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Politics of Exception & Unease: Immigration, asylum and terrorism in parliamentary debates in the UK

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Abstract:

The article analyses how the British political elite has securitised migration and asylum since 9/11 by looking at when and how parliamentary debates linked counter-terrorism to immigration and/or asylum. The findings suggest that there is considerable reluctance within the political elite to insert and especially sustain the connection between migration and terrorism too intensely in public debate. The parliamentary debates also show that for understanding the securitising of migration and asylum one cannot focus exclusively on the main security framing that one finds in counter-terrorism debates, which we name 'the politics of exception'. There is at least one other format, which we call 'the politics of unease' that is central to how the British political elite securitises migration and asylum, and contests it, in the public realm.

Introduction

Since September 11 2001, terrorism has become much of a priority for governments around the world. More often than not, this priority has involved rhetoric of exclusion and fear of foreigners combined with a political demand for intensifying control of cross-border movement of people. Analyses of migration and asylum policy largely affirm this intensified securitisation of migration, and especially asylum seekers since the autumn of 2001 (e.g. Brouwer et al., 2003, Buonfino, 2004, Welch and Schuster, 2005, Rudolph, 2006, Guild, 2003, Newland et al., 2002, Zard, 2002, Blake, 2003, Pickering, 2004, den Boer and Monar, 2002). It is less clear however how the connection between terrorism and migration or asylum has been politically sustained since 2001, and what this tells us about how the political elite renders insecurities in relation to migration and asylum.

This article researches how and in what instances did British professional politicians draw on references to migration or asylum and (counter-)terrorism in their strategies of defending and challenging various policy measures. It does so by specifically analysing parliamentary debates in which politicians related migration or asylum to (counter-)terrorism, We are aware of the limitations of using parliamentary debates as the key entry point into the political framing of policy questions in an age of mass media, blogs, focus groups, campaigning and opinion polling. However, the parliamentary debates continue to provide a strong institutional locus for researching political positioning among the political elite over time. We are also aware of the limitations of focusing on the political elite to fully grasp the institutional and wider societal renditions of a relation between migration, asylum and terrorism. The judiciary has played an increasingly important role in the political contestation of

migration policy in the UK. Administrative rules are central to the practical regulation of this executive-oriented policy area. The competition and relations between various security professionals is equally important for the securitisation of migration and asylum. But we think it remains important to look in detail at how professional politicians render and contest nexuses between migration and terrorism. They are indeed important actors in aggregating various visions into political positions thereby partly structuring and partly sanctioning the terms within which this connection can be legitimately discussed in public.

The parliamentary debates indicate that the constitution of a nexus between migration and asylum has fluctuated quite significantly within the political field. In the Autumn 2001, migration and asylum were very visible in the justification and contestation of counter-terrorism. But from 2002 onwards they have been much less prominently raised in relation to counter-terrorism. The debates also show that references to terrorism are rarely deployed as a central issue in the parliamentary debates on migration and asylum policy. These findings suggest that many within the political elite are wary about inserting and especially about sustaining the connection between terrorism and migration too intensely in the public realm². This does not mean that migration and asylum are not securitised: but the way they are embedded within security framings, at least among the political elite, is more multifaceted than simply suggesting that terrorism plays a major role in structuring these framings. The article

² Our analysis has not evaluated different explanations of this. Its contribution lies elsewhere. But we can mention a number of factors that are important: a concern with possible effects on community relations and cohesion, the unwieldy effects on political legitimacy of populist politicizations of migration, reluctance of playing too much into the cards of the BNP, possible spill-over into claims for restraining economic immigration, and the relatively restrained nature of parliamentary debates.

makes a contribution to unpacking this complexity. We argue that there are at least two formats through which migration and asylum, as well as other policy issues, are politically embedded within security debates. The first we refer to as the politics of exception that focuses on the state of threat for the life of the nation, the legitimacy of exceptional policies justified by this threat and the ensuing trade off between security and liberty that it produces. The second is labelled 'the politics of unease'. It invests insecurities in a less pronounced way. It does not focus on existential threats to the territorial and functional integrity of the state but connect a variety of different policy areas such as welfare provisions, counter-terrorism and illegal immigration through the discussion of policing technologies. It consists in the insertion in the political debate (and its contestation) of a political discourse of safety and unease that links various forms of deviant and illegal practice to support the introduction of governmental technologies, such as identity cards. Focusing on counter-terrorism debates, to which the politics of exception are central, distorts the understanding of the securitising of migration and asylum. It tends to underplay the importance of the politics of unease which plays a significant role in the securitising of migration and asylum and which do not depend on references to terrorism.

In the first part of this paper, the analysis chronologically unpacks the parliamentary debates. It starts with the intensive linking of asylum, migration and counter-terrorism in autumn 2001 and ends with the aftermath of the London bombings in July 2005. In the second part, the analysis focuses on three very specific debates in 2003. They are considered separately because they introduce two aspects that are at most marginally visible in the discussion of anti-terrorism legislation, which dominates the first part.

The main parliamentary discussions we analysed were selected in the following way: we analysed all parliamentary debates on terrorism that took place at the House of Commons and the House of Lords between 11 September 2001 and early June 2004. The dates were chosen so that they would give us a better understanding of the post-9/11 and the post Madrid bombings debates. In the first instance, the debates were searched through Hansard and the body of data included every debate containing the word 'terrorism' as found in the Hansard search. We also included some of the key debates in 2005 to check if there were any important changes, especially in the aftermath of the London bombings in July. The second stage of selection involved reading the debates and looking for references to the terms *immigration, migration, migrant, asylum-seeker, refugee, bogus* and *foreigner*. The debates containing those references were then read for meaning, structure and connection with other themes. The purpose was to understand whether and how the debates constructed the link between counter terrorism and immigration and/or asylum and what they told us about the way the political elite framed insecurity in the societal area. Our analysis, thus, does not seek to evaluate the constitutive or causal impact of parliamentary language on security or migration policy; not because this is deemed unimportant but because we were primarily interested in something else. We sought to understand the terms through which the political elite in the UK modulated insecurity around the migration/terrorism nexus. These are important in defining both the politically sanctioned language of public debate and its central dividing lines.³

³ That also implies that our research is not a threat analysis that seeks to evaluate how real certain threats are and how they can be more effectively controlled. We are primarily interested in the politicization of dangers and its specific renditions in political positioning and justifying policy measures.

Migration as political vehicle in counter-terrorism debates⁴

In the period following the attacks of 9/11/2001, immigration, and more explicitly asylum, featured significantly in the political framing of the problem of terrorism. Abuse of the asylum system, removal and exclusion of people from the national territory soon became key elements in the legislative packages as well as in the general framing of the fight against Terror. Terrorism was unambiguously framed as being (partly) a problem of controlling both foreigners entering British territory and those already living in the United Kingdom. In a debate on 4 October, Prime Minister Tony Blair clearly outlined the key elements of the legislation that would be introduced in the House of Commons:

In the next few weeks, the Home Secretary intends to introduce a package of legislation to supplement existing legal powers in a number of areas. (...) It will cover the funding of terrorism. It will increase our ability to exclude and remove those whom we suspect of terrorism and who are seeking to abuse our asylum procedures. It will widen the law on incitement to include religious hatred. We will bring forward a Bill to modernise our extradition law.

The link between immigration, otherness and terrorism was present and reinforced in further discussions on the planned anti-terrorism measures. On 15 October for example the then Home Secretary David Blunkett argued (in the Commons):

I think that we all accept that there is a compelling need for more effective powers to exclude and remove suspected terrorists from our country. We rightly pride ourselves on the safe haven that we offer to those genuinely fleeing terror. But our moral obligation and love of freedom does not extend to offering hospitality to terrorists. That

⁴ The debates in the House of Commons have been summarized in a more extensive report on which this paper is partly based: Jef Huysmans, *Nexus terrorism-immigration/asylum/refuge in parliamentary debates in the UK: Commons Debates since 11 September 2001*. It is available on the MIDAS website www.midas.bham.ac.uk.

is why, both in the emergency terrorism Bill and in a separate extradition measure, I will ensure that we have robust and streamlined procedures.

A 'safe haven' characterised by 'love of freedom' is here presented as under threat by foreigners to whom Britain was being 'hospitable'. This powerful framing of a clear nexus between migration and asylum on the one hand and terrorism on the other became institutionalised in the Anti-Terrorism, Crime and Security Act 2001, the central piece of legislation that was introduced in response to the events of 11 September. It contained an extensive part 4 on Immigration and Asylum which was also one of the most controversial parts of the bill. It included the possibility to detain indefinitely aliens suspected of involvement in terrorism who could not be sent back to their country of origin because of risks to their life and/or human rights. They could appeal to the Special Immigration Appeals Commission (SIAC) but without access to the full evidence. It required the British government to derogate on 12 November 2001 from the European Convention of Human Rights (ECHR) article 5 – which asserts the right of due process when deprived of one's liberty – on grounds of an emergency situation. (Catz, 2003, Fenwick, 2002)

In the Autumn of 2001, the act of relating migration and asylum to counter-terrorism functioned as one of the political fault-lines in the parliamentary debates. It did not simply have the status of a statement or a section in a legislative act; rather, it functioned as an issue around which some members of parliament and more importantly party differences were organised. Similar to the Labour government, the Conservatives re-iterated the theme of removal and exclusion of foreign nationals. But they did it in a more forceful way - by connecting it explicitly with a challenge to the Human Rights Act 1998. Immigration and asylum were vehicles for challenging the government on the issue of constraining effects of human rights legislation for security policy.

The Home Secretary ought to be able to prevent individuals entering Britain and to deport them on the grounds of national security without the threat of his decisions being overturned as a result of the Human Rights Act 1998. (Commons; Ian Duncan Smith MP, then leader of the conservative Party, 4 October).

Similarly, Oliver Letwin, Conservative Shadow Home Secretary, asked David Blunkett in the Commons on 15 October:

In the light of the Chahal case, the Singh and Singh case and other jurisprudence associated with the European convention on human rights and the Human Rights Act, does the Home Secretary accept that such removal of dangerous individuals poses a significant legislative problem?

The Liberal-democrats on the other hand expressed serious concerns about the potential detrimental impact of comments and legislative proposals on immigration and asylum. On 14 September 2001 (in the Commons) Charles Kennedy, for example, then leader of the Liberal Democrats, expressed his concern that the fight against terrorism would start structuring debates on immigration and asylum:

Over the past couple of days, I have become concerned about the emergence of a strand of comment and sentiment that mixes those horrific acts with legitimate differences between the parties and so on about asylum seekers, immigration and the position of various ethnic communities_within our countries. It is not about that. The House of Commons must send that signal defiantly.

Along similar lines, Lord Dholakia in the House of Lords on 14 December 2001 also expressed worry for the developing link between migration and asylum and terrorism legislation:

We already know how easy it is to generate hostility towards genuine asylum seekers. There is a danger that they will soon be equated with potential terrorists. (...) The danger is that it will create a situation in which asylum seekers and members of ethnic minorities will face a heightened risk of social exclusion, racial attacks and harassment. There is enough evidence to confirm that.

In response to David Blunkett, Simon Hughes, the spokesperson for Home and Legal Affairs of the Liberal Democrats asked the following questions in the Commons on 15 October:

On asylum, will the right hon. Gentleman make it absolutely clear that he will uphold the 1951 convention and that all who have a right under it to seek asylum and put their case here will retain it after the legislation is enacted? Will he make sure that, on controversial matters such as human rights and asylum, there will always be the opportunity for a judicial review of Ministers' and officials' decisions, and that no one will be precluded from going to court to challenge a decision by the Executive?

In general, immigration and asylum had become a significant element in defining political fault lines. They did not stand out as the central issue of debate but they were one among a number of issues that played an important role in the framing of terrorism and the political contestation of legislative initiatives in parliamentary politics in the autumn of 2001.

The politics of exception

What characterised the politics of insecurity within which these exchanges on immigration and asylum took place? Just after 9/11 the debates mainly focused on the need for new and emergency legislation and its ensuing effects on the balance between security and liberty (Tsoukala, 2006b, Tsoukala, 2006a). One among many examples is the following statement by the then Conservative Shadow Home Secretary, Oliver Letwin (Commons, 19 November 2001):

These are dangerous times—I think that is agreed across the House—and there are loopholes in our national security. That, too, is agreed across the House. However, the purpose of the House and of Parliament as a whole at a time such as this is not merely to enact into law the first set of propositions that occur to Her Majesty's Government, but to achieve an appropriate balance between public safety, which it is the Home Secretary's responsibility to protect, and individual liberty, which this House and Parliament as a whole were established to protect. Most of what I want to say relates to that balance and to the elements of the Bill that I and my hon. Friends believe do not appropriately strike that balance.

Immigration and asylum were two of the main issues around which the political debate on the nature of insecurity and the legitimacy of *exceptional policies* was

taking place. This happened by means of what in security studies have been called ‘securitising moves’ or ‘speech acts of security’ (Wæver, 1995, Wæver et al., 1993, Buzan et al., 1998) and counter-moves. Some political actors sought to assert a threat to the life of the nation while others countered it by playing down the existential nature of the threat. The defining stake of these debates was the legitimacy of extraordinary measures such as detention without trial, the interception of private communications, and the disproportionate strengthening of executive powers. Security questions do not simply enter this debate because of their focus on terrorism. Insecurity is specifically spoken to legitimate exceptional politics or to deny it. We refer here to this form of security debate as ‘the politics of exception’.

For example, Lord Rooker (Labour)’s intervention at the Lords on 15th October 2001:

I say to the noble Lord, Lord McNally, that I listed three Bills: the emergency anti-terrorism legislation; an asylum and immigration Bill and an extradition Bill. The proceeds of crime Bill will be modified to deal with some of the other matters. I take second place to no one in defending our civil rights, but inevitably there are those who will seek to abuse our liberal, tolerant democracy to undermine and exploit existing loopholes.

An example of the counter-discourse can be found in the Labour MP Mark Fisher’s intervention in the Commons, and his questioning of the exceptional nature of the threat and thus challenging the legitimacy of the government to derogate from the European Convention of Human Rights (12 December 2001):

Members on both sides of the House agree that we are under threat from terrorism—the whole world is under threat from terrorism, this country perhaps more than most others apart from the United States. We were under threat from terrorism before 11 September, and that threat may have increased since, but that is not the test for derogation. Mr. Pannick and others who support him say that the test is not whether we are under threat from terrorism, but whether the threat is so severe that it threatens the life of the nation. Nothing the Home Secretary has said on Second Reading, in Committee or tonight takes that necessary step to extend the threat of terrorism, which

obviously exists, to a threat that threatens the life of this nation. That is a far more severe test, and not one that the Home Secretary will find it easy to demonstrate. The policies that are discussed may be exceptional but the politics through which these policies are supported and contested is not. The way the debate is conducted, the mobilisation of interests etc. does not exceed the boundaries of the 'normal' institutionalised way of doing politics. What defines the security debate as a politics of exception is that the political field is structured around a contest of the legitimacy of exceptional policy measures that affect the acceptable balance between freedom and security in a liberal democracy.⁵

In the parliamentary debates in the UK since 11 September 2001, the nexus between counter-terrorism and immigration and asylum sat within such a politics of exception. It was characterised by four central axes of debate. While these four axes were not unrelated and often traversed one another in specific interventions, they should not be conflated. They define the specific terms in which the balancing acts between freedom and security were politicised:

1. **The internationalisation of terrorism** put cross-border free movement of foreigners explicitly upfront in counter-terrorism. For example, Beverley Hughes, the then Parliamentary Under-Secretary of State for the Home Department: 'We already have powers under the Terrorism Act 2000 that apply to UK nationals and people who are resident here. This Bill is about international terrorism, and I should have thought that the hon. Gentleman appreciated that by now.' (19 November 2001)

⁵ For an excellent conceptual analysis of the notion of balancing security and liberty: Waldron Waldron, J. (2003) 'Security and liberty: the image of balance', *The Journal of Political Philosophy*, **11(2)**, 191-210..

2. **The politicisation of human rights** covers two issues: (i) the affirmation of a British tradition of human rights and its relation to international human rights agreements, and (ii) a trade off within human rights discourse between human rights of the majority and human rights of a minority. The trade off appears in different variations: rights of the collective versus rights of specific individuals; public interest versus rights of individual; human rights of those affected by terrorist violence versus the human rights of terrorists.
3. **The politicisation of the fundamental principles of the legal system** covers two general themes: (i) the protection of people against the Executive or the State; and (ii) the related theme of the need for proper judicial review of executive decisions.
4. **The politicisation of the nature of the danger.** Is the violence of 9/11 an index of a threat to the life of the nation resulting in an emergency or is it an index of a danger of terrorism that does not existentially threaten the nation and, thus, does not justify taking radical emergency measures?

The positioning of MPs and peers combines or selects some of these axes. But the policy that is being justified and mostly taken for granted is one of externalising terrorist dangers. The threat, whether existential or not, comes from outside the UK, both in terms of its geographical origins and in terms of the nationality of the ‘dangerous’ individuals.

Immigration and asylum issues arose in this politics of exception in three different ways:

1. The abuse of asylum and immigration systems by potential terrorists featured regularly in the debates. For example: ‘This is our home—it is our country. We have a right to say that if people seek to abuse rights of asylum to be able

to hide in this country and organise terrorist acts, we must take steps to deal with them.’ (Home Secretary David Blunkett in the Commons, 19 November 2001) There was also a strong counter-rhetoric that expressed a concern with the negative effects of labelling and that asserted the need for protecting asylum seekers and immigrants. For example: ‘By relying on immigration legislation to detain suspected international terrorists, there is a risk of discrimination on the ground of nationality. We call attention to the proposals to retain indefinitely fingerprints taken from intending immigrants, believing that it stigmatises those who have no criminal connections whatever.’ (Jean Corston (Chair of Joint Committee on Human Rights; Labour) in the Commons, 19 November 2001)

2. A debate about the legitimacy to use SIAC (Special Immigration Appeals Commission), an immigration policy instrument, in the fight against terrorism. This was a central theme in the debates. Various issues related to the balance of freedom and security were drawn on to justify and to challenge the legitimacy of detaining without proper trial those foreigners suspected of involvement in terrorism and who could not be deported to their country of origin. The rhetorical focus was often not on asylum and immigration-related issues. But the very fact that SIAC is essentially an immigration policy instrument necessarily creates a strong nexus between counter-terrorism and immigration and asylum in the parliamentary politics of exception in autumn 2001.
3. Linking immigration and asylum to counter-terrorism also took place in the politicisation of human rights. In the debates, ‘human rights’ referred to two conventions in particular: the European Convention on Human Rights and the

Refugee Convention of 1951. The main focus was on the ECHR because of the derogation from article 5 that was part of the ATCS Act 2001 but the Refugee Convention was sometimes mentioned alongside ECHR. Former Home Secretary David Blunkett was most explicit in doing this: ‘Those who drew up the European Convention and the refugee convention could not have dreamt of the act that took place on 11 September, but they did envisage some act of that kind that would at some point require us to be able to take the necessary steps.’ Also George Osborne (Conservative Party) on 19 November 2001 linked asylum with terrorism in order to challenge the incorporation of the European Convention on Human Rights in British law: ‘That is why we have to go through these contortions. It does us no great credit and we should be honest about why we have got into a mess. It is because we have incorporated one of those conventions—the European convention on human rights—into our law. (...) I hope that we are aware that we are undermining the rights of our citizens because we have given so many rights to people, including suspected international terrorists, who come to this country and claim asylum.’

In the Autumn of 2001 these connections between counter-terrorism and immigration and/or asylum were related to a more general – often mentioned but not often challenged – assumption that the ‘danger’ comes from foreigners. The assumption that one is dealing with *international* terrorism strongly frames the security question in terms of cross-border movements and the presence of foreigners in the national territory. Because terrorism is international, the terrorists ‘must be foreign’ – the threat is something which comes from migration and in order to secure the country, migration has to become an issue in the context of national security policy.

It is important to emphasise that the political stakes in the debates on ATCS Act 2001 were not first of all with asylum and immigration policy but with the balance between freedom and security and legitimacy of exceptional policy measures that risk skewing this balance beyond *what is acceptable* in liberal democracies. The presence of immigration and asylum questions in this debate is contingent upon connecting freedom to cross-border movement of people and connecting insecurity to the presence of foreigners in the national territory (Guild, 2003). When these two connections are relaxed, immigration and asylum disappear from, or move further into the background of the politics of exception. In our understanding, that is what largely happened in the parliamentary discourse after ATCS Act 2001 was passed in December 2001.

Migration/terrorism: a fading nexus?

The nexus between migration and terrorism largely disappeared from parliamentary debates after the ATCS Act 2001 was passed. This may be simply a sign of the successful legislative institutionalisation of the nexus in the ATCS Act 2001, in the sense that there was no political advantage in returning to that question. But we think that this is also a sign of a political de-linking of the two issues in 2002-2005 and evidence that references to the fight against terrorism did not penetrate deep into the parliamentary debates of migration and asylum policy in the UK. Except for two instances (which we will expand on in the next section) and a few isolated references, asylum and immigration seemed to have largely disappeared from parliamentary interventions on the fight against terrorism between January 2002 and December 2003.

In December 2003, Part 4 of the ATCS Act 2001 came again under serious parliamentary scrutiny, thus increasing the possibility that migration would arise

again as a significant element in the parliamentary politics of exception. As we will see, immigration and asylum did not regain the prominence they had in the debates of Autumn 2001. We will also need to briefly turn to the reaction to the London bombings of July 2005. Although immigration and asylum did not feature too significantly, some of the reactions indicated that foreign nationality and cross-border movement continued to remain a source of securitizing moves, even when perpetrators of violence were British citizens.

On 12 December 2003, the Privy Counsellor Review Committee of the Anti-Terrorism, Crime and Security Act 2001 finished the review that it had been asked to produce by the Home Secretary in April 2002. At the heart of this report, known as the Newton Report, was a critique of the immigration and asylum part of the ATCS Act 2001 – Part 4. The report made the double claim that (i) the powers in Part 4 are not sufficient to fight terrorism and (ii) the risks of injustice may not be defensible or necessary (paragraph 185). It recommended replacing part 4 of the Act:

We consider the shortcomings described above to be sufficiently serious to strongly recommend that part 4 powers which allow foreign nationals to be detained potentially indefinitely should be replaced as a matter of urgency. New legislation should:

- (a) deal with all terrorism, whatever its origin or the nationality of its suspected perpetrators; and
 - (b) not require a derogation from the European Convention on Human Rights.
- (Paragraph 203).

The Report also explicitly stated that these issues arose because “Part 4 is an adaptation of existing immigration and asylum legislation, rather than being designed expressly for the purpose of meeting the threat from international terrorism.” (Paragraph 186).

The Newton report was particularly important for our discussion because it revisits the key part of ATCS Act 2001 in which the nexus between the fight against

terrorism and immigration and asylum was legislatively institutionalised. It criticised the focus on foreigners and the use of an immigration instrument for two reasons: (i) reasons of principle (i.e. discrimination on grounds of nationality are normatively unacceptable) and (ii) reasons of effectiveness (i.e. the terrorist threat is not limited to foreigners and members of Al Qaeda; effective counter-terrorist measures should apply to all potential terrorist irrespective of whether they are foreigners or national citizens). The Newton Report focused on the latter yet also explicitly recognised the former (paragraph 194). In criticising this section of the ATCS Act 2001, one would expect that asylum and immigration and their connection to the fight against terrorism would be thrown back into the heart of the parliamentary debates. The important issue for us is the way this was subsequently dealt with in the debate of 25 February 2004 and the legislative answer of the then Home Secretary Charles Clarke in February 2005. Paradoxically, while much of the attention in the public and parliamentary discussions of the Newton Report focused on its critique of part 4, the Report represented a move away from migration and asylum: it argued for a category of terrorist threat that is not mediated by nationality criteria. In the words of Lord Lester of Herne Hill (Liberal Democrat), one of the peers supporting the Newton Report:

Effective measures that are irrespective of nationality are needed against British citizens as well as against foreigners who are terrorists or suspected terrorists (4 March 2004)

This change was largely a result of media reports on British suicide bombers involved in attacks in Tel Aviv in 2003. The Newton Report included an explicit reference to them, as well as to the 'British shoe bomber', and recent arrests (Paragraph 193). It also referred explicitly to possible threats from home-grown terrorists (e.g. paragraph 203a).

Although this change became legislatively institutionalised in the Prevention of Terrorism Bill 2005, the analysis of the debates preceding it did show that the extension of the most controversial terrorist measures to British citizens remained a highly contentious issue. Both David Blunkett, when he was still Home Secretary in 2004 and the Conservative Shadow Home Secretary David Davis argued for retaining a distinction between foreigners and British citizens. This meant that the immigration theme re-emerged in the political debates but with a renewed emphasis on nationality rather than border crossing. Asylum was not a significant issue of debate, neither was cross-border free movement of people as such. Moreover, the relevance of deporting people from the national territory as a security instrument was heavily questioned in the debates. Nationality remained an issue in this debate. The reason was not the proportionately high threat of foreigners abusing the asylum and immigration system or entering and residing illegally. Those who argued for retaining the distinction between foreigner and citizen did this mainly on the basis that extending control orders and exceptional detention to British citizens was fundamentally unacceptable. For this reason, the civil rights argument was now deployed - not to question but rather, to defend the distinction between citizens and migrants.

In that sense, one can indeed argue that the framing of immigration and asylum as a way of controlling cross-border movement of people was relatively absent from the parliamentary discussion of the Newton Report on 24 February 2004. The main differences of opinion concerned the effectiveness of Part 4. Part 4 included two kinds of arguments: a) a critique of deportation: why allow dangerous terrorists to move freely around in the world when the threat is global; and b) a defence of a definition of terrorism that blurs the sharp distinction between foreigners and British citizens and thus questions the identification of terrorists as foreigners.

Also in the former Home Secretary Charles Clarke's announcement of a new bill to repeal powers in Part 4 of ATCS Act 2001 and in the discussion following this announcement, immigration and asylum as issues of cross-border free movement of persons were not central in the debate in the houses of parliament. The discussion confirms the reframing of Part 4 issues in line with the Newton Report. From our perspective, the most important element in all of this is that immigration and asylum have moved to the background. The debate shifted from the issue of deportation and towards the legitimacy of extending executive powers to issue control orders to the wider British public.

Against this background it was somewhat remarkable that in more general public statements the London bombings in July 2005 triggered an immediate revival of the focus on 'foreigners', especially given the fact that the bombers were British citizens. This was clearly an attempt to partly externalise the threat by presenting it as originating from abroad, mentioning explicitly the presence of foreign imams in the UK and helpers coming from abroad. The re-iteration of the importance of deporting 'dangerous' individuals further illustrated the main assumption that informs this externalising rhetoric: the idea that the border remains an essential instrument in both security and migration policy. This idea did not only inform political reactions to international terrorism. It also informed the opt outs of the Europeanisation of border control and policing as well as some aspects of migration and asylum policy (Joppke, 1999, Geddes, 2005).

However, when looking more closely at a number of parliamentary interventions, issues of immigration and asylum do not seem to be as predominant as one might have expected from the statements reported in the media. During Question Time on 13 July 2005, only one question specifically raised the issue of asylum and

foreigners. This limited visibility is reconfirmed throughout the parliamentary interventions in summer and autumn 2005. The nexus between immigration and asylum and the fight against terrorism continues to be visible in parliamentary debates on terrorism through discussions on the deportation of radical clerics, some references to British citizens going to madrases and some cautioning about possible adverse effects of the new legislative proposals for immigration and asylum. But looking at the overall picture, the nexus is much less prominent than it was in the Autumn of 2001.

So far we have focused on the parliamentary debates that concerned central pieces of anti-terrorism legislation and the change from explicit presence of the nexus migration/asylum and terrorism in autumn 2001 to its relative absence since then. We also highlighted that a politics of exception modulated the meaning of insecurity and its contestation in these debates. When mobilised, the link between migration and/or asylum and terrorism becomes situated in a political context of the legitimacy of exceptional policy measures.

Reluctance and failure to instrumentalise terrorism in migration and asylum debates

The story of how migration and/or asylum related to terrorism in the parliamentary debates develops further. In particular, three parliamentary discussions in 2003 that are not part of the key debates on counter-terrorist legislation are important for uncovering the actual ways in which asylum and immigration were related to the fight against terrorism since September 2001. The three discussions are debates on what is referred to as the 'Manchester police incident' in January; a session on Home

Department issues in April; and a debate on the introduction of identity cards in November.

They introduced two important points. Firstly, references to terrorism were largely absent from debates focusing on asylum and migration issues. Secondly, they go a long way towards showing that in the area of migration and asylum, insecurity is not primarily framed through a politics of exception but through a politics of unease, which helps to explain the low visibility of immigration and asylum in key counter-terrorism discussions in Parliament since 2002.

In this section, we look at the first two cases while the third, specific case of ID cards is discussed in the next section.

One of the most intense politicisations of the nexus between terrorism and asylum was to be found in the parliamentary sessions that took place in the wake of a Manchester police incident when a police officer was killed in a counter-terrorism operation. The suspects were believed to have entered the country as asylum seekers. Oliver Letwin (Shadow Home Secretary Conservative Party) raised the following question in the House of Commons:

I hope that the Home Secretary will tell us today that he will redouble his efforts to increase co-ordination to match the level of threat; (...) this episode raises the question of whether our current chaotic system of asylum arrangements, of which the Home Secretary is very well aware and which he has attempted in one way and another to mend, (...) However, I regret to say that there is ample evidence that, at present, people are getting through the asylum system who do not have the best interests of this country at heart, and who intend to pursue terrorist activities. What will the Home Secretary do over the coming weeks and months urgently to intensify the security vetting of those who seek to enter this country?

Home Secretary David Blunkett replied:

Let me deal head on with the issue raised by the Leader of the Opposition and, on his behalf, by the shadow Home Secretary, who must have to eat his words as he repeats his leader's decision to up the ante on asylum. Let us be clear about what we have done. (...) In the interests of community and race relations, however, let no one suggest that we can assume that asylum seekers pose the sole threat and that it is asylum that we need to fear. It is those people who use asylum and freedom of movement throughout the world and who organise against our interests whom we must fear.

This exchange is a special case. It took place in a period of intense politicisation of asylum, to which David Blunkett hints by saying that Letwin 'must have to eat his words as he repeats his leader's decision to up the ante on asylum.' What sets this case apart from others is that the Conservative Party was explicitly instrumentalising the fight against terrorism in its politicisation of asylum. Letwin's intervention represents an exceptionalist securitising move. He inserts a threat to national security in a political debate about asylum by suggesting that an 'asylum system in tatters' is a national security problem if terrorists can exploit it to slip into Britain. In his reply the Home Secretary does not radically detach himself from using security language in relation to asylum but he seeks to refocus the security question on abusive individuals rather than presenting it as a problem of the asylum system as a whole. In so doing, he attempts at resisting the securitising move in a core area of asylum policy. He does so by framing the connection between asylum and terrorism as an instance within a more general issue occurring in counter-terrorist policies, i.e. facilitating the search for individuals engaged in terrorist activities.

While we have seen several instances in which asylum was instrumentalised in the debates on counter-terrorist strategies (see section 'Autumn 2001'), our search of the parliamentary plenary sessions before the summer of 2005 did not identify further cases in which terrorism was instrumentalised in core debates on asylum.

The 'Oral answers and written questions for the Home Department' of 28 April 2003 further clarify the point. The session covered a wide range of home affairs issues ranging from asylum and terrorism to the Metropolitan Police, among others. In one of the sub-sessions that concentrated on the topic of terrorism, Conservative MP Nicholas Soames referred to people moving in and out of the country as a problem in the fight against terrorism and made it a central element in the threat definition. Home Secretary Blunkett seemed to agree and made a reference to ID cards. This exchange is an indication that the nexus lingered on politically, despite not being very central to the parliamentary debates on either immigration and asylum or the fight against terrorism in 2002 and 2003.

However, the more important observation for the purposes of our argument is that while the session contained exchanges on asylum policy these did not refer to terrorism. Only in the session on terrorism were the two explicitly connected. This is a clear example of the way in which the link between migration and terrorism issues functions in the parliamentary discourse. Counter-terrorism is not an explicitly structuring issue in the migration and asylum policy debates. Migration and asylum do emerge at certain crucial moments in the terrorism debates but not vice versa. This is confirmed by the fact that policy debates focusing on migration and asylum were not picked up by running a search on the term 'terrorism' across the plenary sessions of the Parliament.

The strong instrumentalisation of counter-terrorism (used to question the asylum system) during the 'Manchester police incident' was thus *exceptional*. Since January 2002, securitising moves aimed at inserting national security and a politics of exception into the debates, have only rarely been made in the context of exchanges that focussed on migration and asylum policy. In the instances in which these did

occur, they were often not sustained over long periods of time. This interpretation is given more general relevance by the initial findings of Sarah Oates' analysis of media coverage of terrorism in the election campaign in 2005 in which the Conservative Party for a while explicitly played on fear and insecurity:

The initial analysis of *UK* news coverage suggests two key points about the parties and their coverage on BBC and the key commercial channel ITV during the 2005 campaign. First, there was relatively little discussion of terrorism and threats to national security.

The only element of the campaign that could be said to deal with basic fears about security occurred more in the economic sphere, as the Conservatives criticized what they claimed were deficiencies in the immigration and asylum system. This argument, however, focused more on the strain on or abuse of the benefits system than fears of a terrorist attack. (Oates, 2005)

More recently there has been one further exception to this observation. In 2005 (and continuing in 2006) a new Immigration, Asylum and Nationality Bill was discussed in both Houses. This Bill introduced an important caveat for our interpretation which focused on the period September 2001 – summer 2005. It added a core element of the new Terrorism bill, which was going through Parliament during the same period, to asylum policy. More specifically, the Bill sought to extend Article 1F(c) of the 1951 Geneva Convention, which specified the legitimate grounds for excluding refugees from the protections guaranteed within the Convention, to 'acts of encouraging or inducing others to commit, prepare to instigate terrorism (whether or not the acts amount to an actual or inchoate offence).' (Refugee Council, 2006) Making such acts a criminal offence is one of the most controversial elements of the Terrorism bill.

We are reluctant to conclude from this one case that counter-terrorism references have significantly started penetrating the terms of the political debate on migration and asylum. Throughout the whole period of study - starting from 2001 and ending in

2005, immigration and asylum have emerged in the parliamentary discourse largely as autonomous, independent areas of political debate in which the fight against terrorism features, with a few exceptions, rather sporadically.

The politics of unease

The relative absence of explicit securitising moves in the name of counter-terrorism in parliamentary discussions on migration, outside of the core counter-terrorism debates, indicates that asylum and immigration are an autonomous policy debate that develops largely independently from counter-terrorism policies. However, this interpretation does not imply that there is no security framing in political debates on migration and asylum. The history of immigration and asylum policy is permeated by references to the threats of immigration and asylum for social and community cohesion, the welfare state, the sustainability of the labour market, cultural and racial identity, etc. (e.g. Goodhart, 2004, Buonfino, 2007, Modood, 2005, Hampshire, 2005, Joppke, 1999, Schuster, 2003)

One debate in which a nexus between terrorism and illegal immigration appeared in our search is particularly instructive here: the exchanges on ID cards in November 2003. This debate is of crucial importance to our argument. It shows that a connection between terrorism and migration can be mobilised to insert a politics of insecurity in political debate. However, the particular modulation of insecurity differs significantly from the debates on national security and the legitimacy of exceptional policy measures.

When in November 2003 the Commons and the Lords debated the introduction of ID cards, migration and terrorism were mentioned in both houses as justifications for introducing ID cards. The focus stayed on illegal immigration with limited references to asylum. Unlike in the interventions on anti-terrorism laws, no

causal relation between illegal free movement and terrorist threat was articulated. Tackling illegal immigration was simply another ‘justification’ mentioned alongside the fight against terrorism, welfare fraud and identity theft. The debate did not focus on a specific threat but rather on the development of a general context of societal insecurities and unease able to justify the introduction of identification technology. The intervention by Beverly Hughes, then Minister for Citizenship and Immigration, is a good example of this:

We are not in the same position that we were 50 years ago. In today's world, correct identification has become imperative in a way that we could not have foreseen. We face new threats and increases in the scale and sophistication of illegal immigration, organised crime and terrorism, but there are also new opportunities and new improvements in the technology of biometrics. Crucially, such improvements offer the opportunity to link an identity record to an individual with a high level of security. That record can then be used to verify a person's identity and immigration status, show entitlement to work and do some of the other things on which Members have touched. (Commons, 5 November 2003)

But also the criticism of Simon Thomas (MP – Plaid Cymru) illustrates this, by suggesting that ID cards are a ‘solution looking for a problem’.

I would like to tackle the Government's arguments head on. However, as I said earlier, the Government have not presented a unified argument in their discussion of a national ID card. They have been as convincing as they have been consistent. We were told first that ID cards would deter international terrorism and political violence; next that they would enable the Government to end benefit fraud; and then that they were the panacea that would stop illegal immigration, asylum troubles and illegal working in the UK. The Labour Government, much like the Tory Government in 1995, have used any justification for the introduction of ID cards. It is a clear example of a solution in search of a problem. (Commons, 5 November 2003)

A similar argument challenging the introduction of ID cards was also recurrently articulated in the Lords. There, disagreement was framed in terms of breach of liberties in the name of a questionable search for security:

I can envisage circumstances in which there might need to be further restrictions, but it has not so far been necessary to restrict the everyday activities of ordinary citizens. It is possible that in future there may be circumstances in which it is necessary, as the noble Lord, Lord Marlesford, suggested, to have identity cards. I am not yet persuaded that that is the case. Identity cards are likely to be of more use in dealing with benefit fraud than terrorism. They are not, I believe, needed for security purposes. (Lord Goodhart, 23 March 2003).

We found that in the ID cards debate the fault lines were not to be found in immigration and asylum. Rather, these were about the relationship between the individual and the state, the effectiveness of ID cards, and the capacity of the government to deliver.

Drawing contexts of unease in order to justify the introduction of a governmental technology such as ID cards differs significantly from the politics of insecurity in the debates on anti-terrorism laws. They invest the nexus terrorism/migration and asylum with a different rationale of insecurity. This emphasises the more technocratic, ordinary and less existential nature of the political framing of insecurities. We call this particular framing of debates on insecurity ‘the politics of unease’. Its central characteristic is the construction of a continuum of threats and unease. Instead of dramatic speech acts articulating existential threats and thereby legitimating calls for exceptional politics, security practice consists of knitting various discourses of unease and danger into a patchwork of insecurities that facilitate the political exchange of fears and beliefs and the transfer of security practice from one policy area to another (Bigo, 1996, Huysmans, 2006, Bigo, 2002, Bigo and Guild, 2005). The knitting is primarily technological. ID cards are a technology of identification that can be deployed in different areas of governance where the identification of people is important, particularly when it comes to the welfare provision, illegal immigration, asylum seeking, trafficking, crime investigations, and

poverty relief. This form of governing populations has become widespread in welfare and post-welfare state; it has permeated governmental apparatuses and contributes to their growth and increasing reach. They are part of normal, routine governmental practice.

When seeking to politically justify a new technology like ID cards in the UK, one can in principle draw on a wide variety of discourses.⁶ Creating contexts of unease in which the technology can be presented as a key instrument of reassurance is one such form of politicising its introduction. ID cards then become an answer to a range of violations and abuses that stir up unease (and at times more specifically defined fears) and fire up liberal ideals in reaction to an encroaching policing of social, economic and humanitarian relations. Mentioning terrorism, illegal immigration, identity theft, and welfare fraud at once draws together different sources of unease and fear that can be managed through the same technology. The link between the different sources of unease is therefore not causal but instrumental. The possibility of deploying the same instruments of control - ID cards and the databases related to it – across these areas makes it possible to establish relations between them. The linkage thus depends on the universal applicability of the technology rather than the nature of danger and the causal connections between the different sources of unease.

In the politicisation of these contexts of unease the technology also expresses a reassurance of the capacity to govern – ‘we can contain the dangers and abuses if you allow us to use the technology that is available.’ As a result, the political debate tends

⁶ An alternative to justifying ID cards for surveillance reasons, which we came across in the debates, is to focus on a more clientelistic framework that presents them as an instrument to facilitate the consumption of services for citizens – ‘ID cards make life easier!’.

to become dominated by the question of ‘costs’ (Zaba, 2005, e.g. LSE, 2005) as well as by the effectiveness of modern technology for controlling abusive behaviour and the capacity of Government to deliver the technology (Birch 2005). We found that these kinds of arguments heavily structured the political debate on ID cards. Both supporters and opponents of the introduction of ID cards discussed their effectiveness and the issue of Government’s capacity to deliver a workable system in relation to a variety of cases, including counter-terrorism and controlling illegal immigration.

However, the debate was not simply ‘technical’ – ID cards are not just a technology that is inscribed in a patchwork of unease and dangers. The patchwork of unease also inscribes the technology as one of policing (e.g. Steyn, 2005). It thus extensively legitimates the need for governing a wide variety of practices and social relations by means of security policy techniques (i.e. surveillance of potentially dangerous people or possible free riders) and security offices (i.e. intelligence and police). In so doing, it sustains the professional legitimacy of security professionals and an expanding use of security knowledge, skills and technology in a variety of policy areas.

This particular framing is politically important because questions of policing and its expansion tend to trigger a debate about the protection of citizens against the potential violence of the state in liberal democracies. This is not a debate about efficiency and effectiveness of a technology like ID cards but about the fundamentals of the political relation between the state and its citizens and especially about the limits of state power. While supporters of the introduction of ID cards will argue that to effectively protect citizens and the rule of law, the state needs these technologies, the opponents will mobilise, what Shklar has called, ‘a liberalism of fear’ for which expanding the policing powers of the state is the primary danger to its citizens

(Shklar, 1989, Robin, 2004). It opposes security measures encroaching onto civil liberties out of fear that such a process contributes to institutionalising ‘arbitrary, unexpected, unnecessary and unlicensed acts of force’ by public institutions (Shklar, 1989).

The politics of unease is thus a potent mixture of technological debates justifying and challenging policing and surveillance methods that technologically bind different policy issues and rights’ debates about the relation between the state and its citizens. The ID cards debates in November 2003 offer an important correction to the picture that we extrapolated from the key debates on counter-terrorism policies. Moreover, looking at the migration literature this particular modulation of insecurity as unease has significantly permeated migration policy and debates (e.g. Hampshire, 2005, Schuster, 2003). Focusing on the politics of exception, which has been central to debates on counter-terrorism policy, thus runs the risk of ignoring a key method of modulating insecurity in relation to migration and asylum.

Migration, terrorism and a dual politics of insecurity

The parliamentary debates since 2001 showed that despite the intensification of migration and asylum controls, the political positioning within the Parliament has not sustained a strong nexus between terrorism and migration or asylum. Focusing on parliamentary debates has its limits, but it gives us a sense of the positioning among the political elite as a whole, rather than simply focussing on party leaders and the Government. The picture that appears is not one of a consensual or general opportunistic use of a nexus between migration or asylum and terrorism. There have been moments when migration or asylum became vehicles in debates about counter-terrorism, especially in autumn 2001 and again in the debates about the new Immigration, Asylum and Nationality Act (2006). The Conservative Party did try,

without much success, to explicitly instrumentalise terrorism in order to question the Government's asylum policy, and their political credibility. But the overall picture since 2001 reveals that the political elite have been relatively reluctant to politicise counter-terrorism through references to migration and asylum and even more reluctant to instrumentalise the threat of terrorism in migration and asylum debates. In instances where some members of the political elite have been more prone to do so, the 'whole' succeeded in containing it.

Given that parliamentary debate does not fully structure migration *policy*, these findings do not contradict the argument that migration controls have been intensified since 9/11. However, the finding that the political elite across the board largely refrained from politically instrumentalising the nexus between migration and terrorism, questions the idea that terrorism is central to the political justification of changes in migration policy.

In the article, we were not only interested in the importance of terrorism in securitising migration and asylum. We also sought to interpret the specific characteristics of the construction of security in relation to migration and asylum and more generally the nature of the political framings through which the political elite make issues intelligible as security questions. Working through the cases in which immigration and asylum were explicitly mentioned alongside (counter-)terrorism demonstrated a dual politics of insecurity in contemporary Britain. In the key debates on anti-terrorism legislation immigration and asylum have been embedded in a politics of exception. Does terrorist violence pose a threat to the life of the nation? Does the security problem justify exceptional policy measures? Do counter-terrorist measures strengthen executive power and curtail fundamental principles of liberal-

democratic governance to such a degree that they skew the balance between freedom and security beyond the limit of what is acceptable?

Although these questions have dominated the debates on counter-terrorism (Tsoukala, 2006b), the debate on the introduction of ID cards, an exchange following the Manchester police incident and the relative absence of references to counter-terrorism in debates on asylum and immigration policy indicate that also another politics of insecurity is at work in the migration and asylum area. We referred to it as 'the politics of unease'. Insecurity is not primarily defined as the threat of radical violence to the sovereignty and functional integrity of the state but as a question of protecting legal and social order in various sites within the State. A politics of unease structures and contests a patchwork of uneasy societal relations, covering a range of deviant and illegal practices. At the heart of the political contest is the search for legitimacy of introducing policing technologies and practices across a range of policy areas. The political arguments contest the effectiveness of technologies of governance, the capacity of the government to deliver effective policing, and the protection of citizens from the institutionalisation of arbitrary acts of force by state apparatuses.

Thus, in relation to immigration and asylum the politics of insecurity contains two different processes of security framing. The politics of exception is a debate about the limits and fundamental principles of democracy that is dependent on particular crisis moments, such as 9/11 and the July bombings. The politics of unease on the other hand is a more continuous and technocratic debate that sustains or challenges the introduction of policing technologies for governing a wide range of societal questions. This observation has an important implication for public debate and political analysis of insecurity in the wake of 9/11. Much of the discussion focuses on

the question of whether current security policies undermine the foundational principles of liberal democracy. Yet - however important the relation between security and liberty in democratic politics, focusing exclusively on the legitimacy and democratic compatibility of exceptional security measures overlooks a crucial dimension of the contemporary politics of insecurity that is played out in the area of immigration and asylum: governance of and through unease. Using this dual conception of processes of securitisation cautions against accepting *prima facie* that terrorism is central to the securitisation of migration for the political elite. It also cautions against implicitly accepting that the highly visible debates on terrorism, emergency measures, and existential threats to the state necessarily reinforce the justification for introducing surveillance techniques in the politics of unease. At least the debates on the introduction of identity cards in the UK have demonstrated that inserting a more radical understanding of threat, by means of terrorism, can be counter-productive for those seeking to introduce surveillance practices. In 2006 even the government recognised that intensifying the security significance of identity cards had been a mistake. The politics of unease continued to be central to the insertion of identity cards but its supporters became more cautious about inserting references to terrorism that would potentially reinforce the presence of a politics of exception (and which seemed to reinforce opposition to rather than support for ID cards).

For a more complete understanding of the way the political elite securitise migration as cross-border movement one needs to be able to ask ‘whether’ and, if so, ‘how’ these two framings of insecurity work - next or against one another? For this reason, it is important to work with a notion of dual politics of insecurity that does not conceptualise both security framings on a continuum ranging from less intense to

more intense securitisation but rather as two discretely different framings of insecurity.

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