theory be stretched to encompass this "racial supra-state" in the case of the EU? The framework of the EU is quite distinct, and it provides possibilities for decision-making in more

unaccountable ways, thus evading the scrutiny of national parliament, committees and the legal system. Guiraudon ends her study of the actors in the emerging policy domain of EU immigration with the comment that:

Immigration officials sought to avoid national judicial constraints and conflicting bureaucratic views that were experienced in the early 1980s. They consequently favoured a secretive intergovernmentalism where they could exclude other ministries and escape judicial monitoring.[68]

Is this extra-democratic arena a new site for elaboration of the theory of the racial state? Multilayered governance certainly generates confusion in state theorizing, which is very difficult at the best of times. In terms of racialization of immigration, the EU is, to use a French idiom, the "Arlésienne": everyone talks about her but no one ever sees her. In other words, the framework of reference is always the *absent* EU: all administrative categories are structured around belonging or not belonging as a citizen to an EU member-state. Europe is thus constructed as the civilized space whose protection necessitates extra vigilance on the eastern and southern frontiers. Although there is no official immigration and asylum policy, there are forums in which ministers from the EU States discuss, propose, and ultimately implement such policies. In 2004, Irish ministers invoked the EU to provide a compelling reason why Ireland should harmonize its citizenship laws. It pressured Portugal to discontinue its preferential visa regime for nationals of PALOP (African Countries of Portuguese Official Language).[69] Finally, it generates a discourse enabling and supporting common restrictions that by far outweigh the European sister discourse on the common expansion of rights for migrants.

Asylum and Racialization in the New EU

Nowhere is racialization more striking, and the migrants more "unwanted," than in the matter of asylum. Indeed, the convergence of European states' asylum policies has led to a process in which the safeguards and conditions for asylum-seekers have fallen to a bare minimum across Europe.[70] Currently, asylum-seekers can be detained without charge and the automatic right to permanent residence that accompanies the granting of refugee status has been abolished.[71] The idea of making such status temporary was first generated under the Danish presidency in 2003

and was transposed into UK law in August 2005. Refugee status in Britain is now subject to statutory review after five years, with an eye toward returning refugees to their country of origin whenever possible.

In the new European classification of persons, the asylum-seeker emerges as somehow *more* non-national than others. Giorgio Agamben contends that the refugee, like other denizens and stateless people, disrupts the certainty of all the categories important to the nation-state as components of a stable system for the classification of peoples. The author writes

The refugee should be considered for what he is, that is, nothing less than a border concept that radically calls into question the principles of the nation-state and, at the same time, helps clear the field for a no-longer-delayable renewal of categories.[72]

Yet, the European (and Australian) experience is that rather than clearing the field for a "renewal of categories," asylum-seekers often have the opposite effect. As borders have become increasingly porous, privileged groups such as EU nationals have regarded asylum-seekers as symbols of the loss of state control. The regulation of asylum-seekers enables the State to strengthen its resolve to act like a sovereign nation-state. Thus, through increased policing and surveillance of territorial borders, reformulating of organizational and conceptual borders, and by acting swiftly and decisively against asylum-seekers, a government can convey the message that it is serving the interests of the nation by exercising control over the global environment.

Anxieties about globalization have been condensed into the image of the asylum-seeker trying to penetrate actual and symbolic national boundaries,[73] and are encapsulated in iconic images of people from the Sangatte camp near Calais running through the Eurostar train tunnel or Africans clambering up the fence at Ceuta and Melilla.[74] Asylum-seekers thus embody a range of anxieties about the disruption or undermining of local, regional, and national economies and cultures attributable to the flow of capital, goods, and ideas over borders.

Moreover, asylum-seekers constitute such a threat because they represent a projection of fears about diminishing welfare being absorbed by the "undeserving poor." Most asylum-seekers in Europe are not allowed to work while their case is being considered and instead receive minimal social security.[75] They are structurally excluded from productive activities and inevitably become welfare recipients or are funded by charities. In cultures where such a premium is placed on narrowly-defined productivity, the unproductive national, as opposed to the more useful labor migrant, is increasingly viewed as a drain on the State's resources.

Although overall numbers of asylum applications in Western Europe have been falling since 2002, representations of asylum-seekers and refugees as specters of intensifying danger, threats to resources, crime, sexuality, and disease—frequently exacerbated by media coverage—[76] have become embedded in public consciousness in a specific way. In the UK, the conflation of other types of migrants with fellow nationals who "look" like foreigners emerges from qualitative studies,[77] to the point where the hugely diverse administrative category "asylum-seeker" has assumed autonomy as an ascribed racialized identity. Regardless of whether the asylum-seeker is African, Eastern European, Middle Eastern, etc., the putative racialized characteristics associated with the Other are: desperation, criminality, wanton sexuality, and voracious appetites for both employment and welfare. The category of asylum-seeker therefore trumps that of economic migrants, and provides an example that racialization is not confined to somatic categorization. Not only this, but the constant querying of asylum-seekers' authenticity and the resulting categorizations such as "bogus" and "illegal" has seemingly anaesthetized public opinion on the detention of people who have not been charged with any crime.[78]

Migreurop's 2005 map of "Europe's Detention Camps" demonstrates the current trend toward enforcing isolation of those applying for refugee status and/or being held as undocumented soon-to-be deportees. Asylum-seekers are relatively "agency-less." Their movements and location are controlled, they are sometimes incarcerated, and their identities are mobilized in the production to of nationally defined whiteness. The State deploys asylum-seekers to exert symbolic control over migration flows inciting local residents to oppose the location of asylum-seeker processing centers, holding centers, and even offices that they visit, for fear that their own communities will be wounded and deprived of rights.[79] On the other side, in supporting asylum-seekers, a minority of residents and NGOs proclaim the counter-hegemonic openness of the community. Despite this, asylum-seekers themselves remain voiceless and disempowered.

The symbolic actions of the State toward immigration, which serve to maintain the electorate's faith in the State as a defender of territory and resources rather than actually stemming the flow of immigrants, bears a number of other important consequences. The strengthening of external borders, together with the increasing paucity of legal opportunities facing non-EU nationals who are seeking unskilled and semi-skilled work (these jobs are now more likely to be filled by workers from accession states), is creating a situation in which two clear trends are emerging. First, people are more likely to attempt to gain illegal entry because the other options are

foreclosed upon, increasing the risk of danger for migrants. Second, the constant deployment of symbolic actions generates its own ideological and material "autonomy." Because States and media normalize the idea that immigration is a source of danger and threat, citizens come to regard it as such. Those risking their lives to be illegal immigrants in Europe are overwhelmingly of African, Middle Eastern, and Asian origin. The administrative neatness of incorporating other European states into the EU means that the semi and unskilled workforces of the more developed Western European economies are welcoming white Europeans into jobs that had formerly been performed overwhelmingly by the local working-class, then increasingly by immigrants from former colonies. The new configuration sees such workers privileged, *de facto*, in the racial hierarchy of the new post-Schengen Europe. Therefore, an increasing proportion of undocumented workers are African, Asian, and Middle Eastern, so that Europeans' projections of threats to security, resources and culture are focused on them (and people who look like them). This is not to say that local hostility over employment and other resources does not and will not focus on Eastern and Central Europeans in some cases; however, the already tenuously inclusive Europe into which non-European migrants and their children are "integrated," as denizens and citizens, is ruptured along the color line by the technically non-racist administrative procedures of the EU.

Making Sense of Racialization in the EU

As I have argued throughout this paper, racialization has occurred as a result of specific inter-governmental action *within the framework of the European Union,* not only because governments have become sensitive to political pressures to limit immigration from particular parts of the world, but also because the logic of the European Union's objectives of internal freedom of movement (goods and labor) have interacted with the demand for labor, producing a heightened public sensitivity about developing-world immigration. Briefly stated, the individual European governments' policies on immigration in 2007 now differ from those in existence prior to 1985 in many ways. Two differences are particularly salient for this discussion. First, prior to the oil crisis, policies were primarily driven by the demands of national labor markets, and favored formal and/or informal links with specific countries. These were either former colonies (ie., those of the UK, France, Belgium, Holland, and Portugal) or dispatchers of labor (ie., Germany's bilateral agreements with Yugoslavia, Turkey, and Italy). At this point, it could be

argued that immigration was racialized in that it was largely colonial subjects and non-Europeans who found themselves in particular niches of the European economies.[80] Second, the context of the European Union's centrifugal pressures to comply with directives, and the growth of the Schengen Zone changed this subtly in two major ways. From the mid-1980s onwards, the norms described above began to shift toward a common set of criteria for visas that ignored preferential colonial ties and replaced them with mutual European obligations. The effect of this was to make conditions of entry for developing-world nationals, and therefore access to labor markets, more difficult than those for other Europeans. For developing world nationals, the result is an even more stratified labor market than in the 1950s. At the top end are temporary visa schemes for professionals in some countries, and at the other are temporary visas for lower-skilled work. The trend toward restrictions for those without professional qualifications has been amplified inciting an increase in Eastern European acquisition of low-skilled jobs and visas. Although there is still a demand for unskilled labor in some sectors, a fact that drives irregular immigration,[81] the search for this type of employment increasingly involves either overstaying visas or undocumented entry. The occupation of illegal status occurs most commonly among unskilled migrants—the vast majority of whom are not white Europeans. For unskilled non-EU nationals, the situation has therefore moved from one of equal access (although facing discrimination) to national labor markets, to structurally unequal access to a European labor market. In addition, external controls, internal controls, and attention to the three types of borders identified by Geddes shifted toward the Southern and Eastern borders of the EU, and within each country, to non-white people. Here is the crux of the matter: in practice (even if not in legislation), the movement and transaction of personal business for people in the EU who are not white has become open to privatized informal immigration control, and this includes non-white EU nationals. Demands for documentation that are not initiated by white colleagues and compatriots have become frequent, and in surveys and political discourse distinctions between nationals, labor migrants, refugees and asylum-seekers are often blurred. While the most salient administrative border prior to Schengen was usually nationality (of the member-state and its preferred partners), it is now EU membership. In other words, a Portuguese immigration official in the early 1980s was obliged to let Angolans, Cap Verdeans, and Mozambicans into Portugal; in 2007, (s)he is obliged not to, unless they have specific visas issued by the Portuguese consulate in the country of origin.

Conclusion

Racialization is a mainstream outcome of a set of interlocking policies at both EU inter-governmental and national levels. It is primarily a problem of state intervention, but involves a complex interaction with civil society, including the media, the electorate, and lobby groups. At the current moment, we are witnessing a historic shift in European policies toward immigration, which, depending on ideological positioning, is either bolstered by, provoked by, or in response to the increasing restrictiveness (in terms of the racialized stakes of inclusion) of the vision behind them. The terms "restrictive" and "liberal" warrant theoretical unpacking.[82] For an unskilled national from an accession state, the entry of the A8 into the EU in the Schengen era is an extraordinarily liberal policy outcome. Yet for an unskilled non-EU national seeking employment in the EU, this liberality spells increasing restriction. There are winners and losers in each policy shift, and lower skilled non-EU nationals have been the biggest losers in the shifts in EU immigration policy over the past two decades.

In 2007, the European Union *limes* no longer corresponds exactly to the external borders of the EU (i.e. its Southern and Eastern marches), but to the points at which the practice of European border-enforcement occurs, i.e. North Africa and beyond. Moreover, the *limes* does not solely mark the end of Europe's power to expel invasion from a reserve army of Third Country nationals threatening to clean its homes, streets, hotels and toilets, process its food, and serve its burgers. It also signifies a shift in ideological position and heralds a response involving ever-more dangerous routes of entry. More border-enforcement at Ceuta, for example, forces people to attempt to get to the Canary Islands from North Africa instead—a far riskier endeavor. The market for people-smuggling has never been as lucrative, and the number of deaths occurring as people try to penetrate Europe's external borders is mounting. People fall from airplane holds and wheel recesses, and out of lorries as they attempt to disembark into a better life.[83]

Finally, we witness the ideological and operational coupling of terror/security and asylum/illegal immigration (as arenas in which "states of exception" may operate). Detention, deportation, and rendition[84] are the tools of this process. Only non-EU nationals or EU-nationals of *extracommunitari* origin are liable to face such processes. Asylum-seekers, whom national myths seek to hold out as examples of collective finer feelings,[85] (and economic migrants, needed more than ever in the ageing Europe) are now potential welfare leeches and terrorists who must be

imprisoned without charges and held as far away as possible from the proper citizenry. They become exemplars of Agamben's "bare life," residing permanently in the state of exception. It has also been argued here that asylum-seekers are particular exemplars of non-nationals who can be deployed as devices elucidating the state's role in defending territory. Instead of the nation-state becoming increasingly powerless and irrelevant in a "borderless" world, there has been a polarization process that has made citizens of powerful countries potentially hyper-mobile, and others overwhelmingly restricted. This is spatially represented by the detention of asylum-seekers (in camps and prisons across Europe and on its borders) and their deportation without due process of law that occurs in Libya, Morocco, and Lampedusa, for example. The technology of surveillance and defense treats such individuals as outside the scope of civilization: no rules apply to them. They can be shot at the border, arrested, kidnapped, tortured, or placed in detention or prison without having committed or being charged with an offense.

While integration policies and equal rights legislation still occupy some ideological space in the lobbying around the formulation of policy,[86] it appears, in surveys of attitudes, to have decreasing purchase on the public's priorities, in which all forms of immigration and immigrants are routinely referred to as dangerous and threatening. People who are not immigrants are conflated with those who are. The children, and even grandchildren, of immigrants comprise "immigrant communities," or are labeled *d'origine immigrée*—a permanent racialized destabilization of citizenship.

Finally, it is important to consider why academics (as opposed to activist NGOs) studying the area of migration consistently neglect racialization by focusing on the technical aspects of policy development, rather than contributing scholarship to analyzing the impacts of the regimes that control the movement of bodies into and through the European Union.

The defense of the European Union supposes that the only dangers are external (or brought from outside), and bodies belong in different spatial and legal regimes. In pursuing a set of racializing policies, the European Union states are helping to generate inequality, desperation, and frustration among those most affected. The most significant and sustained challenge to the international human rights order Europe has seen since World War II is under way, and "race" is at the heart of it.

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Endnotes

1. Lavenex, "Shifting Up and Out,"; Geddes, "Europe's Border Relationships and International Migration Relations,"; Guiraudon, "The Constitution of a European Immigration Policy Domain," ; Givens and Luedtke, "Politics of European Union Immigration Policy."

2. Lahav, "Immigration and the State"; Guiraudon and Lahav, "Comparative Perspectives on Border Control."

3. Boswell, "The 'External Dimension' of EU Immigration and Asylum Policy."

4. Bloch and Schuster, "At the Extremes of Exclusion"; Lavenex, *Safe Third Countries*; Schuster, "A Comparative Analysis of the Asylum Policy of Seven European Governments."

5. Geddes, "Chronicle of a Crisis Foretold"; Jordan and Duvell, *Irregular Migration*.

6. Huysmans, "European Union and the Securitization of Migration"; Levy, "European Union after 9/11"; Ibrahim, "The Securitization of Migration."

7. Geddes, *Immigration and European Integration*.

8. Joppke, "How Immigration is Changing Citizenship"; *Challenge to the Nation State*.

9. In terms of racialization, this includes information published by the Institute of Race Relations, Statewatch, Migreurop, and other NGOs.

10. Work with the terms "race" or "racism" in their titles is scarce. See Hepple, "Race and Law in Fortress Europe," for a rare example. Admittedly, this does not mean that these phenomena are not dealt with, merely that a stronger emphasis may be in other areas. On the other hand, authors select keywords themselves.

11. Small, *Racialised Barriers*.

12. Omi, "The Changing Meaning of Race," 244.

13. Small, *Racialised Barriers,* 30.

14. Wolfe, "Race and Racialization," 58.

15. Omi and Winant, *Racial Formation*.

16. Goldberg, *The Racial State*; Foucault, *Society Must Be Defended*.

17. Balibar, "Racism and Nationalism."

18. Garner and Moran, "Asylum and the Nation-State."

19. Dittgen, "World Without Borders."

20. Goldschmidt, "Storming the Fences"; Baldwin-Edwards, "Between a Rock and a Hard Place"; Andrijasevic, "Lampedusa in Focus."

21. Rufin, *L'Empire et les nouveaux barbares.*

22. Balibar, "Racism and Nationalism."

23. MacÉinrí, "Implications for Ireland and the UK."

24. European Commission, Justice and Home Affairs. http://ec.europa.eu/justice_home/fsj/intro/fsj_intro_en.htm

25. Since 1997, further layers of co-operation have emerged, such as the 2005 Prüm Convention, which allows the inter-national sharing of data on the DNA and fingerprints of asylum-seekers.

26. Geddes, in *Immigration and European Integration*, estimates that there were eleven million such people in the EU in 1999.

27. Home Office, *Making Migration Work For Britain*, 10.

28. Garner, *Racism.*

29. Lentin and McVeigh cite a Department of Enterprise, Trade and Employment circular from 2004, in *After Optimism?*, 66.

30. Four hundred twenty-seven thousand in the UK between May 2004 and June 2006, of whom 62 percent are Polish. See *Daily Telegraph,* "Record Immigration from Eastern Europe"; *Work Permit News*. The UK, Ireland, and Sweden are the most popular destinations. See *Work Permit News*, "A Look at Eastern European Immigration in the EU."

31. Dupraz and Vieira, "Immigration Et Modernité: Le Portugal entre héritage colonial et intégration européenne"; Ritaine, "L'enjeu migratoire, miroir de la crise politique italienne"; There is no guarantee that all will pass the test immediately: Italy applied for membership in 1990 and was not granted it until 1997.

32. Geddes, "Europe's Border Relationships."

33. Fekete, "From Refugee Protection to Managed Migration"; Mahroum, "Europe and the Immigration of Highly Skilled Labour."

34. Murphy, "France's New Law."

35. Mahroum, "Europe and the Immigration of Highly Skilled Labour," 32-33.

36. Huysmans, *Politics of Insecurity*; Levy, "European Union after 9/11." There is not space available here to deal with this important and related topic.

37. Lubhéid, "Childbearing against the State; Lentin and McVeigh, *After Optimism.*

38. European Commission, "Racism and Xenophobia in Europe"; SORA, "Attitudes Towards Minority Groups in the European Union;" IPSOS, "Reactions to Immigration"

39. Lewis, *Asylum*; Buchanan and Grillo, "What's the Story."

40. Historically, see also Noiriel, *Le Creuset français*; Lunn, *Hosts, Immigrants and Minorities*

41. Cornelius, et al., *Controlling Immigration*.

42. Fekete, "Deportation Machine"; Bloch and Schuster, "At the Extremes of Exclusion."

43. Fekete, "Anti-Muslim Racism"; Sivanandan, "Race, Terror, and Society."

44. McMaster, *Australia's Response to Refugees*.

45. The French NGO, Migreurop, has published a map called "Foreigners " Detention Camps.". It is accessible from: "http://www.migreurop.org/IMG/pdf/carte-en.pdf.

46. Guiraudon and Lahav, "Comparative Perspectives on Border Control"; CRE, "Culture of Suspicion."

47. Home Office, "A New Vision For Refugees."

48. Dietrich, "Desert Front: EU Refugee Camps in North Africa?"

49. Joppke, *Challenge to the Nation State*.

50. A budget of €960m (US$ 1,250m) was voted for SIS II to cover the 2004-06 period.

51. < http://www.frontex.europa.eu/origin_and_tasks/origin/ >

52. Lavenex, "Shifting Up and Out," 339. The Budapest group is concerned with "Migration Control Problems in the 'New Neighbours' of the EU, and comprises forty countries plus international organizations, listed in Lavenex's footnote 3, 347. 'Five plus five dialogue' involves Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia under the aegis of the international organisation for migration.

53. Human Rights Watch, "Libya: Migrants Abused, but Europe Turns Blind Eye"; Human Rights Watch, "Stemming the Flow: Abuses against Migrants, Asylum-Seekers, and Refugees."

54. The ideological proximity of 1980s USA to the UK, for example, provides a significant base for racist ideas forged in an anti-multicultural context, as Hewitt, *White Backlash*, convincingly argues.

55. Marciniak, "New Europe," 626.

56. Ibid., 627.

57. Bauman, *Modernity and Ambivalence*.

58. Goldberg, *Racial State*.

59. Omi and Winant, *Racial Formation*.

60. Lentin and Mcveigh, *After Optimism?*

61. Squire, "Integration with Diversity."

62. Cornelius et al., *Controlling Immigration*.

63. Massey, "Patterns and Processes of International Migration."

64. Of course I do not claim that the far-Right/Populist Conservative Parties rely solely on anti-immigration elements of their platforms, but is nevertheless one of the key areas of support in which votes from across the Left-Right spectrum are gained.

65. Schain, "The Racialization of Immigration Policy."

66. Lentin and Mcveigh, *After Optimism?*, 145-63.

67. Koopmans, et al. *Contested Citizenship*; Guiraudon, "The Constitution of a European Immigration Policy Domain."

68. Guiraudon, "A European Immigration Policy Domain," 277.

69. Dupraz and Vieira, "Immigration et modernité." PALOP means Portuguese-Speaking Nations.

70. Statewatch, "Killing Me Softly."

71. See Luedtke, "European Integration, Public Opinion and Immigration Policy," who naively (or ethically) bases his hypothesis on the idea that harmonization will necessarily lead to greater liberalization of policy.

72. Agamben, *Homo Sacer*, 118.

73. Bauman, *Society Under Siege*, 112-15; Bauman, *Wasted Lives*, 66.

74. Sangatte has assumed mythical proportions. It appears sometimes in British accounts of imminent doom related to the locating of asylum-processing centers and immigration policy in general in narratives collected in the 2004-06 period.

75. Sales, "Deserving and the Undeserving?"

76. Buchanan and Grillo, "What's the Story?"; Lea and Lynn, "Phantom Menace."

77. Lewis, *Understanding Public Attitudes*.

78. Neumayer, "Bogus Refugees?"

79. Hubbard, "'Inappropriate and Incongruous"; Grillo, "Saltdean Can't Cope!"; Modell, "Keep Them Out."

80. Castles and Kosack, *Immigrant Workers and Class Structure in Western Europe*.

81. Sciortino and Pastore, "Immigration and European Immigration Policy."

82. Freeman, "Decline of Sovereignty."

83. Back, "Falling from the Sky"; Lewis, "Hanoi to Haddon Services." Lists of documented deaths of people trying to get into Europe and of refugees and asylum-seekers within Europe are available from the Institute of Race Relations, *Driven To Desperate Measures*; and UNITED, *The Deadly Consequences of Fortress Europe.*

84. European Parliament, "Temporary Committee on the Alleged Use of European Countries."

85. Schuster, "Asylum and the Lessons of History."

86. Koopmans, et al. *Contested Citizenship*.

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