The right of free movement: A story of securitisation and control in the UK

Or the story of Ion Popescu

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Abstract

Recently in Britain there has been an on-going discussion on the right of European citizens to move to, work and reside freely in any European Union member-state. British politicians and media, stepping on the significant number of Eastern Europeans who moved to the United Kingdom, articulated a securitising discourse representing them as ‘benefit tourists’ and criminals who threaten the integrity of the welfare system and social cohesion. However, this is only part of the securitisation story. This paper argues that the securitisation of mobile European citizens and, consequently of the right of free movement itself, is used as governmentality in order to allow in the country only those who are needed and keep the rest out, and at the same time to raise support for a renegotiation of the relationship between Britain and the European Union. It will be demonstrated that the securitisation process takes place through policies and everyday practices on the one hand, and through the securitising discourse articulated by politicians and media on the other. Moreover, the possibility of securitisation having a long-lasting effect by creating a security rationale in which all future policies would be embedded is assessed.

Key words: Britain, Eastern Europeans, free movement of persons, governmentality, immigration policy, Romanians, securitisation, What’s the Problem Represented to Be

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Disclaimer: Ion Popescu and all the events and characters in relation to him appearing in this work are fictitious. Any resemblance to actual situations or to real persons, living or dead, is purely coincidental.
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Table of contents

Figures and tables ........................................................................................................................................4
Abbreviations ..............................................................................................................................................5
1. Ion Popescu ........................................................................................................................................6
   Ion ........................................................................................................................................................6
   1.1. Free Movement ..........................................................................................................................7
Figures and tables
Photograph 1: Romanians queueing to vote in Romanian elections in Portsmouth ..........57
Figure 1: Net long-term migration to the UK.................................................................57
Figure 2: Total EU net migration to the UK.................................................................58
Figure 3: Romania and Bulgaria net migration to the UK.............................................58
Figure 4: Eurobarometer: concerned about immigration UK-EU.............................61
Figure 5: YouGov: most important issues facing the country......................................62
Table 1: Securitising discourses and illustrative quotes.............................................64

Abbreviations

CS Copenhagen School
ECJ European Court of Justice
EEA European Economic Area
EU European Union
EUCtzn European Citizen
FM Free Mover
FMvt Free Movement of Persons
IB-JSA Income Based Jobseeker’s Allowance
NGO Non-Governmental Organisation
NRWR No Rights Without Responsibilities
PM Prime Minister
PR Problem Representation
SSAC Social Security Advisory Committee
1. Ion Popescu

**Ion**

*That bloody old woman! Her look was stuck like a bullet in his mind, growing his upset. He still couldn’t tell what that look meant. On his way back home from the local public library, where he went to look for a new job online, he was standing at the bus stop waiting for number 3 when he got a call from the sandwich factory. The supervisor, furious asked why he didn’t show up for work. He gathered his courage and using his broken English repeated what he had already told him the day before, when he finished his shift, that he wouldn’t go on working under these horrible conditions and that they should pay him up immediately. He hung up irritated. First, he heard an exclamation of discontent behind him. Then he turned around, and there she was, staring at him with this ambiguous look. Was it discomfort for his broken English and strong accent gave away his Romanian origin? – and Romanians have a pretty rough reputation these days in Northampton, the media have done a wonderful job on that, presenting them as burglars and muggers. Or was it contempt for his frustration with the sandwich factory was mistaken for unwillingness to work? Being considered a social burden wasn’t his intention.*

*Maybe none of these is true, maybe it is just him and his vexation stemming from broken expectations. This is not what he had imagined when he left Băileşti. After finishing school, he worked here and there, but the rural economy of the area didn’t offer many job opportunities. He was reaching thirty, and he needed to do something with his life. As the situation in Romania wasn’t very promising, he placed his hopes on the European Union and the right to move to another member state. He thought that now that Romanians are European citizens and the transitional restrictions are finally lifted, he could move to the UK, get a job and try to make a decent life. Instead, after a year, he is still staying with his compatriots, and the only job he managed to get, with his low skills and poor English, was the one in the sandwich factory, which was badly paid and under awful conditions.*

*Although fictional, Ion Popescu could be one of the many European citizens (EUCtzns) who believed in the European Union (EU) and the benefits of free movement of persons (FMvt), anticipating a better life through moving to, residing and working in another member-state.*
Instead, many of them found themselves amid a growing wave of exclusion and securitisation, i.e. their construction as a threat to the cohesion and stability of the local society. One of the countries the phenomenon is most intense in the United Kingdom (UK). Nevertheless, it is observed in other states as well, and in increasing intensity.

In light of the above, this research sets out to study the securitisation of the free movers (FMs)\(^1\), and consequently of FMvt, in the UK. The aim is to answer a *how*, a *why* and a *what*: the first goal is to reveal *how* the process of securitisation occurs. It will be argued that it takes place at two levels, a practical one through policies and everyday practices, and a political through the articulation of security discourse by the politicians and the media. The second objective is to explain the reasons *why* this is happening. I contend that securitisation has a twofold goal: to act as a form of governmentality, seeking to govern FMvt in order for the UK to reap the benefits of mobile high-skilled labour, and at the same time block the entrance or long-term residence of the FMs with low contribution to the national economy. And secondly, to create the conditions and raise support for a renegotiation of the relationship between the UK and the EU. The third aim of this research is to explore *what* the impact of securitisation is on policymaking. A case will be made for the impact the existing security rationales that inform policy have on shaping the understanding of the issue, and the proposed solutions.

In the rest of the chapter, a short historical background on FMvt will be given, followed by a discussion on its securitisation at the European and national level. Subsequently, the aims of the research and the main argument will be elaborated and the importance of the issue will be assessed. The chapter will conclude by outlining the structure of the research.

1.1. Free Movement

FMvt along with free movement of goods, services and capital constitute the four fundamental freedoms of the Union, as they were established in the third article of the Treaty of the EU (EU 2012:C326/17). The concept of FMvt is tied with those of European integration and EU citizenship, with their historical and political evolution going in tandem. This relationship is

\(^1\) As the right of free movement is a prerogative of European citizens, the terms free mover (FM), European citizen and European will be used interchangeably.
expressed by the fact that FMvt is considered one of the key benefits of European integration and that it is the most widely known right of the European citizenship. The inception of FMvt dates back to the 1960s, when Schuman envisaged a Europe without the inherent rigidness and ‘intransient hostility’ of the national borders (Maas 2013:97). This vision was incorporated in the Treaty of Rome which gave the right to the citizens of the then member-states to move and reside freely within the Union\(^2\) as a whole, along with a batch of official and substantial rights, as the right to be treated equally with domestic workers in all aspects of working life and access to social welfare and other benefits (Hansen & Hager 2012:43, 46). In 1976, the Tindemans Report posed the idea of social and economic rights facilitated through ‘a citizens’ Europe’ (Hansen 2000:142).

In 1985, the abolition of internal borders between member-states and the simultaneous reinforcement of the external ones was decided with the Schengen agreement, while the 1992 Maastricht Treaty completed the Single Market based on the free movement of persons, goods, capital and services, and established the European citizenship which provided the right to all member-state nationals to circulate and reside freely in the Union. Although, on one hand these developments reinforced FMvt, on the other, the neoliberal ‘revolution’ which directly targeted the welfare state, sidelined social rights and advocated the superiority of market solutions in all aspects of life and activity, eroded the social dimension of EU citizenship, resulting in a market citizenship and the employable and flexible citizen (Hansen & Hager 2012:72). This trend was developed even further in the 2000s with the Lisbon Treaty which introduced the principle ‘no rights without responsibilities,’ thus tying social rights to the responsibility of citizens to become employable and competitive (Hansen & Hager 2012:113).

The rights of the European citizens to move and reside freely in the Union were codified in the Citizens’ Directive 2004/38. According to this, the EU sees the FMvt as an opportunity to strengthen the feeling of European citizenship and, through the option of permanent residence, to enhance integration and social cohesion (EP 2004:82-83). Even though this demonstrates the importance the Union places on the integration process, this is treated more as an economic project rather than a social one. This becomes more obvious in the individual provisions of the directive.

\(^2\) Although at that time it was named the European Economic Community, for reasons of simplicity, it will be called European Union (or just the Union) throughout the whole text.
Article 6 provides that citizens have the right of residence to a member-state for three months without formalities. The right of residence longer than three months is held by the employed, jobseekers, students and those who can prove that they have sufficient resources to support themselves without becoming a burden on the social assistance system of the member-state (Article 7). However, the operationalisation of sufficient resources is left to the state to decide. Moreover, the citizen has to register his/her residence with the local authorities (Article 8). Additionally, the host state is not obliged to grant access to social benefits during the first three months or longer regarding jobseekers (Article 24). Finally, the directive allows room for expulsion of European citizens on the grounds of public policy, public health and public security (Article 27), without further specifying the conditions though, and thus being substantially ambiguous.

1.2. Securitising free movement

The ambiguities of the directive regarding the conditions of expulsion and the criteria for longterm residency, the privileging of the employed, and the discretion of the member-states to decide whether or not to grant social assistance to certain categories of European citizens, created the fertile ground for securitisation to thrive. The opportunity was given after 2004, and the gradual accession of eleven Eastern European states. In 2004, The Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia and Slovenia\(^3\) were admitted in the EU. This was followed by Bulgaria and Romania in 2007 and Croatia in 2013. This meant that people like Ion, coming from countries experiencing adverse economic conditions and great differences in income and standards of living with the ‘old’ Europe, would have the chance to move to another EU state in search of employment and better living.

The prospect of a great influx of Easterners created fears of ‘social dumping’ and distortions of their labour markets for many Western European states, the UK among them. This led them to treat FMvt as a threat to social cohesion and stability and thus to securitise it. The process was reinforced by the EU sponsored transitional measures which allowed old member-states to restrict the right of the newly admitted Eastern European workers to move freely and work in their territory for a period up to seven years. The message conveyed by this practice was that FMvt is more of a threat than a right. In addition, states attempted to exploit the ambiguities of the EU directive and devise policies that discourage FMvt. Moreover, the media paints a very

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\(^3\) Two non-Eastern European states, Cyprus and Malta, acceded to the EU in 2004 as well.
dark picture, overemphasising the movement of poor and low-skilled populations looking for a better life, and blatantly neglecting the benefits reaped of the influx of high-skilled EU citizens.

At the same time the term ‘intra-EU migration’ is being used increasingly, transforming FMvt to a notion with a securitised connotation. This whole situation can be exemplified very well by the fact that Austria, Germany, Netherlands and the UK took the initiative in 2013 to ask the European Commission to tighten EU rules to stop ‘benefit tourism’ (Mahony 2013).

Specifically in the UK, a conscious effort has been made over the last two decades to reduce immigration and asylum-seeking. It is indicative that this objective is listed as one of the main responsibilities of the Home Office department on its official website (Home Office n.d.). To that end, the British migration management system underwent a significant restructuring which had a substantial impact on organisational cultures and practices (Düvell & Jordan 2003:299). In the light of the above, it is no surprise that the UK treats the increased flows of European citizens as a threat, since its migration systems are designed to control the entrance of third country nationals and have little operational utility when it comes to FMVs.

1.3. The research

Taking into account the above, the research seeks to address three issues: to reveal the processes and mechanisms through which FMvt is securitised in the UK; to shed light on the motives underlying these process; and explore how the securitisation process affects policy-making.

The following research questions codify and express explicitly the aims of the study:

1. **How** is the process of securitisation taking place?
2. **Why** is this happening? What are the motives driving this process?
3. **What** is the impact of securitisation on policy-making?

At this point it would be useful to clarify two points about securitisation. In essence, it is the process of constructing an issue as an existential threat. However, there are different understandings of securitisation and various ways to approach it. Some argue that this construction is achieved discursively and results in exceptional measures (Buzan, Wæver, de
Wilde 1998). Others claim that it is a long-term process taking place through everyday routinised practices (Bigo 2000, 2002; Huysmans 2006). These differences will be discussed afterwards. For now it is important to remember that this study is about how FMvt is constructed as a threat to societal security, meaning a threat to a society’s norms, culture and customs (Wæver et al. 1993:23), or in other words, its existence in its current state.

The second point is that it is assumed that FMvt is securitised. This, apart from being a reasonable assumption given the short discussion in part 1.2, it is also supported by previous research. Parker (2012) and Parker and Toke (2013) identified a clear-cut securitisation in the case of the expulsion of Roma EU citizens from France in 2010. The conclusions of other studies on European mobility into the UK point towards that direction, even though they do not explicitly mention securitisation. Fox, Moroşanu and Szilassy (2012:687) argue that the British media racialized the Romanians by subjecting them to a crime framing and presenting them as ‘dangerous criminals and social parasites’. Johns (2013:40) mentions that the British tabloids over-reported Polish crime, public drunkenness and welfare dependency. Likewise, Wilkinson (2014:40) identifies political and media discourses that accused EU citizens of abusing the National Health Service and occupying social housing. Additionally, a report on the representation of Romanians and Bulgarians in the British national press issued by the Migration Observatory (2014:12), found that among the most frequently nouns described as ‘Romanian’ were ‘gang’ and ‘criminal’. Although securitisation is not mentioned in any of these studies, it is clear that the framing of specific groups of EU citizens as criminals constructs them as a threat, and eventually as a security issue. The final point on this would be that this study will ‘trace and map’ securitisation processes in political discourses and practices, which according to Huysmans (2004:295) proves the existence and success of a securitisation.

The case of the UK was preferred for a number of reasons. First of all, it is a popular destination for many FMVs and the issue has received significant negative attention by politicians and media. Secondly, there are several contextual factors. The UK has traditionally been an immigration country which has shaped a certain understanding about the social dynamics triggered by the presence of ethnically, culturally and racially different populations in the society. Furthermore, their objective to reduce immigration and the recent turn towards a citizenship policy based more firmly on national notions of belonging (Waite 2012), creates an interesting interplay with FMvt. Also, an important factor is the general election held on May
7, 2015 and the substantial probability of a referendum on Britain’s membership of the EU its outcome signifies. Finally, the advantage of the language should be mentioned, as policy documents, political speeches and media reports are in English, which makes access to data considerably easier and eliminates the risk of erroneous conclusions drawn by the interrogation of the texts, due to misleading or simply bad translations.

The main argument is that the UK views FMvt as a type of immigration that it cannot adequately control due to its regulation by EU law. In order to be consistent with the long-term objective of controlling immigration and be able to exploit the economic benefits of FMvt without bearing the cost, the UK seeks to regulate it by integrating it in a security rationale.

This will ensure the entrance of the ‘Useful’ Europeans while constructing the ‘Unwanted’ as a security issue that has to be dealt with security measures. In essence, the argument is that the UK tries to regulate the FMs and through them FMvt using the concept of security, or in other words, a governmentality of security, combined with an economic rationale that guarantees the exploitation of the benefits of European mobility. Governmentality should be understood in Foucaultian terms, as the different logics behind particular modes of government. It has a special focus on populations and achieves security and order by employing instruments as social and economic policy (Bacchi 2009:26-27).

In that sense, securitisation occurs at both the practical and political level. It takes place in the practical level through a policy-nexus that controls the path to permanent residence and integration, excluding gradually more and more European citizens, and thus discouraging FMvt and ensuring that only the ones with specific features will stay. At the political level, the excluded populations the policy-nexus creates constitute a visible abnormality in daily social life, which the securitising discourse of politicians and media constructs as a threat to the welfare system, to social cohesion and stability, generating the public demand to deal with the issue. Since the situation is framed as a consequence of EU law and policies, the proposed solution of renegotiating UK’s relationship with the EU gains public support and legitimacy. Moreover, this process produces the conditions for further measures and new policies informed by the same security rationale, and hence develops a vicious cycle of security and exclusion.

In order to study these processes, a two dimensional securitisation framework will be constructed, drawing on the work of a number of scholars. The purpose of the first dimension of the framework is to study the policy-nexus and reveal the security and economic rationales
that inform it. For this, Bacchi’s (2009) method ‘What’s the Problem Represented to be?’ (WPR) is ideal, as it is devised to identify the logics underlying policies. At the second dimension, securitisation theory (ST) will be used in order to examine how FMs are discursively constructed as a security issue by politicians and media. Contextual factors, as the historical approach of the UK to immigration policy and the general elections, will be included in the analysis.

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