

# Who is Welcome into the EU?

A discourse analysis of identity constructions in the EU's  
immigration policies

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# Abstract

In examining the complex identities of legal and illegal immigrants, as constructed by the EU, I have used discourse analysis to identify the meanings assigned to them. By using the theories of identity construction made by Torben Bech Dyrberg and discourse analysis from Ernesto Laclau and Chantal Mouffe, I have analyzed seven official EU statements. I found that legal and illegal immigrants are created through differentiation. The meanings that are assigned to each identity are created in a chain of equivalence, in which the EU connects different elements to each identity. The most central elements connected to the legal immigrant are declared work, resource giving, documented, controlled mobility and integration. In contrast, the most central elements connected to illegal immigrants are irregular mobility, undocumented, organized networks, criminality, undeclared work and resource demanding. The legal identity consists of what the EU perceives as being allowed to enter and changes in accordance with the needs and resources of the EU. Meanwhile, the illegal identity consists of what have been excluded from the legal identity. These identities will therefore change in line with the EU's perception of what is being allowed to enter.

*Key words:* European Union, discourse, legal immigrant, illegal immigrant, identity construction

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# 1 Introduction

In 2008, the European Union Commission wrote in one of their statements "Immigration is a reality which needs to be managed effectively" (COM359:2). This statement is only one of many examples which show that the European Union, referred to as the EU, is a thinking and governing international actor in migration politics. This international collaboration emerged out of the Amsterdam Treaty in 1999, when both migration politics and the Schengen Agreement were included in the EU framework (Apap 2002:152). The Schengen Agreement enabled free movement of EU citizens and created a distinction between internal borders and external borders (Bigo 2009:579). This led to a reinforcement of the EU's external borders, increasing the need for common immigration policies (Apap 2002:152).

The EU began to focus on groups that, at this time, were seen as unwanted (Apap 2002:152). One of these groups was illegal immigrants, who were seen as a problem (Boswell & Geddes 2011:33f). Meanwhile, focus was also directed towards immigrant groups which were allowed to enter and seen as something that could benefit the EU development. This collective group was addressed as legal immigrants (Jordan & Düvell 2002:276f). In this way movements from non-EU countries became an international topic (Boswell & Geddes 2011:3).

Migration politics is about managing inflows and outflows of people that are crossing borders. In the EU's case the task is to reduce the inflow of those groups that are seen as unwanted, while addressing those groups that are seen as beneficial (Geddes 2005:302). These groups are constructions made by the EU and they do not concern whether the people involved feel connected to the categories (Winther Jørgensen & Phillips 2000:40). The creation of categories of people is not just a series of labels. In turn, these categories lead to institutions with frameworks addressing these groups and the categories become reality (Boswell & Geddes 2011:128).

Since collaboration on migration has never occurred on an international level before, it becomes interesting and necessary to analyze what kinds of underlying ideas of identities exist. This is especially interesting, since the EU has become a prominent actor and its ideas will thereby influence its member states. The creation of identities becomes a reality for all those thousands of people that, for various reasons, chose to migrate to Europe. The question that arises are what determines whether a human being becomes legal or illegal, and who is welcome in the EU?

## 1.1 Purpose and Research Questions

The purpose of my thesis is to examine how the two identities of legal and illegal immigrants are being created within the discourse of the EU.

My aim is to approach the case from a discourse analysis standpoint. This approach creates a distance to a world that is made of universal identifiable rules/truths. Discourse analysis assumes that the social world is an ongoing process of constructions (Neumann 2003:14). This approach is crucial to my essay, since my aim is to examine the EU's discourse of immigration.

I will use the theories collected from *The Circular Structure of Power – Politics, Identity, Community* by Torben Bech Dyrberg. He focuses on how identities are created by differentiation and equivalence. This theory is very suiting for my thesis since it is influenced by discourse theory and describes how identities are created in the discourse.

By using these theories, which focus on discourses and identity construction, my aim is to investigate how identities are created within the EU's immigration discourse. I also hope to examine which characteristics the identities consist of and which role the EU has in the construction of these. My research questions are therefore:

- How does the EU construct the identities of legal and illegal immigrants in the discourse of immigration?
- Which meanings are assigned to the identities in relation to each other?

I believe that my research meets the requirements of being both internally and externally scientifically relevant (Teorell & Svensson 2007:18). It is externally scientifically relevant because, the biases that the EU holds can have a huge impact on external groups that want to enter the EU. The decisions that the EU makes will also impact the composition of the EU population and thereby affect the internal citizens. It therefore becomes important to understand which biases create these identities.

There are a number of studies on the EU's immigration discourse. Especially, there is research on securitization of immigration, in which immigration can be seen as a threat (van Munster 2009, Huysmans 2006). None of this research examines how the EU constructs the identities of legal and illegal immigration according to Dyrberg's theory. This theory enables me to see how these identities are constructed, which meanings that are assigned to them and which role they have. My thesis therefore reaches the criteria of being cumulative. It is internally scientifically relevant, since it can create a broader picture of how the EU perceives immigration (Teorell & Svensson 2007:18).

While doing research it is also of great importance to point out what the research is a "case of" in order to tie the research to a common theory (Teorell & Svensson 2007:47). My research is a case of "how identities are constructed"

since I aim to investigate how identities are constructed in the EU's discourse of immigration.

## 1.2 Background and Context

In discourse analysis it is important to put the chosen discourse in a context (Bergström & Boréus 2005:18). In this chapter, I will therefore go through the development of immigration policies in the EU collaboration.

Since the 1980s, the immigration to Europe has increased and the policies regarding immigration have been regulated independently or between countries. In 1999 with the Amsterdam Treaty, immigration was included in the EU's framework and became a governing issue (Apap 2002:152).

Ever since the Amsterdam Treaty, the EU has been setting up five-year work plans towards a common migration and asylum policy. The first plan, the Tampere Agreement, was used from 1999 to 2004 and set the base of a common approach towards immigration (Boswell & Geddes 2011:52f). It was succeeded by the Hague Programme, which operated from 2005 to 2009 and sought to build on the measures proposed by the Tampere Agreement. The Hauge Programme aimed to balance immigration management in order to tackle illegal immigration. It also aimed to broaden the scope of migration by including neighboring countries in a global approach of migration, in order to effectively manage the external borders. Finally, it aimed to facilitate the movement of legal migrants and adopt an effective integration strategy (Plender 2008:305).

In 2009, the Lisbon Treaty was ratified and this meant that the EU transformed itself into a judicial branch and changed their organization so that the level of democracy would improve. Migration policies became fully incorporated in the EU framework (Boswell & Geddes 2011:10). The latest five-year plan was set during the period 2010 to 2014, and became known as the Stockholm Agenda. The idea behind this plan is to operate the immigration and to standardize the policies towards it. The aim is to create fair immigration policies by sharing the responsibility and to create a single policy approach towards asylum seekers that can be recognized in every member state (Boswell & Geddes, 2011 s. 52).

The change from the Amsterdam Treaty to the Stockholm Agenda shows that EU has become a new actor in the immigration and politics arena. The member states are still sovereign in their immigration policies, but they are encouraged to operate in accordance with the EU (Boswell & Geddes 2011:53).

## 1.3 Demarcation of the Discourse and Material

According to Iver B. Neumann, the first step of a discourse analysis is to delineate the field. But a discourse is not something in and of itself. It is always interacting with other discourses. It is only when you start examining the discourse that you see the extent of it (Neumann 2003:52ff). In order to delimit my discourse I will only choose to examine some of the available immigrant groups. The discourse will be limited by both time interval and choice of materials.

There are several groups included in the EU's discourse of immigration such as family migration, asylum seekers, legal migration and illegal migration. One alternative of my thesis could have been to analyze all these groups. By doing so I would have gained a whole picture of which groups are allowed, or not allowed to enter. But because of limited space, I will only focus on the groups that legally or illegally enter the EU. The reason for this choice is that it clearly shows who is allowed to enter and who is not.

The isolation in time will be after the Hague Programme 2005. I have chosen to focus on this period because the EU had begun to develop a common approach towards immigration in earnest. This period is marked by hardening of policies towards legal and illegal migration in the EU. The isolation in time extends to 2010 when the Stockholm Agenda was developed. Presently, there are few reports about legal and illegal immigration since they are currently in-progress. During the time frame I chose, it is therefore easy to distinguish how illegal and legal immigrants are constructed.

The material I have chosen to analyze is based on a selection basis from discourse analysis. One can identify a monument in scholarly writing, which is often referred to and is seen as an anchoring point in the discourse, helping to keep the discourse together (Neumann 2003:49). My material choice is based on the Hague Programme's references of their upcoming reports. The reports that I am using in my thesis can be found in the references. Through this collection I will cover the time period between 2005 and 2010. These statements address both the common immigration towards the EU, and the chosen immigrant groups.

## 1.4 Layout

In this Introduction chapter I have outlined the starting point and purpose of my thesis. I have also showed the development of migration politics within the EU and set my limitations. In Chapter 2, I will present my main theory by Torben Bech Dyrberg about identity construction. This Chapter will be followed by Chapter 3, where I will combine Dyrberg's theory with the discourse theories based mainly on Ernesto Laclau and Chantal Mouffe. In this chapter, I will discuss the nature of a discourse in order to gain useful tools on how to gain knowledge on the EU's discourse. In Chapter 3 I will also describe the scientific

position I have in relation to discourse analysis. In Chapter 4, my analysis section, I will apply my theories on the case. This chapter will also consist of a discussion of the general patterns of the material. Finally, in Chapter 5, I will summarize my results and present my conclusions.



## 2 Theory

In this section, I will describe Torben Bech Dyrberg's theory about how identities are constructed. This theory is the main one I will use in my analysis. Discourse theory is also very central to my analysis since identities are made in discursive processes (Winther Jørgensen & Phillips 2000:41). This will be the basis for the theory I will use throughout my thesis.

### 2.1 Identity Construction: Differentiation and Equivalence

According to Dyrberg an identity is never independently determined. In order to exist, an identity must always relate to other identities. This conclusion has its basis in the belief that identities are created from the articulation that takes place in antagonistic power struggles (Dyrberg 1997:118). Power is nothing in itself and it works in a circular structure influencing other factors. Antagonism can be described as a conflict where power is seen as something which has the "ability to make difference" (Dyrberg 1997:116). The relationship between power and identity is seen as a process in which power has the ability to both define and subvert the identity (Dyrberg 1997:116).

The social formation of an identity intersects with other identities. It is between these borders that the antagonistic power struggle takes place, where every identity excludes what is not part of its own identity, and which does not belong to a common discursive space. Identities are therefore created in antagonistic power struggles with other identities, where they both become what the other is not. Because of this, Dyrberg claims that identities are created relationally through differentiation (Dyrberg 1997:117ff).

One kind of differentiation is negation which is connected to power. Hence it affects the process of identity and prevents the identity from developing fully (Dyrberg 1997:116). This negation is a mutual process in which both sides indicate that which is not part of their identities. The process is a negation of each other's identities which doubly negates their own identities. I can for example say, "I am not not a Swede". This process enables every identity to change and evolve to what it is not. For example A is not B, therefore A's identity becomes "Not B". In the end, the identity of negation can become an imagined identity and the negation can be forgotten. Since it is a creation of an ongoing negation the identity is never determined (Dyrberg 1997:146f). It always has to relate to

something else in order to exist. Because of this, there is a constant need for the identity to refer to something it is not. “Enemies” for example are constant referring objects in order to fix their identities (Dyrberg 1997:128).

The delineation of an identity has its base in antagonistic power struggles in which identities differentiate and emerges as something they are not. This struggle has its arena in the discourse (Dyrberg 1997:118f). As I previously mentioned, power is seen as something embodied in a circular structure which is influencing all the aspects of a construction of an identity (Dyrberg 1997:17f). What emerges from these power struggles is seen as real even though it is a construction (Dyrberg 1997:97). This relates to Ernesto Laclau and Chantal Mouffe’s theory about hegemony and the social world. They claim that the world exists in different representations where the hegemonic idea becomes fixed through a discursive struggle. What we consider to be the objective reality is therefore a result of a hegemonic struggle in which the representation that has gained the most authority wins (Winther Jørgensen & Phillips 2000:31).

Dyrberg mentions a political authority that has the power to determine the social order through political strategies. He says that a “Political authority can be seen as a power which has managed to universalize itself spatially and temporally”. The space where the political authority figures in is a kind of vacuum. The political authorities enter this vacuum and can, through strategies, inscribe themselves and create an identity of the society. When a political authority takes this empty space it becomes hegemonic and thus, can represent the society (Dyrberg 1997:123ff).

Identity construction is about exclusion and inclusion. As you can see from the previous paragraph, there is a hegemonic gesture in which the one who has the political authority can decide who is an “insider” and who is an “outsider”. By differentiating itself from other cultures the political authority can create a common identity. This common identity can be perceived as homogenous and hard to distinguish. Hence, the identity is never defined, instead it is created by differentiating itself from other identities (Dyrberg 1997:121f).

The other part of identity construction beyond differentiation is called equivalence. This is also a tool for the hegemonic power to create an identity of “we” and “them”. Chains of equivalence construct these conceptions. This means that all the characteristics that are not experienced as “us” get linked together in a makeshift chain. This chain is seen as something external from “us”. What makes all the characters different from the “we” is a kind of “reference point” that the political authority refers to (Dyrberg 1997:119ff). This “reference point” can be described as a nodal point in a discourse. It is in the centre and attains its meanings by connecting to different elements (Dyrberg 1997:126). I will describe this more closely in Chapter 3. When different external characteristics are linked together they get institutionalized and are assigned the same general meaning and qualities. The same thing occurs within the group. Members identify themselves with each other and their characteristics create a chain of equivalence of the group’s identity. This creates a sense of “we”. Dyrberg explains that this logic happens in every group or nation. When exterior cultures or nations are linked together, even though they are not the same, they are assigned common

characteristics that are not part of the group or nation in question (Dyrberg 1997:119ff).

To sum up, Dyrberg claims that identities are shaped through a process of signification in which different elements construct the identity. The process of signification is shaped by differentiation and equivalence that has the goal of condensing the identity. Condensation is when different elements are mixed and fused into one entity. For a political authority, the mission is to fix elements to a nodal point so that they become the truth. This is a process in through which links of association, chains of equivalence, some elements connect with each other, while others do not. The result of this is coherence, in which the identity of the people is a chain of association (Dyrberg 1997:125f).

In the next chapter I will explain how identities are created in the discourse.

## 3 Method

Discourse analysis is a combination of closely linked theory and method. It states that the world is a construction, and offers methodological approaches to how one can understand the world (Winther Jørgensen & Phillips 2000:10). I will use discourse theory from Ernesto Laclau and Chantal Mouffe's book *Hegemony and Socialist Strategy*. This theory is influential to Dyrberg and focuses on how identities and societies are constructed. I will start by briefly describing what a discourse is. By doing so, I will attain the important methodological approaches of understanding a discourse and an identity construction. Finally in section 3.2, I will combine Dyrberg's theory with Laclau and Mouffe's theory in order to examine how the identities are constructed. In section 3.3, I will discuss which initial standpoint I have as a discourse analyst.

### 3.1 Introduction to Discourse

In short, the term discourse means "A particular way of talking about and understanding the world [My translation] (or an aspect of the world)" (Winther Jørgensen & Phillips 2000:7). This definition is quite brief and as you will see the concept of discourse goes further than that. The basic idea behind language is one which focuses on forming the world instead of seeing the world as a direct translation of language (Bergström & Boréus 2005:305). According to Winther Jørgensen and Phillips, there is a real world but our entrance to this world always goes through language. Language is not only seen as the base of knowledge, it can also be seen as a way to define the world we live in. Through the way we speak about identities and society a certain order is created (Winther Jørgensen & Phillips 2000:15f).

Since language defines the world, it also creates the meaning in social practices. Creating meaning is an essential element causing some events to happen. By analyzing the meaning behind the action, one can get an understanding of why it happened. Language is therefore both meaning and reality making the world socially premeditated (Neumann 2003:37ff). From the theory you can see that political authorities exclude and include what is "us" and this creates categories which become a reality for the persons included in the categories (Neumann 2003:35).

According to both Laclau and Mouffe and Dyrberg, there is no real consensus of the world. They describe the discourse as contingent upon other discourses and therefore they cannot be determined fully. The social order we have today always has an alternative (Dyrberg 1997:18,118; Winther Jørgensen & Phillips 2000:159). By excluding other representations the identity can be formed in a determined way. The discourse analyst's task is to identify the process that makes the society and the identities feel 'real', and to identify what the discourse is excluding (Winther Jørgensen & Phillips 2000:40-43).

This is relevant for my thesis since it describes how language categorizes people. The authorities have the power through language exclude and include whatever they want to. This segues into my discourse analysis of identity construction in the EU's migrations politics. I will therefore go deeper in to how discourses are structured.

## 3.2 The Discourse Organization

A discourse consists of different moments that have different positions. In the centre of the discourse there is one or several nodal points that gives order to the discourse. The moments are tied and arranged to the nodal point in different ways, making the unique structure of the discourse significant. It is through the nodal points that every moment becomes meaningful. For example, in the medical discourse the "body" is a nodal point in which moments like "symptom" and "tissue" get their meaning by relating to each other (Winther Jørgensen & Phillips 2000:33).

Discourse aims to create clarity and reduce ambiguity. Because of this, discourses try to exclude the moments that are not part of the discourse, or moments that are unclear (Neuman 2003:60). Elements are defined as moments that are ambiguous and they are often located outside the discourse. A discourse attempts to fix the meaning of the elements in order to improve the clarity of the discourse. The practice of relating elements to other moments in order to create meaning is called 'articulation'. This practice changes the identity of the element and reduces the ambiguity of the discourse (ibid.).

Floating signifiers are those elements that have a very uncertain meaning. The discourses are trying to compete over them to fix their meanings (Winther Jørgensen & Phillips 2000:34f). A nodal point can be a floating signifier. This is what we find in the case of identities. They are nothing in and of themselves, and are open to outside influences (Winther Jørgensen & Phillips 2000:50). According to Dyrberg identities are created when elements are "articulated" to a nodal point, which together create the nature of the identity. The identity process, in which elements are tied together, resembles the chain of equivalence. The elements are ordered and tied together in ways that create the identity. The process ties together both the differentiation and the equivalence parts of an identity, creating a chain of equivalence (Winther Jørgensen & Phillips 2000:51; Dyrberg 1997:199).

Since identities are floating signifiers their existence is very sensitive. They are part of an ongoing process of articulations of elements (Winther Jørgensen & Phillips 2000:50; Dyrberg 1997:124) Dyrberg claims that floating signifiers can become political targets where actors try to inscribe meaning. The floating signifiers become a central aspect in the process of identity construction because political authorities always try to define differing identities (Dyrberg 1997:126). This will be a central aspect in my analysis since I am going to examine how EU is constructing identities in the immigration discourse.

By combining Dyrberg's theory and Laclau and Mouffe's discourse as a method I now have useful tools to analyze the statements of the EU. Thus I will focus on floating signifiers, nodal points and chains of equivalence in order to see how the EU is constructing the identities. The nodal point will represent the identity which can also be a floating signifier. The political authority tries to fix the meaning of the identity through articulation, where the political authority is connecting different elements to the identity. By focusing on how the EU is connecting elements to the identity I will see how the identities are constructed.

### 3.3 Methodological Discussion

The initial standpoint in discourse analysis is ontology and epistemology. Discourse analysts believe that ontology, the nature of the world, exists in a constant stream of representations. In other words, they consider it is not fixed. Since they do not believe in a pre-determined world they focus on why a kind of perception of the world exists and how it is being maintained. Epistemology, or how one accumulates knowledge about the world, is central. The discourse analyst's task is to investigate how the current world is constructed and how we can understand it (Neuman 2003:14).

The road to acquiring knowledge about the world involves understanding, and EU's discourse needs to be understood from within (Hollis 2008:16). The way to attain knowledge about the current discourse is through interpretation (Teorell & Svensson 2007:98). However, the problem with interpretation methods is that it becomes difficult for the scientist to present an objective method without his own bias. By maintaining a high intersubjectivity, the scientist is able to present his reasoning and conclusions for others to scrutinize. In this way the thesis gains a high veracity and enables that the research can be redone (Teorell & Svensson 2007:55,280). So, I plan to accompany my theories and present my analysis with well-referred quotations. In this way, the reader can follow my reasoning and understand my conclusions.

## 4 Analysis

In this chapter, I have applied my theories on different official EU statements. This analysis consists of the patterns that revealed themselves in the material. I will first describe how the identities are created by differentiation. This chapter will be followed by a section about equivalence, in which I will describe how elements are connected to the identity, giving the identity meaning. Both sections will contain references and quotations from the material. In the analysis, I will refer to several European Union statements as “the EU”.

### 4.1 Differentiation of Immigrants

Throughout the material, the EU is differentiating between collective identities and regions. To begin with, there is a distinction between the EU and other groups. One can tell just by looking at the headlines and subtitles of the EU policies which include “A common immigration policy for Europe”, “Policy Plan on Legal migration” and “Policy Priorities in the Fight Against Illegal Immigration”. These show that there are different groups in the EU’s discourse of immigration.

Within the discourse of immigration, the EU mentions an area which consists of all the European Union’s 27 member states. This area is described as a single market of free movement of persons with no internal borders (COM359:2). Within the EU there has been an increasing movement of EU citizens, made possible by the collaboration within the Union. The EU differentiates the internal movers from the immigrants from the outside the Union by arguing that “these internal movements are fundamentally different from immigration from outside”. Further, they mean that immigration is a cross-border phenomenon caused by third country nationals (COM780:2).

In another policy, the EU explains that the creation of a common area of free movement brings new challenges for the European Union: “Immigration is a reality which needs to be managed effectively. In an open Europe without internal borders, no Member State can manage immigration on its own.” (COM359:2). Also, the EU means that a single state’s regulations towards immigration will affect all other member states, and the EU as a whole (COM780:2). With this, the EU is defining that the groups that immigrate to Europe are different from the ones that move within it.

In the material I have studied, the EU is constantly making the differentiation between legal and illegal immigrants clear. For example, the EU

has separate policies on these two groups of immigrants. It is pointed out that “effective management of migration must be comprehensive, and consequently address the organisation of legal migration and the control of illegal immigration” (ASIM72:2). By this, one group is seen as being allowed to enter and residing in the territory, legal immigrants. The other group, illegal immigrants, is seen as not being allowed (ASIM72:13).

In a policy, the EU argues that the Union faces certain challenges in the future. One of these challenges is the upcoming demographic trend which is threatening “the sustainability of public finances and for the viability of social protection systems in many EU member states” (COM780:2). Along with this, the EU is aiming to fulfill the objectives in the New Lisbon Strategy for Growth and Jobs in order to increase economic sustainability and to make the EU an economic competitor (COM669:5).

To deal with these challenges, the EU prioritizes attracting both EU citizens and legal immigrants to employment where workers are needed. Legal immigrants are being described as a mobile workforce which can tackle the demographic change, and find opportunities in order to “ensure economic sustainability and growth” (COM669:5). The legal immigrants are described as assets which can contribute with labor force, skills and taxes (COM780:8). These groups are permitted to travel and reside legally within the EU, either temporarily or permanently. Legal migrants are described as documented, they possess rights, and are informed about the laws within the EU’s territory. In this way, legal immigrants are allowed to enter and reside in the common EU area since they are being granted fundamental European rights and legitimacy to move within the EU territory (COM359:5). I will discuss these characteristics in the upcoming chapter.

Meanwhile, the EU is constantly referring to a group that is being perceived as something that needs to be reduced, controlled, stopped and returned in order to give legal migration credibility (COM359:11). In a policy, the EU means that: “[b]etter management of legal immigration and determined measures to combat illegal immigration are two sides of the same coin”(COM780:2). In this way, illegal immigrants are portrayed as a collective identity differentiated from legal immigrants. In a statement, illegal immigration is used to explain a variety of phenomena:

This includes third-country nationals who enter the territory of a Member State illegally by land, sea and air, including airport transit zones. This is often done by using false or forged documents, or with the help of organised criminal networks of smugglers and traffickers. In addition, there is a considerable number of persons who enter legally with a valid visa or under a visa-free regime, but “overstay” or change the purpose of stay without the approval of the authorities; lastly there are unsuccessful asylum seekers who do not leave after a final negative decision (COM402:2).

This group is an identity that neither the EU nor the legal immigrants is a part of, since they are both allowed to enter and reside in the EU territory. They even have the approval of the authorities to do so. The illegal identity is defined by



illegal entry, the unlawful residence and a lack of valid documents. In this way, the identity is separated from the EU.

When the EU proposes measures to stop illegal immigrants, it is clear that priority is given to strengthening the borders, better control of visa and document management, and to effectively returning the illegal immigrants. This makes it more difficult to enter and reside illegally within the EU (COM214:4). However, the authorities of the EU want to provide information to illegal immigrants showing how they could enter and reside in the EU legally (COM359:11). This shows that the illegal immigrants are set even further apart from the EU, since the authorities show that if they could enter in a correct way and meet the criteria set out, perhaps they could stay. It is the illegal immigrants responsibilities to enter the Union in a legal way and to meet the criteria of the EU.

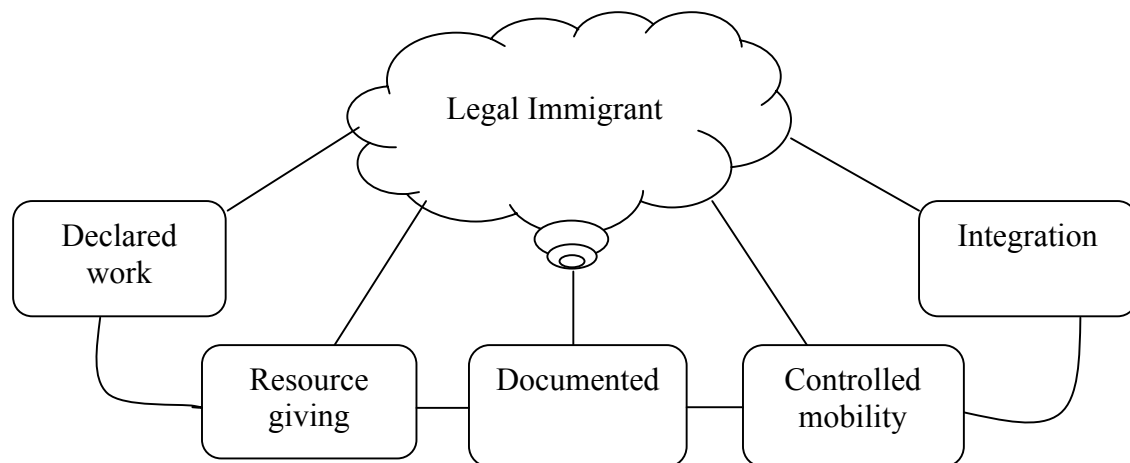
As I presented above, the EU creates two identities, legal and illegal immigrants through differentiation. Legal immigrants meet the entrance and residence requirements within the EU, while illegal immigrants do not. In this way, two different identities are constructed in relation to each other.

## 4.2 Equivalence of the Identities

In this section, I will describe the meanings assigned to the different identities using Dyrberg's theory on logic of equivalence. The identity's meaning is created when different elements are articulated and connected to the identity in a chain of equivalence (Dyrberg 1997:199). Here, I will therefore identify which elements that are connected to the identities of legal and illegal immigrants.

### 4.2.1 The Identity of a Legal Immigrant

Legal immigration is central in the EU's discourse of immigration and the identity constitutes a nodal point. The nodal point represents the identity and is in the centre of the identity discourse. Different elements are tied to it, making the identity significant. According to Dyrberg, the nodal point of an identity can also be a floating signifier, since they are nothing in and of themselves, and are open to outside influences. Because of this, the identity can be more or less fixed (Winther Jørgensen & Phillips 2000:50; Dyrberg 1997:126). I viewed the legal identity as a floating signifier, since its meaning is not fully fixed in the discourse. The EU creates this identity by connecting different elements to the identity, which gives it meaning. Throughout the material, the elements I have found the most central are: declared work, resource giving, documented, controlled mobility and integration.



Source: My construction<sup>1</sup>

In this figure the nodal point, legal immigrant, is placed in the middle. The cloud indicates that the identity of a legal immigrant is a floating signifier, since it can be seen as unclear. The links between the elements represent the chain of equivalence. In this way, all elements are connected and create the meaning of a legal immigrant.

As I shown in Chapter 4.1, the EU argues that the immigration can be an economic asset if it is managed in a proper way. But during the analysis work, it became clear that this identity is not perceived as clear. As you will see, the EU perceives the integration of immigrants to be crucial, I will address this issue in the end of this chapter.

In the material, I found the most central elements to be declared work and resource giving. In a policy, the EU indicates that legal immigration “could help increase the overall size of the labour force and alleviate labour shortages”. Legal immigration can also make the EU more competitive in the global market (COM780:2; COM359:2f).

In other statements, examples are given on how legal immigrants can contribute to achieving the Lisbon objectives of growth and jobs. First of all, legal immigrants can increase the labor force in Europe and also establish themselves as entrepreneurs. They can decrease labor shortages in both highly skilled and lower skilled jobs, and can contribute with seasonal labor that is in need in different sectors. Legal immigrants can add to the service sector. This is needed for the ageing population of the EU in form of the “pay-as-you-go” pension schemes. Finally, they can also benefit to the member states since they are taxpayers and consumers of goods and services (COM780:8). The EU aims to “increase the attractiveness of the Union for highly qualified workers and take new measures to

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<sup>1</sup> Inspired by Ylva Thor’s bachelor thesis (2011).

further facilitate the reception of students and researchers and their movement within the EU” (ASIM72:5). By this, legal immigrants are connected to the elements of declared work and resource giving to the EU, in forms of special skills and taxpaying.

Furthermore, the EU addresses the importance of a well-documented immigrant. In order to foster economic growth and to deal with the challenges of demographic change, the EU proposes how to effectively meet the member states needs. The EU speaks of a global approach towards immigration in which the Union aims to attract those categories of labor immigrants that are needed (COM669:5). In order to meet the demands of labor shortages and lack of skills the EU needs to identify which competences are needed and where these competences are located. The EU therefore proposes a category-by-category approach towards labor immigration (COM780:4). This is also made clear in the following quote:

Future economic immigration into the EU will need to be assessed inter alia in the light of the match between skills of the immigrants and national labour market needs; promoting opportunities for legal immigration should be based on this assessment (COM359:5).

Also, the EU wishes to develop immigration profiles in order to attain a complete picture of the current immigrant population and their competencies. This would facilitate the approach of meeting the needs with those who have the correct skills (COM359:6F). The EU also wants to facilitate this by offering one single application for work and residence permits. These documents will have high credibility showing the immigrant’s legal status. It would simplify the procedures for both the immigrants and employers (COM669:6). In this way, the EU connects the element of documented to legal immigrants.

The element of controlled mobility is also connected to legal immigration and the element of documented. Another way to effectively manage legal immigration is by controlling the mobility. In this way, the immigrants would move to where their competences are needed. This mobility is promoted both inside and outside Europe (COM780:10). The EU speaks of a cooperation based on solidarity between the EU and countries outside the EU. Circular migration is in the centre, meaning that a migrant should be able to effectively enter and exit the EU once he or she has attained a permit. The EU is in constant need of seasonal workers in some sectors where many third country nationals work illegally. The EU wants to improve these sectors so that workers can easily attain permits to circulate between their countries of origin and the EU. This will also reduce the risk of the immigrants ‘overstaying’. The goals are to attain a suitable workforce during a determined time and to reduce the risk of undeclared work and ‘overstays’ (COM669:6f; COM669:10). This is made clear in the following quote:

If well managed, immigration can play a significant role in alleviating the effects of population ageing and help European societies deal with labor and skill

shortages [...] EU discussion should now focus on the actions needed to manage immigration effectively and on the resources needed (COM780:7).

This leads us to the section in which legal immigration separates into two parts. The EU claims that “[p]oorly managed immigration may disrupt the social cohesion of the countries of destination” (ASIM72:3). In another policy, the EU addresses the problems with a failed integration. They mean that

immigrants are often more exposed to being employed in precarious work, jobs of lower quality or jobs for which they are over-qualified, with the result that their skills are not fully utilised (“brain waste”). This contributes to making immigrants more likely to undertake undeclared work (COM359:3).

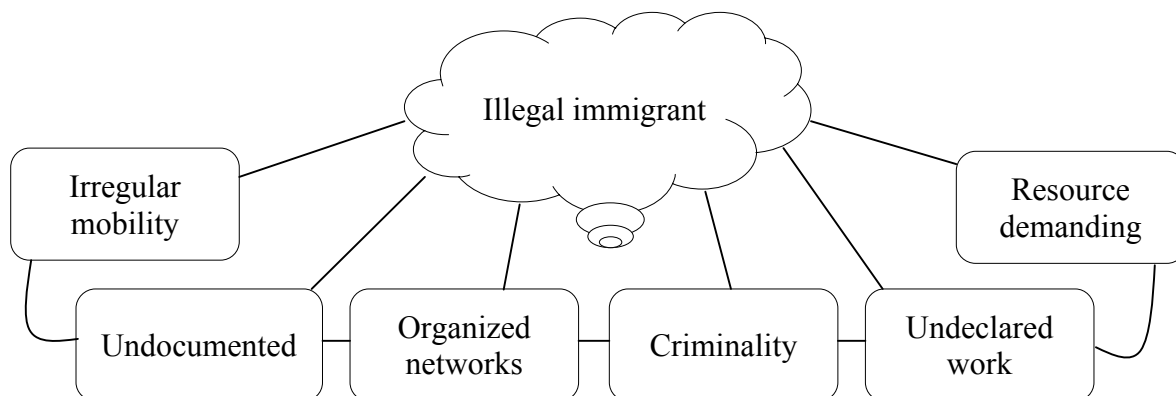
In order to solve these problems the EU points out that: “Immigrants should be provided with opportunities to participate and develop their full potential. European societies should enhance their capacity to manage immigration-related diversity and enhance social cohesion” (COM780:9).

Access to the labor market is the key to successful integration with “lawful and gainful employment”. It is also important to have proper education so that young immigrants can “influence their future participation in the labor market”. Language skills are crucial in order to enter the labor market and participate in the society (COM780:9). Also, acquiring basic European values is important in order to become a part of the European society, which enables the integration (COM359:7). The EU claims that “gains from immigration can only be realised if integration is successful” (COM780:8). This shows that integration is an element articulated to legal immigrants. The EU argues that it is crucial to be a well-integrated immigrant in order to benefit the society, without mentioning explicitly what a well-integrated immigrant is.

I have now described how the EU is articulating and connecting elements to the identity of legal immigrant. This has created a chain of equivalence, which constitutes the meaning of the legal identity.

#### 4.2.2 The identity of an Illegal Immigrant

The EU creates the identity of an illegal immigration by differentiating the identity from a legal immigrant. The identity is a nodal point since it is in the centre of the identity discourse. Different elements connect to the nodal point in a way that creates meaning (Winther Jørgensen & Phillips 2000:50). The identity of an illegal immigrant is a floating signifier, since the true meaning of it is unclear. In the material, a number of elements are connected to it. The ones I found most central are irregular mobility, undocumented, organized networks, criminality, undeclared work and resource demanding.



Source: My construction<sup>2</sup>

As a contrast to legal immigration, illegal immigration is described as a challenge instead of an economic opportunity (COM780:2). In the figure, the illegal immigrant is in the centre, representing the nodal point, with different elements connecting to it.

After looking through many definitions, the most prominent element I found that is linked together with illegal immigration is the element irregular mobility. The element irregular is such a common term that the EU sometimes addresses illegal immigration as irregular immigration. This word, irregular mobility, explains the nature of illegal immigration and will be an element that is present through the analysis. In “Communication of Migration” immigrants are referred to as irregular since they do not move or act in a determined or regulated way. Since they immigrate without the approval of the authorities, the EU states that an influx of irregular immigrants “affects social cohesion and the trust of citizens in an area of free movement without internal borders” (COM248:4). The element is therefore often referred to when the EU proposes measurements to increase the credibility of immigration (COM248:9).

In a policy, the EU means that it needs to “take effective action aimed at preventing irregular migration, establishing integrated border management, document security and to fight organized crime, including trafficking in human beings and smuggling of migrants” (COM248:17). This quote shows that the EU tries to decrease the irregularity by controlling both the immigrants who want to enter and the ones who are already inside (COM248:4).

Another element that is connected to illegal immigration and irregular mobility is the element undocumented. In a policy, the EU writes “Statistics on

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<sup>2</sup> Inspired by Ylva Thor’s bachelor thesis (2011).

the presence of irregular migrants are – by their very nature – difficult to obtain”. When illegal immigrants become regulated, one can see their true population (COM780:5). Because illegal immigrants are undocumented, they are perceived as irregular. It is essential to be documented in order to reside in the EU. The EU proposes different policies to prevent undocumented migrants in the EU. One of them is to regularize illegal immigrants based on fair criterias, but the EU wants to avoid mass regularization of illegal immigrants. It is not a sustainable alternative in order to deal with the presence of undocumented illegal immigrants (COM359:14). The other policies aim to strengthen the borders in order to secure the entrance to the EU and increase document security (COM248:7).

Effective and credible external borders are essential. The EU must be capable of managing the flows of persons who wish to travel for a short period or to migrate legally to the EU while preventing from entry those who are not entitled to enter. (COM248:7).

The EU means that the borders should control both visa and residence permits. These borders are also supposed to detect falsified documents, in which the immigrant uses a false identity or commits identity theft. In this way the border control can prevent immigrants from undocumented entry. Document security is also crucial after entry (COM402:7) since the immigrant can have entered legally but changed his purpose or over-stayed his VISA (COM402:2). The EU proposes measures to be taken in order to increase internal security. The agency Eurosur has a mission to control the document security within the EU (COM359:12).

Other elements that are being associated with illegal immigrants and irregularity are criminality and organized networks. In the following quote, organized networks are connected to both irregularity and criminality: “Organized crime is responsible for trafficking human beings or facilitating irregular migration and it constantly adapts its methods and routes” (COM248:7).

However, there is no clear consensus in what role the illegal immigrant has in the organized networks. The EU addresses two kinds of organized networks in the material I have studied. In the first one, the immigrant is seen as a rational actor which takes an active choice to enter the EU illegally through smuggling networks (COM248:5). The EU therefore proposes to “fight against the networks and groups that organize and participate in human trafficking”(COM248:5). Here, the EU is focusing on both the groups that are organizing the networks and the ones that actively participate in them.

In the second kind of organized networks, the focus is directed towards the illegal groups that organize trafficking. In these networks, the illegal immigrant is seen as a victim who is smuggled into the EU without any choice. Here the proposal is to “fight against this form of slavery by punishing such criminals more severely, as well as addressing prevention, protection and assistance and support to victims, with an emphasis on the most vulnerable” (COM248:9).

Regardless of which role the illegal immigrant has to play in the organized networks, the EU’s goal is to ”prevent a large number of economic migrants crossing the borders irregularly. To reach these objectives effective management

of the EU's borders is a condition of credibility inside and outside the Union"(COM248:3).

Undeclared work is another central element, which is tied to illegal immigration, criminality and organized networks. Undeclared work and illegal employment are often described as pull factors which attracts the rational illegal immigrant to migrate to Europe. Undeclared work is also seen as a gateway for organized networks to smuggle a workforce into undeclared work (COM402:9). Even here one can see patterns of the illegal immigrant as either a rational actor or as a victim.

Undeclared work usually occurs with seasonal work, and reduces the credibility of legal migration while it "erodes Member States' tax revenues". The undeclared employment is also preventing the worker from benefiting from social welfare where workers can sometimes work in slave-like conditions. Jobs that are shifting to undeclared work can also contribute to a resentment of legal workers and the jobs risk being taken by illegal immigrants (COM402:8). The EU is focusing on actions to encourage member states to locate undeclared employers since they have a pull factor on illegal immigrants and organized networks. They believe that as long as the member states "offer such openings it will not be possible to manage immigration flows coherently." The EU continues to say that, if undeclared employment is not prevented, flows from irregular immigration is expected to increase (COM780:5).

There are some elements that are not mentioned explicitly in the statements. Since the goal of discourse analysis is to identify what is said and also what is not said, I want to address these elements anyway. In a policy, the EU argues that push factors such as poverty, unemployment, conflicts, environmental degradation, bad governance, lack of access to education, and health are reasons why people choose to migrate to Europe (COM402:4). Meanwhile the pull factor is "quite simply related to the fact that as migrants seek a better life, they will continue to head for the EU as long as life chances are better here than in their home countries." (COM402:8). The groups seeking international protection are welcome to seek asylum in the EU, but:

The European Union, however, does not have the resources to decently receive all the migrants hoping to find a better life here. Poorly managed immigration may disrupt the social cohesion of the countries of destination. The organization of immigration must consequently take account of Europe's reception capacity in terms of its labor market, housing, and health, education and social services, and protect migrants against possible exploitation by criminal networks (ASIM72:3).

The EU implies that the groups that are going illegally to Europe are hoping for a better life. However, the EU can only meet the needs for those seeking international protection, not the groups just hoping for a better life (COM402:8). I can therefore argue that the EU perceives illegal immigrants as resource demanding.

## 4.3 Discussion

I have now described the identities I found in my analysis with the help of Dyrberg's theory about identity construction. In Chapter 4, I could see that the EU is differentiating between legal and illegal immigration. The EU is drawing lines in the discourse of who is seen as inside and outside the EU territory. In the Chapter 4, I described through statements how the EU gives meaning to the identities by connecting elements in a chain of equivalence to the identity. The most central elements in the identity discourse of legal immigrants are declared work, resource giving, documented, controlled mobility and integration. This contrasts with the illegal identity which was given the elements irregular mobility, undocumented, organized networks, criminality, undeclared work and resource demanding. In this way the EU is constructing the identities through both differentiation and equivalence.

In Chapter 2, I refer to a political authority that has become a hegemonic actor that is able to create an identity of the society. Through language the political authority can categorize people and construct identities so that they feel like reality (Dyrberg 1997:123ff). From the background one can see that the EU has become an international actor on immigration politics. It is unclear however, whether the discourse represents the other member states discourses or if the EU speaks for the society. One can speculate, whether the EU's increasing influence within immigration politics can affect other immigration discourses and if these identity constructions will be perceived as real in the future.

I have also found that the delineation between the identities of legal and illegal immigration is not distinct. In the definition, the EU mentions immigrants whose purposes for staying change against the EU's criterias. Unfortunately, it is difficult to obtain what a change of purpose is and which purpose determines whether the immigrant becomes illegal or legal. It is also unclear whether taking illegal employment classifies one as an illegal immigrant, or if an immigrant also would have to reside illegally. This has not been problematized in the discourse and leaves us without answers. Throughout the material, it is therefore not clear which element is most important in the identities. However, the connection between all elements in each identity is important, and together, they create a chain of equivalence.

In Chapter 2, I described how identities are created by differentiation, especially negation. In the negation process the political authority always excludes what is not part of the identity. The clearest identity is therefore the identity that is being referred to as "not us", since an identity never expresses what it is without relating to something else. Because of this, the clarity in the first identity is reduced and can be perceived as homogenous (Dyrberg 1997:146f,121f). In my case, it is easier to identify the perception of what is not part of the legal identity, that which constitute the illegal identity. However, this identity is very broad and is based on a variation of factors. Unsuccessful asylum seekers are fused together with the people organizing criminal networks, rational choice immigrants, those who over-stay their visa, undeclared workers, the



victims that are trafficked to Europe, and so on. It seems like the EU has a clear vision of what is not part of the legal identity.

Meanwhile, one can think that the legal identity is more precise. But the EU never explicitly mentions what it is, just what it would mean if it were managed correctly. The reason why it is not explicitly mentioned is because the EU is creating the discourse and for them it is obvious what the legal identity is. The identity therefore becomes homogenous. This identity is based on what is perceived as being allowed to enter, and it includes the people who attain the “right” purposes. It is also based on what the member states need in order to foster economic growth and whether they have enough resources to manage the immigrants correctly. Since the legal identity is not problematized it can be seen as a fixed identity in the discourse. Meanwhile, the illegal identity is based on variations of factors. It is for example unclear which role the illegal immigrant has in the element organized networks or if it matters. The identity can therefore be seen as floating signifiers since it is open for inscriptions and can consist of many factors.

In the end of a negation process, the first identity can become a double-negation and the constructions can be forgotten (Dyrberg 1997:146f). The legal identity can become a “not-not legal immigrant”. However, this is hard to distinguish in the discourse. Only time will tell if the EU’s legal identity will change in accordance with how the illegal identity is not, and if the illegal identity also will be fixed.

Since identities are emerging in a process of negation, the chains of equivalence are created in reverse. All the elements that are connected with legal immigration are therefore connected in an opposite way of the illegal immigration. It is unclear what is corresponding to the illegal immigrant’s elements criminality and organized network. Maybe it is the “European values” that the legal immigrant attains when it is integrated, which enables the immigrant to differentiate what is “right” and “wrong”. The term organized network can correspond to the EU, an authority that is likewise deciding who is allowed to enter, and who is not. It also recruits and organizes people to work. But the discourse does not give any clear answers to that either.

In Chapter 2, I described how enemies could constitute a referring point, which the given identity relates to in order to fix its identity. Finally, I want to address the fact that the illegal immigrant’s elements are connected in a chain of equivalence, which constitutes a threat towards the legal identity, and thus the EU (Dyrberg 1997: 119ff, 128). In the discourse of immigration the EU is particularly focused on declared/undeclared work and controlled mobility/irregular mobility. The undeclared work constitutes a pull factor which creates irregular mobility. It also reduces tax revenues, can be seen as illegal employment and preventing businesses from operating legally. Meanwhile, declared work and controlled mobility can minimize the risk of overstays (irregularity) and generally fuel economic growth. Illegal immigration also contributes to irregularity within the Union by having organized networks and undocumented immigrants. The EU explains how the illegal immigrant reduces the credibility of the legal immigrant, is affecting the social cohesion of the EU and the trust of free internal movement.

It is seen as something that needs to be stopped in order to increase the overall credibility of the Union.

It is also interesting to highlight the importance of a well-integrated legal immigrant in the EU's discourse of immigration. The elements that are connected to a badly integrated legal immigrant resemble the characteristics that are connected to the illegal immigrant, such as undeclared work and illegal employment. A badly integrated immigrant is also described as a "brain waste". If the immigrant is not legally working, the element resource giving in form of tax and skills is changed to the element resource demanding, since it acquires resources to be integrated. According to the EU, a badly integrated legal immigrant also risks reducing the cohesion of Europe. The element integration can therefore be seen as a floating signifier since it is not clear what integration is, just what it could mean. With this, I can see that the EU has a clear view of what illegal and legal immigrants are, and what can constitute a threat towards the EU if immigration is not managed in a proper way.

# 5 Conclusion

Finally, we have arrived to the conclusion of my thesis. In the Introduction I introduced two thesis questions that I hereby wish to answer with summaries from my analysis and my discussion.

- How does the EU construct the identities of legal and illegal immigrants in the discourse of immigration?
- Which meanings are assigned to the identities in relation to each other?

## 5.1 Conclusion and Reflections

I found that two main identities, legal and illegal immigrants, were created in the EU's discourse of immigration. Both identities are in the discourse separated from each other and are assigned different meanings. The meanings are created in a chain of equivalence where the EU articulates different elements and connect them to the identities. Legal immigrants is connected to the elements declared work, resource giving, documented, controlled mobility and integration, which together constitute its meaning. It is seen as a resource if it is managed in a proper way. Meanwhile, the EU is creating the illegal immigrant by differentiating the identity from a legal immigrant. Illegal immigration is connected to the elements irregular mobility, undocumented, organized networks, criminality, undeclared work and resource demanding.

I have concluded that the legal identity is homogenous in the discourse. This is due to the fact that the EU creates the discourse. Also, the identity depends on what the EU sees as being allowed to enter, based on needs and the existing resources of the EU. The illegal identity construction can be understood as a political strategy where the EU excludes what is not part of the legal identity. Thus, this identity becomes clearer, and constitutes a problem towards the legal identity and the EU as a whole. The EU is constructing the illegal identity as something divergent which eventually can become fixed.

I have concluded that the construction of a badly integrated immigrant resembles the illegal identity. Where the EU has a clear vision of what a badly integrated immigrant is and without mentioning explicitly what a well-integrated immigrant is. By this, I understand which roles the legal and illegal immigrants have in the EU's immigration politics and what they would mean if they were managed in the "right" way.

Even though legal and illegal immigrants are two different identities, I have also discussed that they have a mutual relationship. They are dependent on each other in order to exist. Because of this, they will always change into what the other is not. This means that the legal identity can always change in accordance to national/international events, and the illegal identity will emerge as “what the legal identity is not”.

I also want to address the fact that discourses and identities are contingent upon other discourses (Winther Jørgensen & Phillips 2000:159). Because of this, there are always other possible of identities that the EU is excluding. In the current situation, an immigrant becomes illegal if he does not reach the criteria of the EU. According to me, this affects numerous of people that do not fit in what the EU considers as legal. Some people that choose to immigrate to Europe get fused together under the same illegal category. The responsibility is on the illegal immigrant to immigrate legally and few measures are taken to regulate them in order to make them legal. If the EU must categorize people my proposal is that they categorize with great caution. In the current situation, large numbers of human beings are affected and it makes less immigrants welcome into the EU.

## 5.2 Further Research

Finally, I would like to give some suggestions for further research. First of all, it would be interesting to examine if the political authority, the EU, is speaking for the society. If so, it would influence all the other member states immigration policies, enabling the perceptions to feel real.

Also, my focus has been drawn towards one particular group which was not treated in this thesis, asylum seekers. The reason why I find this group interesting is because this group migrates to the EU hoping for a better life, in the same way that other groups do. They will accept any possible way in to the EU in order to gain protection. What I would to suggest for further research, is to examine if these groups are being mixed up with illegal immigrants, and if it is difficult to reach the EU in order to seek protection. This issue is especially interesting considering the EU's approach to fighting illegal immigration which focuses on strengthening the borders, making entry to the European Union difficult.

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