



**Development of a transatlantic
agenda on migration: relevant
features of a security challenge**

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Development of a transatlantic agenda on migration: relevant features of a security challenge

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Forum for the Problems of Peace and War

Introduction

The analysis of a transatlantic approach to migration is relevant in many ways. First, it allows investigating a poorly debated matter in the transatlantic relation literature as well as in governance studies and comparative efforts considering EU and US systems. Second, it permits to underline the importance coordination in this matter has reached both in bilateral terms and in relations with third countries given, in particular, the linkage established between terrorism and migration. Third, it allows exploring another facet of relations with third countries, considered by the EU part and parcel of her external dimension to migration and asylum, albeit one which deeply differs from other patterns normally considered.

Promoted in 1995 with the New Transatlantic Agenda, a dialogue on migration issues can be said to be longstanding. On both sides of the Atlantic, broad attention was devoted to new cross-border security challenges after the Cold War and the way to handle them. This focus fed the transatlantic agenda on the matter, encouraging the furtherance of coordinated activities. From the very beginning, the matter was addressed following a security-oriented approach. Hence, most of what exists in terms of transatlantic dialogue on migration regards the relation between security and mobility.

The terrorist attacks of 9/11 affected the debate supporting those positions considering 'border security' as utmost for the 'protection' of citizens, society, values, networks and critical infrastructures. Among other tools to deal with terrorism, measures aimed at improving 'border

controls' to achieve 'border security' were advocated, which directly or indirectly impinged on migration and mobility more in general. Nevertheless, it is fair to say that some of the provisions envisaged were already in the pipeline before those events, specifically because of the understanding applied to borders and to internal or 'homeland' security spaces on both sides of the Atlantic. The continuum established between terrorism and migration only strengthened this interpretation and speeded up the undertaking of certain provisions. Thus, when the emergency tones and the need for immediate actions lost ground, the transatlantic partnership went on a path already traced before 11 September, although marked by the footprint impressed by the terrorist events.

This work explores the security framing applied to migration and the impact coordination has exerted between partners sharing common interests and common values, as well as a compatible interpretation of new security challenges. In this case, cooperation on migration and migration related issues can be seen as a coordination game, although one with multiple disagreement points, especially on policies directly impacting allies. The paper first depicts the relevant phases of EU-US cooperation on migration matters. Second, it steps back to unpack the framing of the issue in security terms to give meaning to the governance pattern unfolded, seen in the previous section. The paper then sums up the relevant criticism arisen out of a security governance of the matter, while the last part concludes, attempting to provide recommendations to both analysts and policy-makers.

Emergence and development of cooperation in migration issues

Willing to promote coordinated actions to face what were jointly perceived as new and cross-border security challenges, the EU and the US defined the New Transatlantic Agenda of 1995 as the main Document to guide actions on matters of common interest (New Transatlantic Agenda 1995). Through a Joint EU/US Action Plan, cooperation on immigration and asylum was encouraged, mass migration being considered as a new global challenge with international crime, terrorism, drug trafficking, the degradation of the environment, nuclear safety and disease (The New Transatlantic Agenda 1995). In the field of immigration and asylum, fields of potential coordination were information sharing; cooperation on human trafficking; common responses to refugee crisis; dialogue on successful asylum system reform, forms of temporary protection and on respective

migration flows; and cooperation on forged identity documents and transport carriers' liability. A particular attention was paid to EU' s progress in the field of Justice and Home Affairs and to the aim at engaging third countries on migration management, especially through the actions of the High Level Working Group on Asylum and Migration (EU-US Summit 1999). Finding new modalities of cooperation in Justice and Home Affairs was believed to 'benefit the citizens on both sides of the Atlantic', by protecting them from a series of transnational challenges (EU-US Summit 1999). Fully exploiting bilateral channels of cooperation (mainly senior level meetings) to speed up arrangements and solve system incompatibilities were encouraged (Vitorino 2001).

In the wake of the terrorist attacks, the EU and the US adopted joint positions on the fight against terrorism that directly or indirectly affected migration (IOM 2003); the fact that the hijackers were foreigners imposed a particular attention to measures to be taken at the borders, while these latter assumed a great relevance against external challenges. Thus, among areas of cooperation agreed upon by the EU and the US to face terrorism were also aviation and other transport systems security; police and judicial cooperation, including extradition; border controls, including visa and document security issues; and access to information and exchange of electronic data (Joint EU-US Ministerial Statement on Combating Terrorism 2001). Accordingly, the European Council recommended the strengthening of controls at the external borders; utmost attention was to be devoted to identity document and residence permits issuing and to identity papers checking; careful vigilance was to be employed on visa issuing procedures; and extreme attention was to be paid to countries and regions posing risks of huge movements in high-tension contexts. Finally, cooperation with the US was to be improved (Justice and Home Affairs Council 2001: 9). Faced with this security emergence, the Commission was invited to 'urgently' examine the relation between protecting internal security and abiding by international obligations (Justice and Home Affairs Council 2001: 9). This meant weighing security imperatives against a series of issues related to migration basic principles such as *non refoulement* and refugee protection.

When the EU offered her help in the international campaign against terrorism, President Bush listed a series of proposals aimed at strengthening cooperation, among others, on border controls and migration management. Issues for discussion were information sharing on immigration alerts for people related to terrorist organizations; coordination of projects in the border security area; and effort at promoting the use of safe passports and visa among other nations, considering the insertion of biometrics. In addition, sharing information on ongoing activities in third states to

avoid duplications and individuating further needs was considered part of a broader strategy at improving security (Statewatch 2001: 11). The National Security Strategy of the US specified that 'together with our European allies, we must help strengthen Africa's fragile states, help build indigenous capabilities to secure porous borders...' (National Security Strategy of the United States of America 2002: 10-11).

Removal practices and return to countries of origin were considered topics for cooperation, given the fact that EU assistance was needed to ease the work of the US Immigration Service. These issues were thoroughly discussed in a secret meeting between the EU's High-Level Strategic Committee on Immigration, Frontiers and Asylum and US Officials on 26 October 2001. The EU made clear that both specific procedural elements as well as International Convention limitations against *non refoulement* had to be taken into account in debating the matters (Statewatch 2001). Moreover, the US requested the full use of immigration proceedings to expel undesired persons instead of extraditing the same, while the EU maintained that the implications out of the two provisions were rather different to use these latter as substitutes. Most of US requests were based on the sharing of information between the EU (or Member States) and the US regarding passenger lists, inadmissible persons, data on terrorism, customs, visa and migration flows, to improve border control capabilities (Council of the European Union 2001: 3). The list of demands forwarded by the United States was said to potentially change taking into account efforts not only at facing terrorism but also at 'combating' all forms of illegal migration (Council of the European Union 2001: 8). In 2003, the assimilation of border and migration agency functions in the Department of Homeland Security (DHS) rendered this eventuality even more likely.

As seen above, after the terrorist events of 2001, the debate on migration cooperation has been mainly guided by the US, and focused on operational ways to strengthen borders. While a general agreement existed on the security interpretation applied to migration and on the necessity to forge common positions towards third countries, disagreement existed on matters directly impinging on the allies, mainly data protection concerns related to information sharing. The US looked carefully at EU data collection systems on migration, like the Schengen Information System and its successor (SIS-SIS II) and the Visa Information System (VIS), exploring the possibility to get access to these tools. Nevertheless, the EU considered those systems as purely 'flanking measures' adopted to make up for the elimination of internal barriers among Member States (Council of the European Union 2003: 3; Council of the European Union 2006: 1). The EU was comfortable with an approach aimed

at strengthening its own borders and with the tools envisioned to accomplish this aim, as these measures allowed to managing mounting irregular flows coming from the Mediterranean and from the East (Ceccorulli 2010); the problem was how to render this a matter of transatlantic coordination given operational and institutional differences.

Data sharing characterized one of the most important although controversial achievements of EU and US cooperation: the negotiations on Passenger Name Records transmission¹. In the wake of the terrorist attacks of 2001, the US Congress imposed air carriers to provide access to passenger name records for screening purposes for travels to and from the United States (House of Lords 2007). Negotiations over the transfer of data to the United States lingered on the choice between a push or pull system to get information² and on data protection, a topic strongly defended by the European Parliament. Cooperation with the US was firstly obstructed by the EU Data Protection Directive, impeding the transfer of data to third countries not meeting certain protection standards. Discussed in 2003 through an Interim Agreement, a PNR Agreement answering EU concerns was signed in 2004. This and other agreements, such as the one on Extradition and the one on Mutual Legal Assistance³ (2003), designed to promote cooperation on terrorism matters, seemed to touch also upon migration related data, given the broad scope of information sharing envisaged (Mitsilegas 2003; Brouwer 2009). While negotiating a new PNR agreement to meet European Parliament and European Court of Justice notifications regarding the legal authority of the same, an Information Sharing Environment (ISE) approach was adopted by the US President in 2005 through an executive order. This latter required the sharing of terrorism-related information among agencies with counter-terrorism functions, *de facto* violating a previous accord between the US and the EU, impeding the transmission of PNR data to other bodies (House of Lords 2007; European Parliament 2007; European Commission 2010). The Report on the Joint Review of the 2007 PNR Agreement between the EU and the US (valid until 2014) warned about the broad use of PNR data

¹ These data encompass, among others, passenger's full name, date of birth, home and work address, telephone number, e-mail address, passport details, credit card details or method of payment, name and personal information of emergency contacts, information on special meal requirements or seat preference (Hailbronner, Papakonstantinou and Kau 2008: 188).

² A pull system foresees the electronic access of PNR data by the Department of Homeland Security from air carriers' reservation system. With the progressive development of capabilities by air carriers to provide the data required, the system would shift to a push one. While the US has always preferred to have direct access to air carriers' reservation system, the EU has always backed the push solution, preventing to access data other than for the purposes established.

³ Both agreements were proposed as counter-terrorism measures. They are both aimed at the improvement of judicial cooperation between the transatlantic partners. They either substitute previous bilateral agreements between Member States and the US or create a new juridical space for relations. A US-Europol and a US-Eurojust agreement have also been signed respectively on 2001, 2002 and on 2006.

and ‘the matching of PNR against databases that have immigration and customs policy elements to them’ (European Commission 2010: 11). Thus, the EU insisted for clarifications on the notions of ‘serious transnational crimes’ adopted by the US to justify the extensive utilization of PNR data.

Another hot issue in debates between transatlantic partners and concerning data sharing regarded visa waiver reciprocity, broadly discussed after the enlargement process in 2004 and affecting transatlantic mobility.⁴ Under the US visa waiver program (VWP), citizens of selected countries are allowed to enter the US for a short-term stay without a visa. This held not true for the citizens of the first and second waves of enlargement (but Slovenia) and for Greece until recently. The EU has always lamented the lack of reciprocity on visa waiver issues, given the fact that citizens from the US had free short-term access to these countries. The US has counter-argued that it did not count EU membership as a sufficient requirement for entering the VWP (European Commission 2006: 11). In an attempt at smoothing relations, President Bush advanced the idea of a Roadmap to guide towards VWP adherence, although the proposal was dropped later on. Notwithstanding EU’s insistence on the matter and the threat of retaliatory measures, progress was limited (Press Release 2008; Archick 2006). More to that, President Bush’s notice about a modification of the VWP in 2005 triggered EU’s anxiety that new requirements called for to meet security concerns would affect Member States already within the program (Council of the European Union 2007:2). In fact, by 2006 all passports issued in Visa Waiver Program countries were to be electronic, containing biometric data (United States Government Accountability Office 2007). From 2009, Member States had to adapt to the Electronic Travel Authorization (ETA)⁵ system established in the US. Not only terrorism, but also irregular migration was the concern of American policy-makers vis-à-vis the VWP, ‘this program carries inherent security, law enforcement and illegal immigration risks. For example, by design, visa waiver travelers are not subject to the same degree of screening as travelers who must first obtain visas’ (United States Government Accountability Office 2007: 9). Bilateral Memoranda of Understanding were signed in 2008 with countries from Eastern Europe with a view to a future access to the VWP, considering, among others, the contribution provided to the war against terrorism (Congress 2007). Referring to Romania, Homeland Security Secretary Chertoff stated that, ‘we look forward to completing this process, not only because it will further travel and tourism between our countries but because of the exchange of information which will be

⁴ A useful understanding of what human mobility encompasses can be found in Tanaka et. Al. (2010: 14), where it is specified that permanent immigration, humanitarian migration, business travel, tourism, criminal movement, and terrorist travel are all embodied in the definition.

⁵ The system foresees the provision of biographical data before departure.

embodied in the implementation of this agreement will help make both countries more secure' (Chertoff 2008). Thus, among other provisions, candidate states to the program would agree to share information regarding terrorism, serious crime and also migration matters; would report on lost and stolen passports; would repatriate any citizens issued a removal order from the US; and would improve travel documents and airport security (Memorandum Of Understanding 2008). At the end of 2008, six other Member States were inserted within the VWP, leaving Bulgaria, Cyprus, Greece, Poland and Romania out of it (Council of the European Union 2008). Greece entered in 2010 (US Department of State 2010).

Aside from these controversial issues touching bilateral coordination, a smoother path developed through various meetings at more levels, especially focused on the development of common positions towards third actors. As a matter of fact, different frameworks of relations have been established: the bi-annual EU-US informal Justice and Home Affairs Senior level meeting; annual EU/US Summits; from 2004, annual Justice and Home Affairs Ministerial meetings and a EU-US Policy Dialogue on Border and Transport Security to improve complementarity in these matters (European Commission 2004). In 2009, an EU/US High Level Contact Group on information sharing and privacy and personal data protection was established to agree on a series of common principles on information sharing that would have smoothed negotiations in further cooperation efforts. In 2010, an EU-US high level group on migration issues was established (Press Release 2010). Some Member States and the US can exchange views on migration and related matters such as asylum and refugee through their participation in Regional Consultative Processes, among which, the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia and the Budapest Process, where issues related to irregular migration from East Europe are considered (Klekowski von Koppenfels 2001).

From 2006, a dialogue started within traditional meetings to investigate potential fields of cooperation between FRONTEX and the US. This latter showed interest in exchanging best practices on border security and migration via sea (Council of the European Union 2006); on land border screening; and on readmission and patrolling measures in the Mediterranean (Council of the European Union 2007: 3; Council of the European Union 2008b). The attempt at formalizing relations was first impeded by the issue of data sharing, in the case that the European agency would find itself having to deal with personal information (Council of the European Union 2009a). Finally, a Working Agreement between the US and FRONTEX was signed in 2009, which enlisted areas of

common interests related to border security management (strategic information sharing, training, capacity-building, technology collaboration) and possible common tools to handle them (Council of the European Union 2010a; FRONTEX 2009). To this, a cooperation plan had to be added.

From 2008, transatlantic cooperation on migration and border related measures broadened its scope for action, recuperating debates left behind to give priority to counter-terrorist measures. The new Administration that came into power leaned towards improved coordination with the EU and was keen to adopt new priorities in foreign relations. Measures in the area of security, justice and freedom that strengthened and underlined the need for joint actions were proposed. As a follow up to this strengthened relation, approaches to migration and borders discussed within formal and informal meetings ended up penetrating both EU and US legislations, considered as useful complement to their own provisions.

The future of the EU area of justice, freedom and security, it was argued, should inevitably take into account cooperation with strategic partners: thus, 'by 2014, the European Union should make up its mind with regard to the political objective to realize a Euro-Atlantic area of cooperation in the field of freedom, security and justice with the United States' (The Future Group 2008: 10). In 2009, discussions started on the merits of a Declaration 'renewing' transatlantic relations in the justice and home affairs domain (Council of the European Union 2009b). An emphasis was put by both parts on strengthening cooperation on many issues of common interest, with the US particularly interested in improving 'working methods' (Council of the European Union 2009b: 2). It was clear that dialogue was intended to encompass a series of issues aside from terrorism (Council of the European Union 2009c: 2).

Adopted in Washington in 2009, the Joint Statement on Enhancing Transatlantic Cooperation in the area of Justice, Freedom and Security, aimed at streamlining main operational purposes for the future; exchanging information on policies and initiatives; sharing experience and best practice; organizing joint initiatives; cooperating with the private sector; consulting on new policy developments likely to influence the partner; working out common positions to be maintained in global forums in issues of common interest; further developing coordination on mobility and security (border, readmission, travel document security provisions); and implementing the agreement of the Department of Homeland Security with FRONTEX (Council of the European Union 2009c: 2-3). More to that, though, the statement expressed the intention to 'improve our common

understanding of the global phenomena of migration and refugee issues and look for joint responses in areas where we are both affected' (Council of the European Union 2009c: 3), with apparent implications for third countries citizens. The increasing relevance of third countries in migration related debates started to be firmly acknowledged in transatlantic cooperation. Indeed, the necessity to deal with them and to face transnational challenges was a well-grounded facet of EU package on migration management. Thus, in the 'EU-US dialogue on migration' in the making, relevant issues regard the creation or improvement of migration management capacities in third countries especially through an upgrading of their protection standards (Meyers, Koslowski and Ginsburg 2007). As for the EU, the High Level Working Party on Asylum and Migration is charged to discuss and further this dialogue with the US. Recently, a EU-US Steering Committee has been created (chaired by the European Commission) to enact the Action Plan of the EU-US dialogue on migration.

In addition to that, the EU focus on relations with origin and transit countries, as exemplified by multiple directions in this sense, such as the Global Approach to migration, brought to the table of discussions the nexus between migration and development (Council of the European Union 2009b: 14). Finally, a broad debate has started in the US on the improvement of privacy policy (Tanaka, Bellanova, Ginsburg, De Hert 2010: 7), certainly spurred by frequent contacts with the EU.

Meanwhile, it is to note that developments that occurred in the US exerted influence on the EU (Hobbing and Koslowski 2009; Pawlak 2009). Thus, while rethinking its border policy, the EU seemed to copy paste some of the provisions already introduced in the US. Possible instruments to be considered were, among others, a system for the recording of entry and exit to better track overstayers (along the lines of the US-Visit) and an Electronic System of Travel Authorization (ESTA) (European Commission 2008). More to that, the EU is studying the possibility to adopt a EU PNR agreement, while some Member States have already signed an International Agreement for the exchange of personal data, called the Prüm Treaty.⁶ Reliance on databases and on technological devices was said to be paramount in dealing with border management, migration and the fight against international crime and terrorism (The Future Group 2008). A more subtle but telling development, though, has been the framing of the EU 'Internal Security Strategy' which, to some

⁶ For more on that see Bellanova (2009). Along the lines of the Prüm Treaty, data exchange agreements on suspected criminals and terrorists have been signed between the US and 12 European countries, Germany among which in 2008.

extent, is similar to the US's attempt at integrating functions and conceptual approaches devoted to the Homeland Security (Council of the European Union 2010c; Press Release 2010).

Securitization processes: impact on the transatlantic approach to migration

This section will uncover the reasons upgrading migration as a relevant topic in the transatlantic agenda. Security interpretations to the matter have spurred the case for joint positions, 'we share the conviction that the EU-US cooperation to increase public security in general needs to be linked to increased joint efforts to strengthen freedom and justice in the transatlantic space' (Council of the European Union 2009c: 6).

The literature has generally emphasized two modalities through which an issue is framed in security terms: 'securitization' and 'insecuritization' processes. The paper written by Christout et. al (2010) makes an effort to reconcile these two approaches in order to provide a more comprehensive overview of the ways in which these security logics play out. The Copenhagen school has emphasized how discourses underlining «existential threats» securitize an issue allowing or legitimizing the undertaking of emergency measures that diverge from normal practices (see for example Buzan 1983). Here, a fundamental role is played by «tipping events», that is, by specific facts which favor the framing of the issue in these terms. Aside from this strand of the literature, some scholars maintain that it is especially «normal policing» or everyday speech that informs about what security is. In particular, a notion better than others fits the analysis on irregular immigration, 'governmentality', which implies governing a population through the modulation of the security and freedom relation (HUYSMANS 2006). In this sense, the idea presupposes conscious 'insecuritization' processes, suggesting which the referents of destabilizing dynamics or security challenges may be: in this case borders, identities or orders (Bigo 2000, p. 173). Everyday discourses and practices explain the security dimension to the matter even without tipping moments triggering speeches on existential threats.

For both strands of the literature, discourse tracking assumes a great relevance. With Huysmans, the use of security language changes the understanding of a problem and the change in understanding depends on a framework of meanings that security language implies (Huysmans 2006, p. 25). A tentative effort at individuating different although interplaying security

interpretations in the transatlantic debate is here provided. A first security discourse that can be gleaned, regards **migration per se**, considered as a risk when endangering the ability to control and monitor access to the national territory, a primary function of a state. As early as 1995, the New Transatlantic agenda purported 'mass migration' as such a risk, 'we share a common concern to address in an effective manner new global challenges which, without respect for national boundaries, present a serious threat to quality of life and which neither of us can overcome alone' (The New Transatlantic Agenda 1995).

A second type of discourse that can be reported is the one that sees **migration and terrorism** as related. The connection between the two is quite a distinctive character of the 11 September events, although the topics were already treated jointly well before that time. Indeed, the connection works as a security move because terrorism itself is interpreted as an existential challenge (see Hassan 2010). The idea is basically that given international terrorism, migration related issues assume a new relevance (Kritz 2002: 33; Coleman 2007). In this sense, following Ginsburg, terrorist mobility impinges on migration in at least three ways: 'in border control design; in management of level of immigration; and in decisions about whom to admit...' (Ginsburg 2006: 11). A telling statement in this case reads as 'these attacks are an assault on our open, democratic, tolerant and multicultural societies' (Extraordinary Informal Meeting of the European Council 2001). The reference here is to an outside threat exploiting Western society values and attitude. The exploitation of 'legal channels' of migration to enter Western states was a new matter of concern for both partners, especially the US. Thus, an emphasis was also put on asylum seeker and refugee categories as potentially dangerous, 'it is therefore legitimate and fully understandable that Member States are now looking at reinforced security safeguards to prevent terrorists from gaining admission to their territory through different channels. These include asylum channels...Any security safeguard therefore needs to strike a proper balance with the refugee protection principles at stake' (Commission Working Document 2001: 6). The understanding that legal and illegal migration could be a springboard for terrorism was more than once emphasized, especially in US documents, 'many of the 19 hijackers who perpetrated the attacks of 9-11 had fraudulent visas' (Ridge 2004); and 'the immigrant visa process may pose potential security risks' (United States Government Accountability Office 2007: 1). Cooperation on matters regarding visa and document security issues were discussed 'in order to reduce areas of vulnerabilities in our society' (Joint EU-US Ministerial Statement on Combating Terrorism 2001). For US officials, strengthening migration controls was considered a fundamental measure through which to try identifying people entering to hurt (Homeland Security 2001). The

EU specified that pre-entry screening, including a rigid visa policy regime, the potential use of biometrics and measures aimed at enhancing cooperation among border guards, intelligence service and immigration and asylum services would improve national security (Commission Working Document 2001: 6).

A third security speech that can be traced is the one referring to **border security**. While strongly related to the previous ones, it is interesting to underline the importance this discourse has assumed through time. It can be said that migration is a sub-category of what is referred to more in general as 'mobility', which by definition implies an action including the crossing of a border for different reasons. In this case, the relevance of migration is considered vis-à-vis the contribution it can provide or the challenge it can pose to border security. The US, who broadly spoke about border security after the terrorist attacks, emphasized that 'the massive flow of people and goods across our borders helps drive our economy, but can also serve as a conduit for terrorists, weapons of mass destruction, illegal migrants, contraband and other unlawful commodities' (Department of Homeland Security 2002). In the words of the DHS, the border had to 'defend' American people from multiple threats (Department of Homeland Security 2001). Thus, it was reported, 'Securing our border is essential to securing the homeland' (Department of Homeland Security 2005) and 'Securing the nation's borders from illegal entry of aliens and contraband, including terrorists and weapons of mass destruction, continues to be a major concern' (United States Government Accountability Office 2008: 1). As already argued, while reference to border security was firstly deeply employed by the US after the terrorist attacks, the concept was widely used also in EU-US and EU official documents. Thus, both partners 'encourage the development of comprehensive and efficient border security processes and more controls on issuance of identity and travel documents, to prevent the movement of terrorists or terrorist groups across national border' (Council of the European Union 2010b: 3). At the EU level, less specifically pointed at counter-terrorism efforts, measures at the border were paramount to 'preserving the integrity of the Schengen area' (European Commission 2008: 5).

Indeed, the attempt at identifying and differentiating security discourses has a sense only for research purposes as they relate one to the other. In this sense, we can highlight a shift in emphasis from a discourse identifying mass migration as a potential challenge to the quality of life, to speeches emphasizing how migration could be linked to terrorism, posing an existential threat and requiring emergency measures, and how border security could be the main tools against potential

transnational challenges. While the terrorist events deeply influenced the security language spoken out in declarations and common positions and speeded up the undertaking of specific provisions related to the matter,⁷ the last years testify to an agenda in which ‘alarming tones’ are sidelined and where a security understanding of migration is well entrenched. The ‘security’ governance of migration is broadly determined by best practice exchange, security experts meeting and a specific consideration on how to modulate the relation between freedom and security.

Security discourse	Referent	Timing
<p>Migration per se:</p> <p>Mass migration as a transnational challenge presents a threat to the quality of life</p>	EU-US citizens and societies	New Transatlantic Agenda 1995
<p>Migration and terrorism:</p> <p>Exploitation of Western societies values (multiculturality, openness, tolerance)</p> <p>Exploitation of legal channels (asylum seeking, refugees protection provisions, VWP and other vulnerabilities) and of illegal channels</p>	<p>EU-US society, values</p> <p>EU-US society, citizens, national security</p>	<p>Especially after 11 September 2001</p> <p>Especially after 11 September, Madrid and London terrorist attacks</p>
<p>Border security:</p> <p>Non-secure borders can create security challenges</p>	National security and integrity	Emphasized after 11 September 2001 and characterizing the transatlantic debate from that moment onwards.

Table 1. The table graphs the most relevant security speeches found in main documents related to the transatlantic relation. The second column identifies the referent of the security speech, while the third identifies their ‘timing’. This latter category allows seeing whether tipping moments have been fundamental in voicing ‘existential threats’ and instead emphasizes the security framing of the matter out of ‘key’ events.

⁷ More than a scholar sustains that the terrorist attacks only triggered the undertaking of policies yet conceived but awaiting support (see for example Brouwer 2003). As Meyers et. al explain, although terrorist attacks speeded up debates on European systems such as the Schengen Information system or the VISA information system, agreement on the opportunity of these systems predated these events (Meyers, Koslowski and Ginsburg 2007: 3). The need to ‘speed up’ the process of creating an area of freedom, security and justice and ‘step up’ cooperation with the US was earmarked in official documents after the terrorist events (Justice and Home Affairs Council 2001), suggesting that both actions were already planned before. In the US, a deep rethinking about movement of people, border and migration structures was in motion well before 11 September. A system for entry-exit automated control was already in the pipeline from 1996, although it gained momentum after the terrorist attacks, when also biometrics was added.

A strong reliance on biometrics and security technologies as tools to handle migration has emphasized exclusion dynamics, contributing to the security interpretation applied to migration. It was maintained that 'the sooner that the world community can embrace an international standard for biometrics, the quicker we'll be able to secure our borders...' (Ridge 2004b). In addition, it was stressed that 'databases and new technology will play a central role in further developing Home Affairs in the area of border management, migration and the fight against organized crime and terrorism' (Future Group 2008: 18). The strong belief that these devices could have thwarted terrorist attacks increased reliance on the agencies working on them which were conferred new funds and powers (Martin 2004). The security connotation applied to the 'function' of borders can be appreciated by noticing the utilization of sensors, cameras, radars as well as by the engagement of military companies (such as Boeing) in helping monitor US borders (United States Government Accountability Office 2008: 5-6) and European ones. The identification of internal spaces of security, 'the area of freedom, justice and security' and the 'homeland security', shaped the image of an external area of 'insecurity' from where challenges could arise.

Thus, it is possible to affirm that the alarming tones employed after the terrorist events speeded up a governance made of security provisions such as information sharing, biometrics, and document travel security. Nevertheless, previous discourses as well as tools decided to be employed to manage the issue, in absence of an existential threat.

Some remarks on the security approach to migration

Notwithstanding the broader scope of the transatlantic agenda observed in the last years, too narrow a view on the complex phenomena that regard the mobility of persons, their reasons, and the strategies to tackle them seem to persist between transatlantic allies. Arguably, this is determined by the security framing that has been characterizing and still characterizes the transatlantic cooperation on the matter. A chorus of criticisms has voiced its disagreement, pointing out the repercussions and implications that cooperation has determined.

Lots of analysts and scholars have pointed out that the way in which cooperation is framed between the Atlantic allies has a significant impact on third countries. Thus, for example, if they agree to create a 'club' eliminating the need for short-term visa among them, they also agree to set visa for other countries in the Middle East, in Africa and partly in Asia (Meyers, Koslowski and Ginsburg 2007: 20). Analysts have also pointed out the effects of a tight cooperation between the

transatlantic partners on information sharing regarding personal data, and on policies aimed at border control, prospecting the emergence of ‘a new Northern axis “Fortress Europe-US”’ (Statewatch 2001). In particular, activities such as screening and profiling can lead to discrimination practices (for example through data contained in PNR information –see Hailbronner, Papakonstantinou and Kau 2008: 192). As a matter of fact, terrorist attacks in the US and in Madrid and London conferred a special attention to immigration from Muslim countries (Meyers, Koslowski and Ginsburg 2007: 6). Other authors point out that increased cooperation between the EU and the US has prioritized even in the European context the use of personal information for security purposes (Pawlak 2009).

A certain interpretation of migration in security terms as seen above and the security governance resulted out of it has exerted negative repercussions for refugees and asylum seekers. In particular, the relevance that migration has been conferred as a vehicle for terrorism has affected the treatment of persons likely to be or actually in need of protection (Statewatch 2001; IOM 2003: 26; Guild 2003). Authors point out that ‘on both sides of the Atlantic, policymakers have defined “terrorism” in such broad terms...that these bars pose a threat to the protection of refugees and bona fide asylum seekers’ (Schoenholtz and Hojaiban 2008: 1). Thus, for example, the number of refugees allowed in the United States fell visibly from 2001 to 2002 because of improved security standards (Martin 2004). Such a tailored discourse has missed the opportunity to ‘securitize’ refugees and asylum seekers and forge a debate on the causes and consequences of forced migration in third states (Ginsburg 2010: 11).

Some authors underline that while migration tools may be of some use to thwart terrorism, a deeper analysis should be made to define the borders of the two phenomena, ‘while public discourse tends to equate blocking terrorists’ ability to travel with immigration reforms, terrorism mobility comprises a set of problems distinct from, although clearly linked to, the phenomenon of global migration and the problem of controlling immigration to the United States’ (Ginsburg 2006: 1). Along the same lines, it is maintained that as European experiences teach, many terrorism acts are committed by own citizens; thus, migrations are not at the root of terrorist problems and most of them do not represent security challenges (Schoenholtz and Hojaiban 2008: 174). More bluntly, an author stresses that border crossing is the only element linking migration to terrorism (Faist 2002: 10). Also, the link between terrorism and document security appears to be rather tenuous as,

according to evidence, terrorists are likely to use legal channels to cross borders (Baldaccini 2008: 32-33).

Conclusion

This work has investigated a poorly debated topic in the transatlantic literature, that is, cooperation on migration and related matters. The transatlantic cooperation takes on different forms, posing some operative problems in relations between partners while being rather robust in the framing of a common agenda on the matter. Thus, the EU-US debate represents both a constitutive process as well as another facet of the EU external dimension to migration and asylum. The need for cooperation arises from a joint acknowledgment that common transnational challenges cannot be dealt with alone, which implies that migration is considered as such a challenge.

The first section has looked at how migration has been dealt with by the partners in different periods in time. Thus, it can be noticed that while irregular migration has always been considered as a challenge for both partners and a matter for common debate, terrorist attacks have given a new relevance to migration channels (legal and illegal) and vulnerabilities as paramount sources of threat. Attention has mostly shifted from irregular migration reduction as an end to migration reduction as a tool for border security. In fact, an increasing amount of measures related to and with effects on migration have been adopted on both sides of the Atlantic. Of particular importance, the sharing of information and personal data was considered as a paramount device to tackle terrorism and other transnational challenges. It is around these issues, though, that most controversies have arisen among partners in their coordination attempts: this was mainly due to different data protection standards and different internal arrangements. From 2008, and probably thanks to a new Administration, an ambitious agenda has developed, aiming at broadening negotiating tables on matter of common interest. The multiple frameworks for discussion and working-level meetings testify to the increasing importance of a joint approach to the matter.

The second section has gone deeper into securitization processes, emphasizing the need for the adoption of a joint approach on migration. It is possible to affirm that the discourse linking migration to terrorism, and inviting to undertake urgent measures, has speeded up provisions on technological devices and information sharing: in this sense, 11 September can surely be considered as a tipping event. Nevertheless, if one focuses the attention on the cooperation agenda

before and after 11 September, it is apparent that migration and migration-related measures are referred to in security terms. This suggests that, let alone terrorist events, the way in which the management of flows has been framed, understood and emphasized at the transatlantic level has affected the security governance of the matter. Consequently, a governance of migration mainly in 'security' terms has triggered criticisms on many sides.

The importance of the freedom, justice and security area as a matter of transatlantic cooperation is not questioned; both experts and policy-makers concede that this is one of the most important playgrounds for the future. Germane here is the relevance the matter is increasingly assuming in round-tables, conferences and funded projects.⁸ Given the weight mobility has assumed for challenge assessment, it is hardly possible to de-securitize the issue. Nevertheless, it would be profitable and far-sighted to envisage a more coherent and comprehensive agenda with a special reference to the external impact of cooperation on migration and related matters:

- A broader approach should be undertaken to discuss thoroughly matters regarding asylum seekers, refugees and their protection, return matters, technical assistance to third countries while keeping up to International Commitments on human rights matters;
- Much more effort should be put in investigating the migration-development nexus and development assistance, profiting in this sense from EU experience;
- A thorough understanding of the reasons triggering mass movements of persons should be carefully investigated, trying to envision strategies to address these latter;
- A careful assessment of the impact of EU or US or transatlantic policies in third states vis à-vis the movement of people and actions in other fields likely to trigger movements of people (military interventions, embargo,...) should be made;
- The exchange of positions, of best practices and of venues of cooperation is to be encouraged at a multilateral level and at the regional level with other actors;
- It is to be made sure that transatlantic cooperation does not limit the movement of people in general;

⁸ One can mention for example 'Mapping the Future of the EU-US Partnership', a booklet published by the Commission (2010b) on the proceedings of a major Conference held in Brussels in 2010, or 'the European Union, the United States and the Global Governance: Major trends and challenges', organized by the Leuven Centre for Global Governance Studies and held in Brussels in 2009. Among funded projects see 'US and European Immigration Systems' coordinated by the Migration Policy Institute (Washington DC) and the Migration Policy Center, European University Institute (Florence).

- A better understanding of migration flow dynamics in the EU and the US would improve cooperation; also, a careful assessment of the different geographical borders they have would allow understanding the impact than certain transatlantic policies have on the partners and the problems likely to arise.

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