

DISCOURSE ANALYSIS OF MIGRATION POLICY CREATION:
THE EUROPEAN PARLIAMENT AND THE AMSTERDAM TREATY

by

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(Under the Direction of Kavita Pandit)

ABSTRACT

Most international migration theory has focused on the economic and social impulses that drive migration while paying little attention to the effect of state policies. Recently, scholars have suggested that migration policy has an important effect on migration outcomes. Given that policy has real effects on observed migration, closer attention must be paid to the formation of this policy. The European Union, with its emerging supranational migration framework, provides a timely case to consider the migration policy formation process. Particularly noteworthy when considering the process of policy formation within the EU is how scale and various political, economic, and social ideas are employed in political discourse. The purpose of this paper is to demonstrate the way these factors were employed in shaping the European Union's migration policy before the creation of the Amsterdam Treaty in 1997.

INDEX WORDS: Amsterdam Treaty, Discourse, European Union, Migration, Policy, Scale

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CHAPTER 1 INTRODUCTION

The literature on international migration has grown exponentially in the last few decades along with the tremendous increase in international labor flows and refugee migration. Most work has focused on the economic and social impulses driving this migration and has given us valuable insights into economic push and pull factors (Thomas 1973; Massey 1993; van der Gaag et al. 2000), the importance of social networks (Boyd 1989; Wood 1981; Zhou 1992), and the role of global capital (Portes and Walton, 1981; Sassen 1988; Morawska 1990), among other areas of study. Only recently, however, have authors argued that migration policy is an important determinant of migration outcomes. Many of these same authors have also suggested that because policy has real effects on observed migration, closer attention must be paid to the formation of this policy. Two points are particularly noteworthy when considering the process of policy formation.

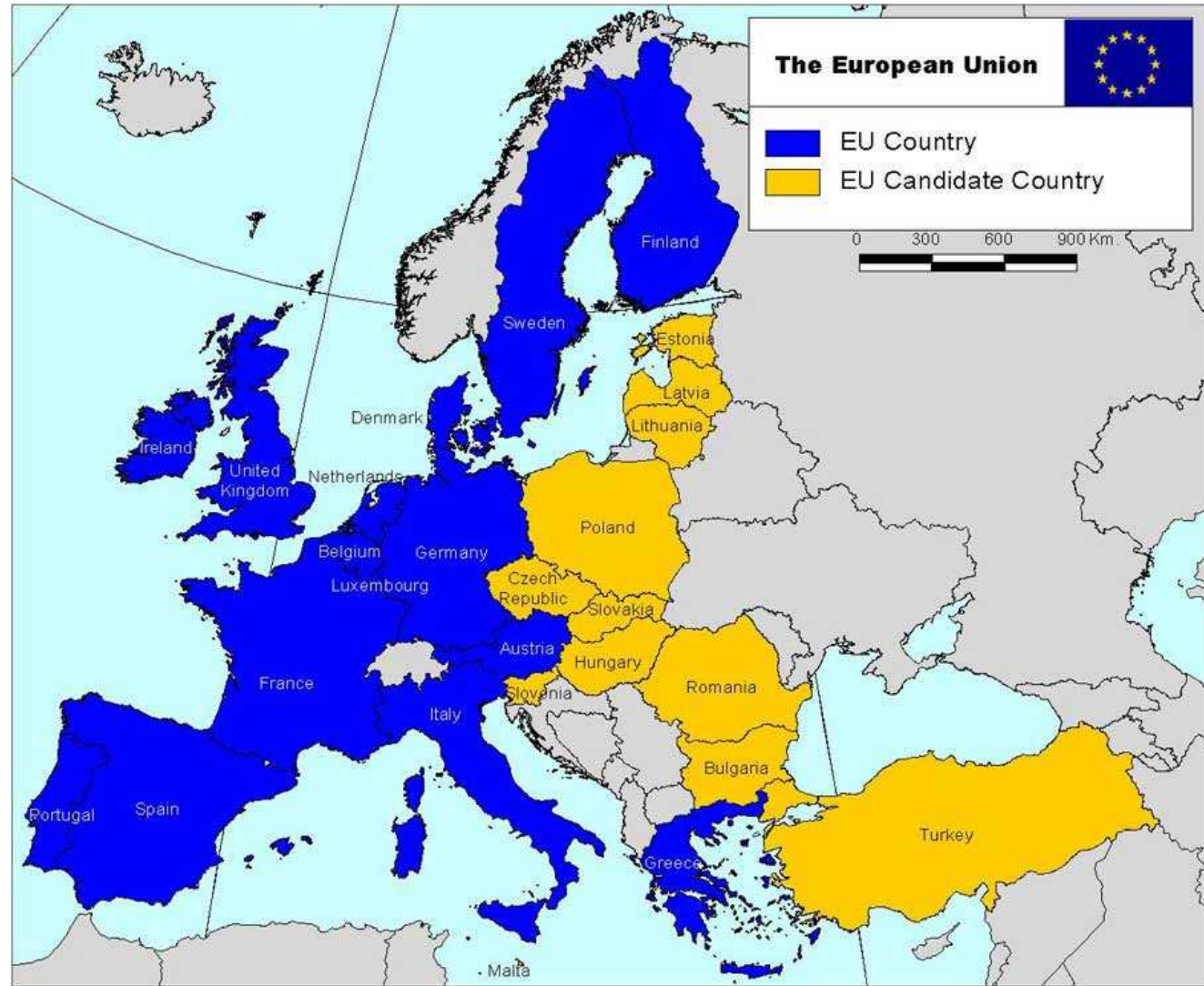
First is the issue of how discourses concerning geographical scale are deployed during the policy formation process. Studies such as Leitner (1997) show that this process is rife with contention, with actors representing constituencies of different scales attempting to shape policy towards ends they view as desirable. For example, politicians representing border communities may have agendas different from those of actors representing regional or national economic interests. Further, while the creation of migration policy is contentious enough for national governments, it is even more debated in a supranational organization such as the European Union, where issues of state sovereignty are added to the already tumultuous mix of partisan interests. Understanding

the manner in which scale plays out in migration policy-making is, therefore, critical to understanding the process of policy formation.

Second, work by Chock (1995), Yanow (2000), and others has found that political actors rely on specific discourses to cast migration issues in a way that furthers their own interests. Each speaker's subjective experiences determine his or her discourse, which includes key words and phrases that provide insight into that speakers' perceptions of a particular conflict, including those involving economic and cultural issues and scale. For example, a speaker may refer to a border as a "wall against migration," which carries a very different connotation than another speaker's reference to a "gateway of opportunity." These differing views of migration result from the speakers' individual perceptions of the issue, which are influenced by each speakers' subjective experiences. The examination of specific discourses yields important insights into the way the subjective interpretation of an issue by political actors shapes migration policy.

The European Union provides an excellent case for examination, given recent initiatives to create a single migration policy for the entire EU to supplant the migration policies of individual member states. The European Union comprises fifteen member nations: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, and the United Kingdom. The purpose of this union is to foster economic growth and integration, establish a European citizenship, and ensure security for its member nations. Towards these goals, a sophisticated administrative structure has developed since and through the inception of the European Community in 1950, the Maastricht Treaty, and the Amsterdam Treaty, among other significant initiatives. The EU (Figure 1) has, as one of

Figure 1: EUROPEAN UNION MEMBER AND CANDIDATE COUNTRIES



its primary characteristics, an “area of freedom, security, and justice” (Melis, p. 49 2001).

The benefits of the creation of a united area were several fold:

balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among the Member States. (Melis, p. 61 2001)

An important prerequisite to the creation of this common market is the establishment of policies that allow freedom of movement of persons, capital, services, and goods across national borders. Such freedom allows for a geographic fix to local problems concerning the supply, demand, and costs of these factors of production. Control of all of these factors of production is shifted to the external border of the EU, creating what has been referred to as “Fortress Europe.” Once any of these factors has entered the EU, they are open to move freely (Melis 2001).

Several initiatives have contributed to the creation of this area of freedom, including the *Schengen Agreement* of 1985 and the *Maastricht Treaty* of 1991. The most recent of these initiatives, and one of the foci of this paper, is the *Amsterdam Treaty*, which entered into force on May 1, 1999 (Leitner 1997). While this treaty served several purposes regarding rights and freedoms of European Union citizens, two of its most important contributions are to European Union migration policy. The first was to further specify EU policy on issues such as internal movement of EU citizens and the entrance of asylum seekers into the European Union. The second was to shift control of immigration and internal migration issues from the national scale to the supranational scale.

Given this, the examination of migration policy formation in the EU is likely to produce valuable insights into how scale and discourse shape policy outcomes.

PURPOSE, SCOPE, AND STRUCTURE OF THESIS

The purpose of this thesis is to investigate the European Union's Amsterdam Treaty of the late 1990s and the discourse within the debates of the European Parliament that occurred during the year prior to the signing of this treaty to determine the nature of sentiment in the European Union on various issues of migration. Specifically, I seek to investigate:

1. the text of the Amsterdam Treaty in order to assess the European Union's perceptions on migration within and to the EU, and how its position on each of these differs. Specifically, are internal migration and immigration viewed as being beneficial or detrimental to the economy, security, and overall well-being of the European Union?
2. the nature of the debates that occurred leading up to the creation of the Amsterdam Treaty to identify the key political actors, issues, and geographic scales involved in the crafting of the Amsterdam Treaty. Unlike EU treaties and official documents, these debates have the potential to offer the uncensored (or less carefully edited) opinions of the EU council members on the desirability of migration. Specifically, what are the opinions of the EU, as reflected by differing discourses relating to various relevant discursive artifacts, on the desirability of immigrants, internal migrants, and refugees? What role does scale play in the creation of regulations for each of these migrant groups?

This thesis makes several contributions to the international migration literature. A growing body of literature seeks to demonstrate that migration is a politicized event; it

does not occur within an apolitical vacuum. This thesis acknowledges that fact, and takes it one step further to show that we must also consider the processes that occur in creating migration policy. In addition, this thesis exposes some of the specificities of policy creation within a supranational organization, a relatively new, unique, and unexamined form of state political administration. These include issues of economics, security, culture, and scale, and the way these various ideas are employed by members of states who are competing to protect individual interests, yet are cooperating for the good of the EU as a whole.

This thesis is organized as follows. Chapter 2 is a brief overview of the literature on the contentious process of migration policy creation. Chapter 3 includes background on the European Union with a focus on initiatives and institutions most pertinent to this study. Chapter 4 details the data and methodology and chapter 5 contains the findings of the study. I conclude in chapter 6 with a discussion of the findings and their implications for the study of migration.

CHAPTER 2 THE CREATION OF MIGRATION POLICY

An understanding of the migration policy creation process in the European Union requires an understanding of three disparate but interlinked bodies of literature: factors influencing migration policy; the construction of scale in migration policy; and migration discourse.

FACTORS INFLUENCING STATE MIGRATION POLICY

Theories of international migration have historically found economic push and pull factors such as unemployment rate, economic growth, and GDP per capita as the major determinants of migration. The manner in which the migration policies of both sending and receiving countries influence international migration is generally overlooked. State policy can influence migration by strengthening or limiting the freedom to immigrate or emigrate. Because individuals create state policy, it will have bias infused into it (Zolberg 1999). Therefore, it is important that we understand not only what the goal of the policy is, but also why that goal is desirable and whom it is intended to serve.

Several authors have recently taken up the charge of investigating the influences on migration policy formation. The most often cited influences on migration policy relate to economic conditions, concerns relating to security and crime, and cultural differences, though there is a significant degree of overlap among these.

The majority of authors that discuss the process of migration policy creation frame it largely in economic terms, though the specific influences cited and the scale at which they operate vary from author to author. Some authors discuss policy creation as a

process influenced by transnational economic processes. For example, Zolberg (1999) cites capitalism and international relations between countries as the primary influence of migration policies. This has resulted in immigration policies' continued unilateral character; migration policy decisions within the core are made without regard for their effect on peripheral third-party countries. They are made to preserve the privileged positions of the most economically developed countries by preventing open borders that would result in a supply of labor that is more geographically flexible in meeting labor demand.

Although several authors focus on the economic benefits of restrictive immigration policies, immigration has often been appreciated and even sought out as a source of labor in industrialized countries during times of economic growth and stemmed during times of economic stagnation (Harris 1995). This occurs through the relaxation of immigration restrictions that are often targeted at specific groups of which there is a perceived shortage, and through the tightening of immigration controls during economic downturns when unemployment surges. These economic conditions work in conjunction with the voices of capitalists and landowners on one side, and workers on the other, to influence migration policy (Massey 1999). Both sides view immigrants primarily as labor that is expected to drive down wages, a condition that is discussed as being attractive to capitalists and opposed by workers. Landowners typically side with capitalists but view immigrants as tenants rather than labor.

These political actors seek to influence policy with the retention of power as the primary concern (Hollifield 2000). Immigration policy is the result of these competing interests interacting within political arenas at multiple scales to increase or decrease the

flow of migrants (Massey 1999). In this scenario, the views of immigration by workers are diametrically opposed to those of landowners and capitalists. Kay Hailbronner (2000) suggests that employers see immigrants as a flexible, inexpensive source of surplus labor with clear economic benefits. They allow corporations to produce more efficiently by increasing competition for limited employment, resulting in reduced wages. Illegal immigrants have the additional desirable characteristics of having little organization and usually little education, and are thus very compliant with demands of employers for fear of job termination or deportation.

Zolberg also discusses migration policy as the political expression of public and special interest groups' reactions to economic conditions. He discusses pro-business groups and immigrants as "strange bedfellows" that have, with their increasing numbers, gained a political voice and have worked together in arguing for more immigration (1999 p. 87). In opposition are labor groups and nativists who generally argue for restricted immigration. This political battle is presented as involving scale, with the balance of concentrated costs and benefits of immigration at the local scale determining which of these competing groups succeeds. However, these costs and benefits are not purely economic. Social service strain, crime, and social conflict are weighed against the economic benefits to determine whether local anti-immigration groups or pro-immigration groups gain political support, a national political voice, and the subsequent ability to shape immigration policy towards their desires.

Several other authors cite security and cultural issues as a significant influence on migration policy. As Zolberg suggests, however, security and cultural issues associated with migrants are often strongly associated with economic conditions. For example,

according to Hailbronner (2000), labor views immigrants primarily as competition for low-wage earning jobs, thus creating disharmony with natives as competition increases for low-skill employment and low-cost housing. Economic competition between natives and immigrants results in and works in conjunction with perceptions of immigrants as being criminals and culturally different than natives in creating opposition to immigration. The expression of concerns over economic conditions often occurs through nativist sentiment and subsequent political discourse that is responsible for policy change. For example, migration policy can be reactionary, with increasingly strict entry requirements being enacted during times of intense immigration flows. These restrictive policies are a reaction to popular views of migrants as increasing competition in the workforce, resulting in unemployment and lower wages (Massey 1999). Cornelius et al. (1994) discuss the insatiable demand for unskilled labor in core countries, necessitating and resulting in significant migration flows from peripheral countries, even with restrictive immigration policies in place. Two conditions emerge: a perceived gap between policy goals and policy outcomes, and societal conflict resulting from a growing, heterogeneous population. The latter condition is cited as the cause of growing nativist attitudes, which act as impetus for fixing the perceived gap between policy's intent and reality.

These authors suggest that migration policy is primarily the result of governments trying to maintain a balance in migration in order to allay the fears of the native population while also addressing the desires of capital and landowners. The result is a stance by most governments on migration that is characterized by double-speak. In this vein, Harris (1995) states that governments routinely make exceptions to their anti-

immigration policies for the skilled or rich. During times of economic prosperity, governments may enforce immigration policies less vigorously, allowing undocumented migrant workers to enter the country and those already present to remain. According to Massey (1999), deportation is inversely related to the gross national product and directly related to the unemployment rate; fewer immigrants are expelled during times of economic prosperity than during times of economic stagnation.

Shifting the politicization of migration policy to the transnational scale, Hollifield (2000) claims that migration policy is partly determined by international relations. Refugee status and notions of asylum, for example, are socially constructed, with citizens of a rival state more likely to be discussed in terms of oppression, and thus more likely to be granted asylum, than equally oppressed citizens of a friendly state. Characteristics of the individual migrant play a smaller role than does the relationship between the source and destination countries. Cornelius et al. (1994) also cite international relations as influences of immigration policy. Core countries coordinate their policies to handle large immigrant flows, especially of asylum seekers, to facilitate the dispersal of the burden of asylum seekers among several countries. This practice is reflective of the shift of migration from being an issue of “low politics” (labor and demographic issues) to “high politics” (international relations, national security). The European Union is composed of countries that have taken this shift to the extreme. Its countries share identical asylum and immigration policies. While immigration is undoubtedly still a labor issue within the EU, it has also been recast as an issue of national security.

SOCIAL AND POLITICAL CONSTRUCTION OF SCALE

Whereas the economy, security, and cultural factors all discursively play an important role in migration policy creation, scale is also employed in migration policy discourse. This is especially true in the case of the European Union, with its drive to shift migration controls, which have traditionally been exercised at the national scale, to the supranational scale (Leitner 1997).

Given this current redistribution of power among different scales of administration within the EU, the need for a clearer understanding of the meaning of scale and its employment in political discourse is evident. Several authors have recognized this in arguing against the problematic, unquestioned presupposition of the local, regional, national, supranational, and global as a hierarchy of universally understood, discrete units of analysis (Cox 1996; Smith 1992). Scales are not discrete, universally understood, or fixed containers of processes (Leitner 1997). Smith and Dennis (1987 p. 167) argue that while “the division between urban, regional, national, and international scales is generally taken for granted, ...There is nothing preordained about the scale of regional constitution”.

Perhaps the most important revelation regarding scale for this project is that scale is periodically reconstructed in response to structural transformations (Marston 2000; Smith and Dennis 1987). Several authors suggest that the EU’s drive to supranationalize migration controls, and the EU in general, evidence a post-World War II shift of focus from the national to the supranational as the operative scales for political identity and action (Agnew 1997; Brenner 1997). Brenner, for example, claims that the primary means of territorial organization has shifted from a collection of inwardly looking nation-

states composed of subordinate regional and local units to a collection of states whose “primacy . . . has been compromised, both from below and above” (1997, p. 274). The degree to which policy decisions are made at the level of the nation-state is decreasing as a result of the increasing importance of subnational units of governance in capital accumulation and supranational institutions such as the European Union in assuming some of the administrative roles traditionally filled by nation-states.

This reconstruction of scale is not trivial; the social construction of scale is strategic and has material and political consequences (Marston 2000). For example, because the national scale is no longer the sole or even primary level of administration at which control is exercised, it is not the only level of administration at which effectual political discourse occurs, as evidenced by migration debates that occur within the EU Parliament. In addition, Jonas (1994) discusses scale as a tool used by political entities to position themselves and other groups within a hierarchy. For example, subordinate groups may use scale to portray themselves as being oppressed. Conversely, groups may portray themselves as being national or global entities, gaining an aura of legitimacy or power in the process. Work on the politics and social construction of scale has demonstrated, for example, the strategic deployment of scale by labor unions in contract negotiations (Herod 1997), the use of differing conceptions of scale in the creation of identities by Italian political parties (Agnew 1997), and the importance of the employment of transcendent notions of scale in political resistance (Staeheli 1994). These and other authors suggest that scale is not merely a conceptual convenience, but is a tool employed to shape political discourse (Cox 1998).

Within the European Union, Leitner (1997) suggests that issues of scale have figured prominently in the shape and timing of internal and international migration policies, influencing at what level of administration power is held, over what geographic area the power is employed, and the principles according to which the policies are created. Leitner investigates the way scale has been politically constructed within the EU and the power struggle that occurred between “overlapping or mutually inclusive political territories” (p. 125). While sub-national political entities played a role in this power struggle, the conflict has been largely between political actors at the national and supranational levels.

According to Leitner, the EU has expanded limited labor migration to nationals of non-EU countries such as Poland, Hungary, and the Czech and Slovak Republics through association agreements. In conjunction with these migration provisions, the EU has also pressured these Central and Eastern European Countries (CEECs) to strengthen their migration controls. The EU has in essence created eastern buffer states by surreptitiously imposing its will on several CEECs’ immigration policies and, in the process, brought these countries under its umbrella. The end result is the imposition of the EU’s will beyond its borders.

The two topics addressed by Leitner with the greatest relevance to this paper involve the way the EU has deployed scale to influence actual policy outcomes and the power struggle between advocates of national migration controls and those who believe that support the establishment of a migration framework for the entire EU. Leitner characterizes this framework primarily as “restricting geographic admission and legal protection” of third country nationals (TCNs) (p. 133). Towards this goal, the EU has,

for example, shifted the power to grant asylum to the state in which the applicant first arrived. The decision made then applies in all EU states, preventing an applicant denied asylum the ability to reapply in other member states. While in this example the decision remains at the national level, its effects span the territory of the Union.

According to Leitner, establishing this supranational migration framework involved severe tension between representatives of national-level politics and supranationalists. The debate between these two groups focused primarily on the reconstruction of the scale at which political authority rests—the tension on which this paper focuses. The former group advocates a strategic supranational association composed of EU member states, while the latter advocates shifting authority to supranational level institutions. Leitner suggests that the supranationalization of policy simultaneously represents a loss of cultural identity and nationhood to nationalists and symbolic and practical evidence of integration to supranationalists. As becomes evident in those debates of the European Parliament that focus on migration, nationalists fear that ceding control over these issues to a higher authority will have far reaching consequences, including the inability to protect the economic interests of citizens, increased xenophobia, and eroded cultural identity.

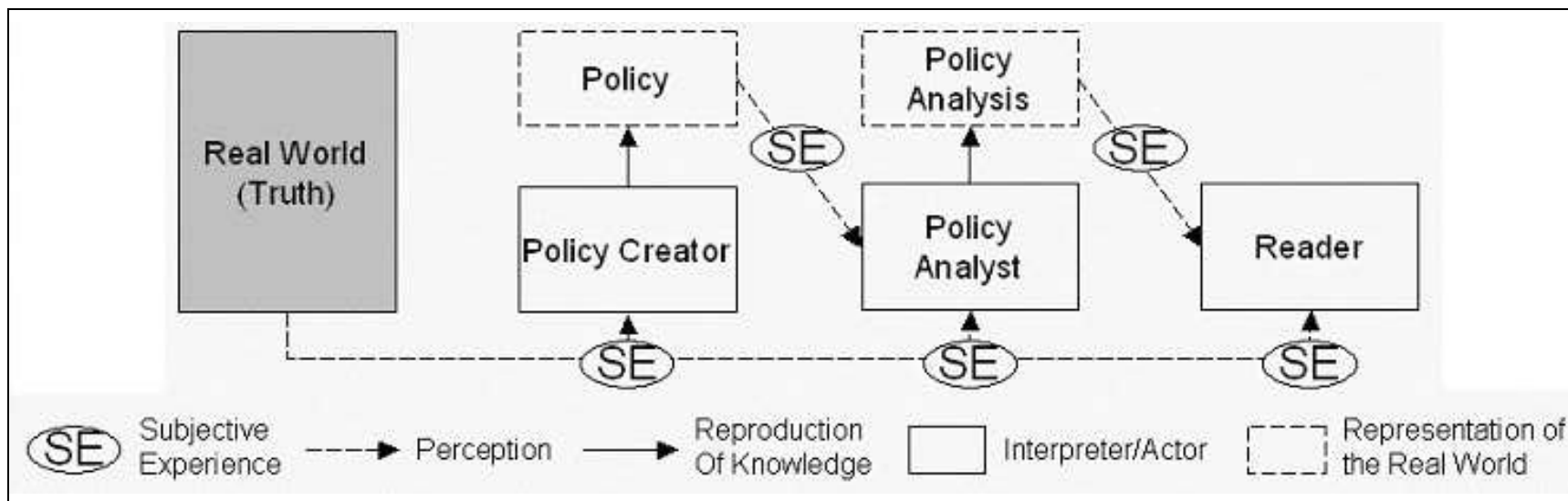
MIGRATION DISCOURSE

Economic conditions, security and cultural issues, and scale all play an important role in the migration policy creation process. However, it is also important that we understand the way these ideas are communicated through the statements of individual actors during this process. Discourse analysis theory and techniques provide a framework by which the subtleties of discourses and the differing positions of political actors may be determined.

The supposition of discourse analysis, in contrast to positivist assumptions of knowing, is that the world can only be interpreted, not known. Policies, like all forms of written or spoken text, are open to multiple interpretations; discourse does not have one objective meaning. Written policies and verbal arguments hold different meanings for every individual involved on the creating and receiving end. Often, the different meanings the policy holds for different entities is hidden from each of the other entities. For example, those responsible for implementing a policy may bear witness to its racial implications whereas the policy's authors, having never directly seen its impacts in practice, view it largely as an economic tool. On the other hand, policy authors may have an ulterior motive behind the creation of a policy, but package it in ambiguous or seemingly value-neutral discourse that presents the policy as being benign (Yanow 2000).

Figure 2 is a diagram demonstrating the various ways in which subjectivity is injected into various steps of the policy creation and interpretation process, using this paper as an example. The first (left-most) rectangle represents the real world, also referred to as truth. Each square to its right represents a human being with his or her own

Figure 2: THE SUBJECTIVE NATURE OF POLICY CREATION AND ANALYSIS



perception of the real world, which is dictated by that individual's subjective experiences. The policy creator's subjective experiences filter his or her view of the real world, which in-turn affects the policy that he or she creates. The policy analyst, with his or her own perception of the real world, interprets both the real world and the policy differently than does its author, and this is reflected in the policy analysis. Though there are many other individuals who could be included in this diagram, I conclude with the reader of the policy analysis whose interpretation represents one more layer of subjectivity separating his or her perceptions of the policy from the real world portrayed in the original policy.

The subjective interpretation of discourse is especially evident in policy debates in which two or more entities hold vastly different interpretations of the same issue. Weiss (1983) argues that these differing policy positions largely result from each entity's unique combination of perspectives, ideologies, interests, and information. In addition to these individual forces, several structural forces (such as an entity's position in a hierarchy) and internal division of labor partially determine its policy positions. In this analysis, available information, often construed as the "objective" element, is but one of several influences. However, this information is often imperfect or incomplete, leaving the policy maker unable to consider all relevant information during the decision-making process. In addition, because this information is researched and reported by other entities with their own ideologies and interests, the information itself is imperfect and by no means objective. Finally, the information interacts with ideologies or values of the policy maker. Subjective experience is injected into the policy-making process at several points, resulting in a policy position that was not, contrary to what some policy makers might claim, made solely as the result of informed, objective reasoning (Rein 1983).

In debates in which different actors hold unique policy positions, differing interpretations of an issue shape individual motives and needs, which are in turn expressed through an appropriate vocabulary. Words are not arbitrary; the choosing of appropriate words to express ideas, thoughts, and positions is often the first step in making a decision (De Landtsheer 1998). Nor do words have universal meaning; words and discourses have meanings that are politically and socially constructed. The choice of words by a speaker or author is meaningful, with meaning determined by the time, place, and culture within which it is bound (Howarth and Stavrakakis 2000). De Landtsheer (1998) argues that when the intent of the speaker is to exert power, these words become political in nature; language becomes the vehicle of exerting political power. Language can no longer be simply characterized as a means of communication. It is the use of symbols as the expression of ideology with the intent of exerting power in and over the public sphere.

While “political” and “public sphere” discourse can include dinner conversations, evening newscasts, and music, they are often discussed as being discourse within state institutions or by and between individuals who hold political and administrative power (De Landtsheer 1998). These discourses involve “the construction of antagonisms and the exercises of power” (Howarth and Stavrakakis 2000 p. 9). These activities represent the crux of discourse theory: debate over points about which meaning is debated and cannot be universally agreed upon.

Linking this body of theory to practice are many case studies demonstrating that the way ideas are constituted and communicated has many implications for the development, implementation, and results of policy. One particularly relevant example is

provided by Chock (1995), which examines the immigration policy debates within the United States Congress between 1975 and 1986. The purpose of these debates was to enact “immigration reform,” but difficulties arose in the form of competing frameworks that arose out of the socially constructed realities the political actors existed within. Some of the most influential of these frameworks on the proceedings involved differing perceptions of what is xenophobic, racist, or generally discriminatory on the basis of race, gender, and class.

In these debates, xenophobic sentiment was often encapsulated within the term “population.” This meaning of this term varied markedly throughout the debates. Depending on the speaker, it referred to “nations, regions, immigrants, [and] ethnic groups” (Chock p. 167, 1995). Regardless of specific meaning, this seemingly value-neutral word was repeatedly used to separate “them” from “us”: immigrants from natives. For example, nationalistic ideas were expressed through “population,” with the notion that cultures are internally homogenous, permanent, and exist in hierarchy. “They” were ascribed what were perceived to be negative, permanent characteristics, placing them in a socially and economically inferior position to “us.”

Despite statements of the need to avoid classifying immigration as an issue of gender or race, these both eventually became part of the immigration debate. One of the repeated claims used in defense of limiting migration was that immigrants, with their high fertility, represented a serious demographic, environmental, and economic problem. However, immigrant women were largely singled out as the ones responsible for the fertility; men were not discussed as playing a role in reproduction. They were also assumed to be non-workers and, along with their children, burdens on welfare.

Individual female immigrants, then, represented not just one person, but also the potential for several children. This issue was also racialized, with fertility rates of non-white women, regardless of their citizenship status, being contrasted to those of white women with the expectation that fertility of the former was more threatening than that of the latter.

The term “population” was used again in a discussion of immigrants as workers. In this context, population was used in reference to a “quasi-natural resource which [was] subject to rational management policy” (p. 176). The workers were discussed in terms of a “population flood” of unskilled workers that represented a natural threat to the nation, especially to romanticized visions of the American agricultural industry as “breadbasket of the world” (p. 177). These and other portions of the debate on “immigration reform” avoided treating migration as negative through shifting the focus to the individuals who migrate as the source of problems.

Phyllis Chock (1995) demonstrates well the cultural, temporal, and geographical boundedness of meaning, as well as the contextually ascribed meaning of otherwise seemingly neutral words and phrases. Her paper also serves to demonstrate some of the forces at play behind the creation of migration policy, an issue to which I will now turn. Her paper reinforces Yanow’s (2000) claim that there is no such thing as an objective perspective. Policy authors infuse policy with their own subjective experiences and views. This occurs through the use of words and phrases that have different meanings for different individuals or groups.

SUMMARY

State policies have an important effect on observed migration, necessitating consideration of the processes leading to their creation. Several authors have suggested that the migration policy creation process is one that is influenced by political actors representing a range of interests working at multiple scales, often simultaneously. Issues of contention in this process are often of an economic, security-related, or cultural nature, or a combination of these. Scale is also a significant source of conflict, especially in the unique situation of the creation of a supranational migration framework within the European Union. The work of several authors, including Leitner and Chock, suggests that the migration policy creation process involves political actors employing economic, security, cultural, and scale discourses to shape migration policy towards a desirable end. These discourses often have a shared meaning within their specific cultural, temporal, and geographic contexts, though meaning between individual actors probably varies slightly because of differences in individual experiences and perceptions.

CHAPTER 3 BACKGROUND ON THE EUROPEAN UNION

EU HISTORY

European integration began shortly after the end of the Second World War with a call by Winston Churchill for a “kind of United States of Europe” (EU May 13, 2002). Towards this goal of fostering European economic and political integration, several practical and symbolic institutions were formed during the late 1940s and early 1950s, including the United Europe Movement, the Council of Europe, the Europe Congress, and the predecessor to the European Union: the European Communities. The European Communities, established in May 1950, became the overarching European institution, one composed of the European Coal and Steel Community, the European Atomic Energy Community, and the European Economic Community. Although the EC marked the beginnings of the European Union, the EU would not officially exist as an institution until much later.

Several acts during the 1950s facilitated the free movement of products within the EC, including steel and manufactured goods. Shortly after, in 1960, some of the first steps were taken to facilitate the free movement of people within the EC, a goal discussed in terms of labor movement. During the 1960s and 1970s, many of the steps taken towards European integration were of an economic nature, relating to free trade, agricultural practices, and general cooperation on economic issues. The 1970s saw the growing of the EC through added member countries and association agreements that established economic links with several European countries. Important steps towards the

democratization of the EC were taken during this time period as well, with the first European Parliamentary elections through direct suffrage.

As was true during the 1970s, the 1980s and early 1990s saw further development of economic cooperation, as well as significant advances in social and political integration among members of the European Community. This time period also marked the beginnings of the European Union, with the creation of the draft of the Treaty on the establishment of the European Union, also known as the Treaty of Maastricht, in 1984. The first significant steps towards the creation of the European area of freedom occurred with the signing of the Schengen Agreement in 1990. Five countries initially signed this agreement with the purpose of eliminating border checks between them. Both the Maastricht Treaty and the Schengen Agreement will be discussed in further detail later.

In 1992, most EC countries ratified the Maastricht Treaty, with others following suit in 1993. Through the Maastricht Treaty the European Union was officially born in 1993. The European Union includes the three original European Communities, as well as two additional dimensions of activity: the Common Foreign and Security Policy, and Justice and Home Affairs. The CFSP represents the cooperation of member states in the creation of EU foreign, security, and defense policies, and the JHA represents cooperation in the areas of law enforcement, immigration, and customs. These two additional dimensions transformed the EU from a strictly economic union to an economic, social, and political union.

Shortly following the creation of the EU, several former Communist countries applied for EU membership, marking the beginning of the EU's eastward expansion and initiating what is expected to be a decades-long process of negotiation, and economic and

political reformation. The Amsterdam Treaty, also to be discussed in more detail later, was signed in 1997 and entered into force on May 1, 1999. This treaty brought several issues, including several aspects of the EU immigration and internal migration policies, into EU institutions. One final significant symbolic act demonstrating the unity of the EU was the recent introduction of Euro coins and notes which came into circulation on January 1, 2002 as the official currency of 12 of the EU's 15 current members (European Union May 13, 2002).

EU POLICY MAKING PROCESS

Three Pillars of the EU. The European Union has two primary organizational structures, one conceptual and one administrative. The conceptual organizational structure, known as the Three Pillars of the European Union, is composed of three conceptual categories of jurisdiction that are defined by topic and level of administration. The first pillar includes all of the administrative issues governed by the European Community such as the single EU market, agriculture, the environment, and, since the adoption of the Amsterdam Treaty, free movement of persons throughout the Union. It is managed directly by the European Union; national governments within the EU have given up sovereignty over issues covered by the first pillar. Pillar two allows EU member countries to cooperate on issues such as security and foreign policy. Pillar three's purpose is to integrate member countries' policies on drugs, crime, and immigration issues such as asylum, though these have partly been shifted to the first pillar since the Amsterdam Treaty. EU member governments manage pillars two and three jointly (BBC May 6, 2002). The conflict over the scale at which power should be held highlighted by Leitner involved resistance by

nationalists to shifting control over certain administrative issues, including migration, from the second and third pillars to the first pillar.

Institutional Triangle. The administrative organizational structure of the European Union is known as the Institutional Triangle, and is composed of three primary institutions that are responsible for the creation and implementation of legislation, though seven lower-level institutions comprise the rest of the EU's institutional system (EU May 6, 2002). The *European Commission*, the EU's executive body, is composed of twenty members appointed by EU member states and approved by the European Parliament. This institution, with roots in the High Authority of the European Coal and Steel community, came into force in 1967. It initiates the legislation creation process and ensures that the EU treaties are upheld within EU institutions and member states (European Commission 2002). The *Council of the European Union* is the EU's legislative body and works in this regard in cooperation with the European Parliament. The Council is the EU institution with authority over the budget, and it has the power to conclude international agreements between the EU and third party countries. It is composed of a ministerial level representative from each Union member (Council of the European Union 2002).

The third institution, and the primary source of data for this paper, is the *European Parliament*, which is directly elected by the Union's citizens every five years. The European Parliament began in 1979 as a symbolic assembly with no real power but has, through the Maastricht and Amsterdam Treaties, been transformed into a full-fledged legislative body. Parliament shares legislative powers with the EU Council, and provides

democratic oversight for all Community institutions, including both the Council and the Commission. Of the three primary institutions, Parliament is the only one to debate in public and make its transcripts available (European Parliament 2002).

Once the EU Commission creates a proposal for legislation, it is either solely sent to the Council or it is sent to the Council and the Parliament, also known as the codecision procedure. Most proposals relating to migration are required by law to be approved using the codecision procedure, in which 1.) the Parliament approves or amends the proposal, 2.) the Council approves the proposal, (in which case it is adopted) or amends it, (in which case it goes back to the Parliament) 3.) if needed, the Parliament approves the Council's amendments, rejects its amendments, (in which case the proposal is not adopted) or amends the proposal, (in which case it goes back to the Council for final approval and adoption or rejection).

EU MIGRATION POLICY

Free movement of persons has been present in Europe since 1968, when the European Community allowed laborers and their family free movement within its borders (Tassinopoulos et al 1998). Free movement was initially aimed at employees, self-employed persons, and other economic agents, but has, since the signing of the Maastricht Treaty, come to be viewed as a right of EU citizenship and an important component of the European Union's identity (European Parliament 2000). Because of the abolition of internal borders and with that the inability to check travelers' nationalities, free movement has essentially become a right for any individual present within the EU external border. This freedom has brought with it several controversies. Since the

beginning of European integration shortly after the Second World War, several large and many smaller initiatives have contributed to expanded free movement within the European Union. Following is a discussion of the Schengen Agreement, the Maastricht Treaty, and the controversies associated with each, as well as a brief discussion of the Amsterdam Treaty.

Schengen Agreement. Beginning in the mid-1980s, migration controls were loosened between EU member states, a move that paralleled the economic integration of European states within the EU. The first major initiative establishing free movement during this time period was the Schengen Agreement of 1985, which established five European Community countries with special intra-group migration provisions (Leitner 1997). Expanding on the first Schengen Agreement, the Schengen Implementing Convention took effect in March of 1995 (European Parliament 2000). The most significant contribution of the Schengen Agreement was the establishment of the Schengen Territory (Figure 3) as well as the creation of a common external border, a common visa policy, and a harmonized asylum policy (Leitner 1997). It should be noted, however, that while this agreement contributed in many important ways to the creation of a unified EU migration policy, it was not part of European Union institutions. It was merely a coordination of policies between participating countries; no country relinquished sovereignty on matters of migration. This resulted from several EU countries' reluctance to cede authority to a higher scale of governance for fear that it would create new restrictions for individual national governments.

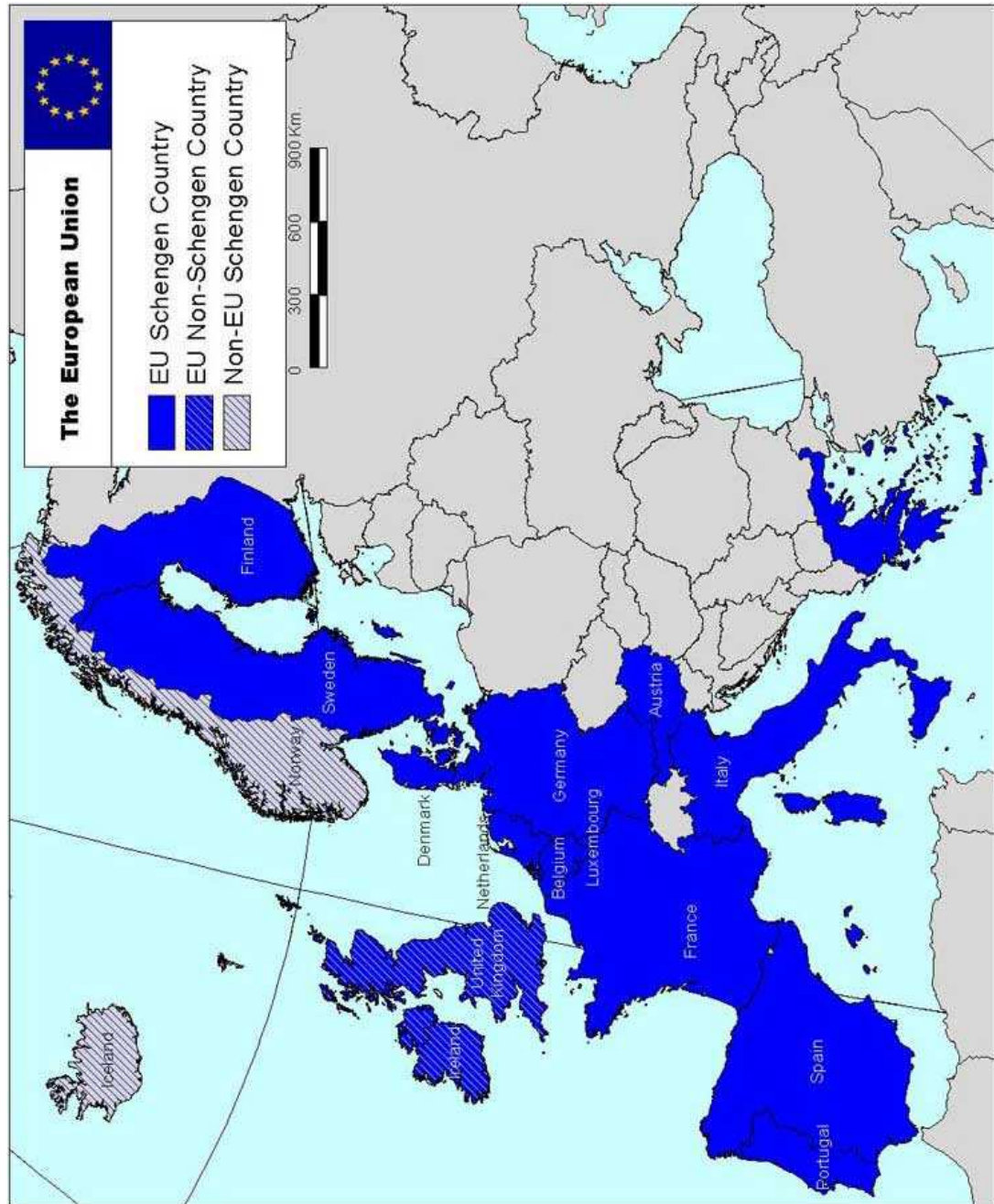
All EU member countries except for Ireland and the United Kingdom have signed the Schengen Implementing Convention (European Parliament 2000). Uncertainty associated with the area of freedom has left the UK and Ireland reluctant to be part of the Schengen area. Because restrictive policies are now enforced at the external borders of the EU, national borders, which were the traditional areas of enforcement for migration policy, can no longer legally serve as places of migration policy enforcement unless the border coincides with an external EU border. This has led to concerns that TCNs, once in the EU, could move freely between countries, presenting economic and security problems (Geddes 2000).

Maastricht Treaty. The European Union was born through the Maastricht Treaty in 1993. This treaty, also known as the Treaty on the European Union, was responsible for bringing European unification beyond economic cooperation. This occurred through the creation of the three pillars of the EU, adding foreign policy (second pillar) and a unified justice policy (third pillar) to the coordinated economic policy (first pillar) that existed before Maastricht (Noble 1996).

The Maastricht Treaty placed policies on migration in the third pillar of the EU—justice and home affairs. This marks the first centralization of migration policies within the European Union (Geddes 2000). Although the Maastricht Treaty did not supranationalize immigration policy within the EU, it was an important intermittent step that paved the way towards a unified, single EU migration policy. It integrated provisions for issuance of visas and granting of asylum into EU policy, issues that were, until this treaty, not formally mandated within the European Union. The Maastricht

Treaty also had the effect of bringing the idea of a single, supranational migration policy into public view to be

Figure 3: COUNTRIES PARTICIPATING IN THE SCHENGEN AGREEMENT



openly debated and discussed. Until this time, scholars and officials had debated the possibility, but the topic remained largely hidden from the public (Geddes 2000).

Article K.1 of Maastricht outlines several issues relating to migration, including an asylum policy, rules for EU external borders, and immigration. The perception by the EU of migration as a security issue is clear; article K.1 also includes policies on drug addiction, fraud, judicial cooperation, and customs cooperation. Alexander Noble (1996) suggests that this treaty was primarily shaped by perceptions of security and economic threats by immigrants. Increasing immigration towards the end of the 20th Century prompted xenophobic sentiment through much of Europe, evidenced by the electoral successes of far right, anti-immigration candidates. As a result, immigration and asylum laws were made very strict by Maastricht, creating, for example, requirements that asylum seekers be able to demonstrate that they are personally threatened, not simply that they are fleeing a repressive government.

The Amsterdam Treaty. The Amsterdam Treaty entered into force on May 1, 1999, making changes to, and expanding on, the Maastricht Treaty. Together, these treaties established the primary rights of EU citizens, including those concerning citizenship, increased democracy, employment, and the EU area of freedom (Geddes 2000). The four objectives of the treaty were (European Union 1998):

- § to place employment and citizens' rights at the heart of the Union;
- § to sweep away the last remaining obstacles to freedom of movement and to strengthen security;
- § to give Europe a stronger voice in world affairs; and

§ to make the Union's institutional structure more efficient with a view to enlarging the Union, with new member states joining.

The first of these stated objectives includes primarily employment and other economic provisions, the third includes foreign economic, defense, and security, and the fourth revises and further specifies the roles and responsibilities of the various EU institutions. Included in the second objective are the provisions most relevant to this thesis: those directly related to internal migration and immigration (European Union 1998).

The Amsterdam Treaty formally shifted control of migration issues to the supranational scale through the creation of the "area of freedom, security, and justice." However, provisions were built into the treaty that reserved a small level of autonomy for individual EU nations by employing an intergovernmental decision-making process with an emphasis on unanimity (Geddes 2000). The Amsterdam Treaty created a framework for addressing free movement throughout the union, as well as formally addressing immigration and asylum issues at the supranational scale. The creation of this area of freedom occurred primarily through the formal incorporation of the Schengen Agreement into EU institutions. The Amsterdam Treaty also established a Union-wide framework for addressing issues of justice and security. This is intended to facilitate free movement by guaranteeing recourse for EU citizens whose rights have been violated as well as address the concerns of those who believe freedom of movement is responsible for criminal activity.

The adoption of a single, coherent migration policy of the EU came in increments and with a significant degree of difficulty. Like the Schengen Agreement and the Maastricht Treaty that came before it, the Amsterdam Treaty is the source of ongoing

conflict and debate. Melis (2001), for example, suggests that while the Amsterdam Treaty established the EU as an area of freedom, security, and justice, these values only partially applied to TCNs. Leitner (1997) suggests several possible areas of contention, including issues of the scale at which migration controls operate and various ways of preventing illegal immigrants from entering the European Union. Clearly, as was the case with other EU treaties and agreements pertaining to migration, the provisions outlined in the Amsterdam Treaty are likely to generate controversy. The examination of these provisions and European Union Parliamentary discourse that occurred shortly before the Amsterdam Treaty's creation is the focus of the remainder of this paper.

CHAPTER 4 RESEARCH DESIGN AND METHODOLOGY

OBJECTIVES AND RESEARCH QUESTIONS

The purpose of my research is to determine what positions of the European Union on migration as evidenced by the Amsterdam Treaty, which establishes the general rights of EU citizens, and the debates preceding its creation. Specifically, I seek:

1. To investigate initiatives outlined in the Amsterdam Treaty relating to internal and international migration in order to assess the groups that are most affected and generally to see the way various migration issues are framed.
2. To investigate the nature of the debates that occurred leading up to the creation of the Amsterdam Treaty using various policy analysis strategies, including discourse analysis, metaphor analysis, and category analysis. I will seek to assess the important issues, communities, and scales involved in the creation of the Amsterdam Treaty. Unlike EU treaties and official documents, these debates have the potential to offer the uncensored (or less carefully chosen) opinions of the EU council members on the desirability of migration.

DATA

The data for achieving my first objective comprise the Amsterdam Treaty document itself, a 148-page document drafted in Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, and Swedish, which amends earlier European Union treaties and outlines the rights and freedoms of EU citizens

(Amsterdam, 1997). Sections of the treaty dealing with the economic, security, and asylum related aspects of migration will be most relevant to this study. These sections lay the groundwork for the EU to create immigration legislation and other laws to regulate movement of persons within the borders of the EU (EU (2) 1999).

The Amsterdam Treaty is divided into several sections (see Table 1), composed primarily of short, usually one paragraph or less, passages outlining text to be amended, altered, or deleted from the Treaty on the European Union. These amendments are directed towards unifying several areas of administration under the first pillar of the EU. It outlines provisions relating to the environment, economy, administration of the EU, and free movement throughout the European Union. All substantive references to migration are contained in either Part One or the protocols section of the treaty, with the bulk of these occurring in Part One.

A second source of data, pertinent to the second objective, is the transcripts of debates within the European Parliament that occurred during the year prior to the signing of the Amsterdam Treaty. The Amsterdam Treaty includes several provisions regarding migration in carefully chosen, edited language. Transcripts of European Parliamentary debates, conversely, include in less-carefully chosen language, migration discourse directly related and some unrelated to provisions in the Amsterdam Treaty. In order to limit the scope of this paper, I have chosen to focus on the debates during the year preceding the signing of the Amsterdam Treaty on October 2, 1997. Therefore, I will be analyzing debates dating from October 21, 1996 until October 2, 1997, during which time, debates concentrated on several issues of relevance for this paper, including the EU area of freedom, asylum law, and labor migration.

Table 1: CONDENSED TABLE OF CONTENTS OF THE AMSTERDAM TREATY

Section	Page	Summary
Part One—Substantive Amendments Articles 1-5	7	Includes text to be added to or substituted for text in the Treaty on European Union on migration, the economy, EU operational procedures, and other topics.
Part Two—Simplification Articles 6-11	58	Includes passages to be removed or reworded in the Treaty on European Union.
Part Three—General and Final Provisions Articles 12-15	78	Passages, presented in several languages, relating to renumbering of articles in the Treaty on European Union, ratification of Amsterdam Treaty, and languages of publication for the Amsterdam Treaty.
Annex—Tables of equivalences referred to in Article 12 of the Treaty of Amsterdam	85	Tables presenting numbering scheme of previous versions of various EU treaties and their equivalent after additions by the Amsterdam Treaty and other alterations.
Protocols	92	Passages containing exceptions to portions of the Treaty on European Union for specific countries. Example: Ireland and the United Kingdom . . . which are not bound by the Schengen acquis, may . . . request to take part in . . . the provisions of this acquis.
Final Act	115	Summary, signatures of heads of state of all EU countries.
Declarations Adopted by the Conference	125	Passages containing declarations adopted by the Conference of Representatives of Governments of Member States, including those related to the death penalty, security, and the environment.
Declarations of Which the Conference Took Note	143	Passages containing declarations made by individual countries, noted by the Conference of Representatives of Governments of Member States.

Table 2 displays the 10 debates that I have chosen for analysis, the date each debate occurred, and speakers whose speeches I analyzed. These debates, of 308 that occurred between October 21, 1996 and October 2, 1997, were singled out by scanning for debates in which migration was a central issue. Though amounting to just over three percent of all debates, those that focused on migration represent a reasonable proportion of all debates considering the breadth of topics debated within the EU Parliament: economy, environment, agriculture, social security, energy, security, and others too numerous to list. From these debates I have analyzed 46 speeches made by 41 different individuals, representing 12 of the European Union's 15 countries. Generally, the number of speeches analyzed from each country is proportional to that country's number of apportioned seats in the European Parliament, though the Netherlands and Belgium are slightly over represented (15% of speeches and 5% of seats for the Netherlands, 12% of speeches and 4% of seats for Belgium).

These debates consist of a series of largely prepared statements by Parliamentary representatives, although on occasion they also include more spontaneous statements in reaction to those made by previous representatives. The representatives address the Parliament in a pre-determined order. Each representative may choose to present only the prepared statement or present this statement in conjunction with a reaction to a statement made by a previous speaker. On rare occasions a speaker may present a completely impromptu reaction to a previous speaker's statement, often after all scheduled Parliamentarians have spoken.

Both the Amsterdam Treaty and Transcripts of the Proceedings of the European Parliament are published in English in both electronic and paper formats. The

Table 2: MIGRATION DEBATES OF THE EUROPEAN PARLIAMENT IN CHRONOLOGICAL ORDER, REPRESENTATIVES WHO PARTICIPATED

Debate Title and Date	Speaker	Country
Free Movement of Doctors and Mutual Recognition of Qualifications-October 21, 1996	Fontaine	France
	Gebhardt	Germany
	Heinisch	Germany
Asylum Procedures-November 13, 1996	Amadeo	Italy
	d'Ancona	Netherlands
	Deprez	Belgium
	Kinnock	United Kingdom
	Lööw	Sweden
	Lulling	Luxembourg
	Moreau	France
	Nassauer	Germany
	Roth	Germany
	Schulz	Germany
Zimmerman	Germany	
Article K.9 of the Treaty on European Union-January 30, 1997	Schulz	Germany
Topical and Urgent Debate: Racism and Xenophobia-February 20, 1997	Goerens	Luxembourg
	Hory	France
	Lindeperg	France
	Pailler	France
	Roth	Germany
	Schaffner	France
Future of Schengen-March 10, 1997	Chanterie	Belgium
	Lööw	Sweden
	Mohamed Ali	Spain
	Reding	Luxembourg
	Schulz	Germany
	van der Waal	Netherlands
	van Lancker	Belgium
	Wiebenga	Netherlands
The Demographic Situation-March 14, 1997	Andersson	Sweden
	Boogerd-Quaak	Netherlands
	Feret	Belgium
	Raschhofer	Austria
Monitoring Centre for Racism and Xenophobia-April 8, 1997	van Bladel	Netherlands
	Vanhecke	Belgium
Recognition of Higher Education Diplomas-April 10, 1997	Amadeo	Italy
	Florio	Italy
	Marin	Italy
	Schmidbauer	Germany
	Sichrovsky	Austria
	White	United Kingdom
	Wijsenbeek	Netherlands
Obstacles to Transnational Mobility-May 13, 1997	Evans	United Kingdom
	Matikainen-Kallstrom	Finland
	Vaz da Silva	Portugal
Social Security: Workers Moving within the EU-May 29, 1997	Lindqvist	Sweden

Amsterdam Treaty is available as a paper document and the Proceedings of the European Parliament in multiple bound volumes at the European Union Depository located at the University of Georgia Law Library. These data are also available in electronic form through the European Union and European Parliament web sites, respectively.

Because the documents I am analyzing are created in and for a multi-lingual institution, I often will be reading translations of documents, possibly presenting some problems given the imperfect nature of translation of meaning between languages. Translation between languages is a lexical problem; ideas in language “a” may have no direct translation in language “b.” It is also an intralinguistic problem; a word may not communicate the culturally bound meaning of the idea it represents (Leppihalme 1997). Both lexical and intralinguistic translation problems are addressed through the employment of dynamic equivalence; in the absence of a direct equivalence between languages, the translator attempts to reproduce the essence of the idea in the target language (Hatim and Mason 1990). This process is thus influenced by the subjective experiences of the translator. Regardless of the problematic nature of language translation, I believe this analysis is nonetheless appropriate because the policies discussed and created in these documents are often acted on by individuals for whom they were translated. An English-speaking EU official executes policy outlined in the same document I am analyzing. Because of this, I assume that the European Union translates each of these documents with the intent of retaining continuity of meaning as much as possible.

METHODOLOGY

I analyze the Amsterdam Treaty and the debates leading up to it using discourse analysis techniques. Discourse analysis is based on the premise that knowledge is subjective, and therefore it is critical to understand how different parties “frame” or present a particular issue (Yanow 2000). Framing an issue serves the purpose of focusing the audience’s attention on particular aspects of an issue while indicating that other aspects of the issue are incorrect, less important, or irrelevant. A supporter of freer immigration, for example, is likely to frame the issue of migration differently than a supporter of stricter immigration through the issues they choose to focus on and the words they use. The former might concentrate on topics such as economic growth and refer to immigrants as potential labor supply. The latter, on the other hand, might concentrate on unemployment and immigrants as a source of social conflict.

Elucidating meaning from the text, then, depends on identifying key words, phrases, and even metaphors that serve as symbols, (also known as discursive artifacts) of more abstract or hidden policy meanings (Yanow 2000). These artifacts serve to communicate beliefs and values not explicitly spoken. In the example given above, the phrase “source of social conflict” indicates not only concern over the possible presence of conflict, but it also implicitly identifies immigrants as the source of conflict, a condition that requires at least two competing interests.

This type of analysis involves four steps, the first three adapted from Yanow (2000). These steps may occur in any order or even concurrently.

1. Identify discursive artifacts that may have an implicit meaning. The application of these methodologies could theoretically yield an almost infinite

number of artifacts. Examples include “immigrant,” “free movement,” and “border controls” (see Table 3).

2. The second step is to identify the discourses involved and any differences between competing discourses, if more than one distinct discourse exists. The intention of this step is to derive the implicit meanings attached to an artifact that are unique to that particular social, spatial, and temporal context. An artifact may have multiple discourses, or one discourse that differs from its commonly held or dictionary meaning. For example, Table 3 presents two competing discourses: one in which immigrants are sources of crime, and the other in which immigrants are a source of social and economic benefits. While these discourses are interesting when juxtaposed against one another, either of these would be an interesting finding on its own, as each discourse ascribes characteristics to immigrants not implicit to the dictionary or commonly held meaning of the word.
3. Third, identify communities that employ each of the distinct discourses, if possible. In my present study, I will endeavor to identify communities based on the different sides of a debate on which representatives position themselves, for example a pro-immigration or anti-immigration representative (see Table 3). However, it is important to mention that without interviews and extensive archival research, further specification of any communities, for example by affiliation with a lobby group, would be speculation.
4. The fourth and final step in my methodology involves identifying any struggles over scale with regard to migration policy. Given the scope of this

Table 3: EXAMPLES OF ARTIFACTS, DISCOURSES, COMMUNITIES, AND RELATED SCALES.

Artifact	Discourse	Community	Scale(s) (that the argument is made from)
Immigrant	Immigrants are responsible for crime and social conflict.	Anti-immigration representative	Local
	Immigrants introduce diversity and are responsible for economic growth.	Pro-immigration representative	Supranational
Free Movement	Free movement of people within the EU will facilitate illegals replacing natives in work force.	Labor Union	Local
	Free movement of people within the EU will allow easy movement of capital, supplies, and labor.	Supranational Corporation	Supranational
Border Controls	Strict border controls will result in reduced crime, unemployment, and social conflict.	Nativist	Multiple
	Strict border controls are racist and classist in admitting some while rejecting others	Immigrant	Multiple

study, I expect to distinguish primarily between national and supranational scale arguments. This is because the nature of the European Parliament, in which representatives focus primarily on national and supranational issues, makes it difficult to tease out local or regional interests.

CHAPTER 5 ANALYSIS AND DISCUSSION

I selected three artifacts on which to focus my discourse analysis of the Amsterdam Treaty and European Parliamentary debates on migration: *internal migration*, *immigration*, and *asylum*, as well as each artifact's synonyms and closely related words (i.e. internal migrant, immigrant, and refugee). Although there were many potential artifacts to choose from, these three artifacts were the primary elements around which topics of migration were organized in both the Amsterdam Treaty and EU Parliamentary debates. All migration topics were discussed in relation to one of these three artifacts, which were presented in the Amsterdam Treaty and discussed by European Union Parliamentary representatives as being all-inclusive and mutually exclusive.

AMSTERDAM TREATY

Internal Migration. Table 4 presents the passages of the Amsterdam Treaty in which migration is the focus and is organized by artifact. Though not extensive (considering the Amsterdam Treaty's 148 page length), these passages are quite rich and introduce the most prominent migration issues within the European Union. For example, the first full page of text after the Amsterdam Treaty's table of contents includes passages referencing the area of freedom, security, and justice (see Table 4). It is presented as a means of promoting "economic and social progress and a high level of employment [and] sustainable development" (p. 7). The Amsterdam Treaty later includes a provision for the EU Council to "adopt such measures in the field of social security as are necessary to provide

Table 4: PASSAGES OF THE AMSTERDAM TREATY REFERRING TO MIGRATION ISSUES ORGANIZED BY TOPICAL CATEGORY AND DATE..

Artifact	Passage	Page
Internal Migration	The Union shall set itself . . . to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers . . .	7
	Resolved to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty	7
	Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.	16
	The Council shall, acting in accordance with the procedure referred to in Article 189b, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependants	27
Internal Migration/ Immigration	<p>The Council [shall] adopt:</p> <ul style="list-style-type: none"> (1) measures with a view to ensuring . . . the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders; (2) measures on the crossing of the external borders of the Member States which shall establish: <ul style="list-style-type: none"> (a) standards and procedures to be followed by Member States in carrying out checks on persons at such borders; (b) rules on visas for intended stays of no more than three months 	28
	However, the Council shall act unanimously on a proposal from the Commission [on] conditions of employment for third-country nationals legally residing in Community territory	36
Internal Migration/ Immigration/ Asylum	The Union shall set itself . . . to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime	8
	<p>In order to establish progressively an area of freedom, security and justice, the Council shall adopt</p> <ul style="list-style-type: none"> (a) . . . measures aimed at ensuring the free movement of persons in accordance with Article 7a, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration . . . (b) other measures in the field of asylum, immigration and safeguarding the rights of nationals of third countries . . . (c) measures in the field of police and judicial cooperation in criminal matters aimed at a high level of security by preventing and combating crime within the Union . . . 	28
Immigration	The high contracting parties, Taking into Account the need of the Member States to ensure effective controls at their external borders, in cooperation with third countries where appropriate, Have agreed upon the following provision, which shall be annexed to the Treaty establishing the European Community, The provisions on the measures on the crossing of external borders included in Article 73j(2)(a) of Title IIIa of the Treaty shall be without prejudice to the competence of Member States to negotiate or conclude agreements with third countries as long as they respect Community law and other relevant international agreements.	108

Table 4: (continued)

Category	Passage	Page
Asylum/ Immigration	<p>The Council [shall] adopt:</p> <ol style="list-style-type: none"> (1) measures on asylum, in accordance with the Geneva Convention . . . relating to the status of refugees and other relevant treaties, within the following areas: <ol style="list-style-type: none"> (a) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States, (b) minimum standards on the reception of asylum seekers in Member States, (c) minimum standards with respect to the qualification of nationals of third countries as refugees, (d) minimum standards on procedures in Member States for granting or withdrawing refugee status; (2) measures on refugees and displaced persons within the following areas: <ol style="list-style-type: none"> (a) minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection, (b) promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons; (3) measures on immigration policy within the following areas: <ol style="list-style-type: none"> (a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion, (b) illegal immigration and illegal residence, including repatriation of illegal residents; (4) measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States. 	29-30
Asylum	<p>Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:</p> <ol style="list-style-type: none"> (a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam . . . to take measures derogating in its territory from its obligations under that Convention; (b) if the procedure referred to in Article F.1(1) (a procedure outlining the EU's response to a member state's breach of EU protocol) of the Treaty on European Union has been initiated and until the Council takes a decision in respect thereof; (c) if the Council, acting on the basis of Article F.1(1) of the Treaty on European Union, has determined, in respect of the Member State which the applicant is a national, the existence of a serious and persistent breach by that Member State of principles mentioned in Article F(1); (d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State. 	104
	<p>In approving the Protocol on asylum for nationals of Member States of the European Union, Belgium declares that, in accordance with its obligations under the 1951 Geneva Convention and the 1967 New York Protocol, it shall, in accordance with the provision set out in point (d) of the sole Article of that Protocol, carry out an individual examination of any asylum request made by a national of another Member State.</p>	144

freedom of movement for workers . . . and to secure for migrant workers and their dependants.” This introduces one of the primary themes present in internal migration discourse within the European Union: internal migration is often discussed in economic terms. A second theme associated with internal migration discourse introduced by the Amsterdam Treaty is that of security, especially as it pertains to threats outside of the European Union. The area of freedom is to be developed in conjunction with “directly related flanking measures with respect to external border controls” (p. 28). These passages suggest that internal migration, as facilitated by the area of freedom, justice, and security, has economic benefits and security risks.

Immigration. Although the area of freedom is also discussed as an issue of security in addition to being discussed as one of economic importance, its status as a security threat derives largely from the ability of outsiders, once inside EU borders, to travel without restrictions. A passage on page 7 mentions the resolution “to facilitate the free movement of persons, *while* ensuring the safety and security of their peoples” (emphasis added). A later passage indicates that security within the area of freedom is dependent on securing the external EU border and “the prevention and combating of crime” (p. 8).

This and other language in the treaty demonstrates that immigration is primarily discussed in terms of crime and security. The section of the Amsterdam Treaty specifically dealing with immigration and the area of freedom, security, and justice begins on page 28 with provision (a), which proposes the gradual creation of freedom of movement “within a period of five years after the entry into force of the Treaty of Amsterdam.” The language in the first paragraph clearly indicates that this transition

period is intended to facilitate the EU and its member nations in establishing measures to secure borders, address asylum policies, and “prevent and combat crime.” After stating in provision (b) that the EU Council will adopt asylum, immigration, and other measures to generally protect the rights of TCN’s, provision (c) proposes a “field of judicial cooperation” between countries, while provision (e) calls for “measures in the field of police and judicial cooperation in criminal matters aimed at a high level of security.” Though these provisions are all certainly related to internal migration and the area of freedom, the language indicates that it is largely because of immigration and TCNs that such careful controls must be placed on freedom of movement.

Asylum. Several clauses under Article 73k on page 29 address issues of asylum and determining refugee status. “Minimum standards” for assigning refugee status, granting or withdrawing refugee status, and receiving refugees into EU countries are all discussed, with the understanding that the requirements given in the Geneva Convention supercede any minimum standards set forth by the EU. On this same page is a proposal calling for the adoption of criteria to determine which member state is responsible for processing asylum applications submitted by nationals of a third country. A later statement asserts that within five years of the enactment of the Amsterdam Treaty the European Council will adopt measures to balance the effort between member states in receiving refugees and bearing the consequences of asylum. These repeated references to “minimum standards,” assigning responsibility for refugees, and “bearing the consequences of receiving refugees,” suggests ambivalence on the part of the EU towards refugees and asylum. In contrast to portions of the Amsterdam Treaty that allude to the economic

benefits of internal migration, sections of the treaty dealing with refugee immigration make no mention of whether it is economically beneficial or advantageous in any other sense.

Further demonstrating ambivalence towards asylum is language indicating that it is something that is often misused or manipulated; it is something that should not be “resorted to for purposes alien to those for which it is intended, ” hence the repeated reference to “minimum standards” (p. 103). Later passages call for a further examination of “rapid procedures to dispense with manifestly unfounded applications for asylum” (p. 104). Attention is focused on defining those who are not legitimate asylum applicants. Towards this goal, the Amsterdam Treaty presents a provision that establishes EU member countries as “safe countries of origin . . . in relation to asylum matters,” (p. 104). These passages evidence the politicization of determining refugee status; although four exceptions to this provision are provided, the EU initially determines refugees not on their individual circumstances, but on the country from which they originated. The political and economic relationship between states within the EU initially supercedes the existence of oppression or persecution as the overarching criteria by which refugee status is granted.

Communities and Scale. The Amsterdam Treaty, as an official EU policy document, presents the European Union’s positions on various migration issues. However, other communities besides the EU are also visible, including the United Kingdom, Ireland, and Belgium, which espouse positions contrary to official EU positions on one or more issues.

Although there is evidence in the Amsterdam Treaty of scale issues, it is neither sufficiently broad nor detailed to communicate the nuances of scale issues in the European Union. However, a few passages suggest some of the primary themes that involve scale in European Union migration policy. For example, the few passages in the Amsterdam Treaty involving scale hint at a conflict primarily between the national and supranational. This is expected, as one of the primary goals of the European Union is the supranationalization of control over many issues previously addressed by sovereign states, a goal opposed by some who view it as whittling away states' sovereignty and security. One example of this is the conflict over the incorporation of migration controls into EU institutions, moving jurisdiction from the national to supranational level. Page 93 includes a passage that mentions Ireland's and the United Kingdom's refusal to be included in the Schengen Area, thus allowing these countries to retain controls on their national borders. A later passage communicates Belgium's dissatisfaction with the EU's asylum policy, stating that Belgium, while working within the framework of superior EU asylum policy, will enact additional initiatives aimed at providing further protection to refugees from other EU member countries. These passages, while giving us little information on the nuances of conflicts over scale within the European Union, indicate that the most prominent conflicts are between the national and supranational.

Although the Amsterdam Treaty introduces the relevance of scale to issues of migration, its primary contribution to this thesis is to establish themes that are prominent in discussions of migration within European Union institutions, including those that occur with the European Parliament. Most important of these themes is that internal migration, immigration, and asylum, within the EU context, are presented as being three distinct

types of migration. In addition, as a group, these three types of migration are presented as being all-inclusive and mutually exclusive.

European Parliamentary Migration Debates

INTERNAL MIGRATION

The international migration literature and the Amsterdam Treaty suggest that economic and security issues have an elevated position in migration discourse. These two issues did indeed play a large role in the internal migration debates of the European Parliament. The two central issues were the facilitation of movement of labor throughout the European Union's area of freedom, security, and justice, and security threats associated with the area of freedom.

Economy. European Union Parliamentary debates suggest an undifferentiated discourse of internal migration and other closely related artifacts, including "freedom of movement" and "area of freedom," as being associated with skilled labor migration. This discourse weaves its way through several Parliamentary debates, with many representatives discussing "internal migration" as having several characteristics not inherent to the phrase.

While freedom of movement can mean temporary relocation, for example a tourist crossing the border between France and Germany while on vacation, within intra-EU migration discourse it has come to mean permanent or semi-permanent relocation. Although there are many important social and administrative issues regarding permanent or semi-permanent relocation within the EU, such as normalizing school curriculums so

that the children of mobile parents encounter minimal difficulty in transferring from one school to the next, debates on relocation within the EU have focused largely on the economic barriers, such as securing employment and transferring pensions. For example, in an April 10, 1997 debate on mutual recognition of higher education diplomas, Mr. Schmidbauer discusses the purpose of free movement as being “to live and work in other Member States.” In a May 13, 1997 debate on obstacles to transnational mobility, Mr. Evans discusses a European Union that is “only a free market for goods and capital,” and expounds on the need for a free market for students and labor. The internal migration discourse during these debates was clearly economic in nature, focusing on labor migration and, as we will see, focusing on skilled labor migration in particular.

Mr. Vaz da Silva states the need for the “ordinary people of Europe [to] be able to choose their place of residence, work, and training.” This speaker explicitly states something that is hinted at throughout the internal migration discourse, namely that free movement within the Union includes at least three clearly identifiable components, often discussed as “rights,” with increasing levels of specificity: 1.) the ability to move freely across international borders with the purpose of permanently or semi-permanently relocating, 2.) the ability to secure employment, and 3.) the ability to secure employment in a field of choice. The Amsterdam Treaty mentions only the first and second of these rights. The internal migration discourse in the Parliament, however, focused primarily on the third right while peripherally addressing the first two. For example, on October 21, 1996, April 8, 1997, April 10, 1997, May 13, 1997, and July 16, 1997, the EU Parliament debated the recognition of diplomas of professionals throughout the EU. These debates concentrated not on labor migration but on *skilled* labor migration. Their focus was to

establish a framework whereby migrants with degrees would be able to secure employment in their field of training outside of their country of origin.

These debates make clear the fact that the discourse surrounding internal migration and related artifacts emphasizes the importance of free movement of skilled workers; the free movement of unskilled workers is not discussed as something that is important or desirable. Early on in the October 1996 debate Mrs. Fontaine stresses the importance of “free movement for *professionals*.” Later, Mr. Gebhardt stresses that the mutual recognition of doctors’ diplomas is “a very important [directive] in the eyes of the public.” Mr. Marin echoes this sentiment when he says that “the recognition of diplomas . . . is of fundamental importance for the citizens of Europe [to] exercise their right to freedom of movement.” As a final example, Ms. Matikainen-Kallstrom claims that “removing obstacles to the free movement of persons is one of the main objectives of European integration,” and then goes on to discuss facilitating the free movement of educators, researchers, and students. The language used in these debates highlights the fact that professional workers are accorded attention that non-professionals are not; in no European Parliamentary debate during the year-long period prior to the adoption of the Amsterdam Treaty is the importance of facilitating movement for non-professionals discussed. This can be explained through the assertion that non-professionals are not subject to the same technical requirements that professionals are, therefore a similar discussion is unnecessary. However, other language hints that an alternative explanation is the elevated position in the eyes of the European Parliament as a whole of skilled migrants and the characterization of internal migration as skilled migration.

In addition to discourse implying internal migrants as skilled labor migrants, other discourse suggests that third country nationals should not benefit fully from the area of freedom; internal migrants are also assumed to be EU citizens. Third country nationals are not accorded the same rights to unimpeded movement throughout the Union. For example, the recognition of diplomas granted outside the EU is a major point of contention in debates on facilitating labor movement. During the July 16, 1997 debate on the free movement of doctors and mutual recognition of qualifications, doctors trained outside the European Union are discussed separately from those trained within it. According to Mr. Heinisch, “It is . . . exclusively EU citizens that benefit from the Directive” to enable mutual recognition of doctors’ diplomas between EU countries. During the April 10, 1997 debate on recognition of higher education diplomas, Mr. Florio acknowledges that diplomas granted outside of the EU and those granted within the EU are treated differently, and suggested the need to develop a framework to remedy that situation. Similarly, Mr. Lindqvist points out during the May 29, 1997 debate on social security and workers moving throughout the EU that students who come to an EU country from outside of the Union do not have the same rights regarding healthcare as those that come from another Union member. Third country nationals are often excluded from conditions that facilitate freedom of movement within the EU.

A limited version of freedom of movement, entailing only the first two aspects discussed above (freedom to move and freedom to secure employment), applies to TCNs. Therefore, the area of freedom has a different meaning in reference to TCNs than it does in reference to EU citizens. Some claim that this is intentional and desirable; these opinions are visible in the following analysis of the debates on crime. Others, for

example Mr. Florio and Mr. Lindqvist, argue without explanation that skilled TCNs should have the same freedom to move throughout the Union as EU citizens. This reinforces the notion that the facilitation of migration between EU countries is regarded as more important for skilled workers than unskilled workers, regardless of EU citizenship.

During the April 10, 1997 debate on mutual recognition of diplomas, Mr. Wijzenbeek accuses individual nations of taking “every opportunity to protect their markets, even when it comes to the recognition of diplomas.” He believes that member states have strict and unreasonable rules regarding the recognition of professional degrees that preclude all but a few from being able to easily gain employment outside his or her country of origin. An agreement cannot be reached between states; the issue must be addressed at the supranational level. According to Mr. Marin, the result of this form of protectionism will be the “initiation of an infringement procedure” by the EU to reach a solution.

This conflict demonstrates the continuity of scale and the portrayal by Jonas (1994) of scale as a pragmatic, political tool simultaneously employed at several levels of aggregation. This conflict has occurred between actors at several scales of analysis, including the national vs. individual, national vs. national, national vs. supranational, and most likely several other combinations of scales not explicitly mentioned in the text. However, within these debates, the national-supranational tension is clearly elevated.

Security. Several of the debates on the Schengen area and internal movement within the European Union also focused on issues of security. In these debates, the central theme

was the scale at which migration control, and thus security, should be exercised. The central tension was between proponents and opponents of the supranationalization of migration controls. The opponents of supranationalization controls include representatives from several countries. For example, Mrs. Van Lancker applauds France and other countries that had resisted the supranationalization of migration policy and continued to exercise restrictions on movement across national borders. She claims that EU member states' reasons for maintaining internal border checks are well-founded, and cites terrorism, drug trafficking, and illegal immigration as major concerns. Mr. Chanterie makes a similar claim, stating "the pursuit of freedom without accompanying measures to control crime and illegal immigration would not only jeopardize the safety of the citizens but also put freedom of movement at risk." Others express more severe skepticism over the area of freedom. Mr. Van der Waal, for example, refers to the area of freedom as a "utopian concept prompted by an optimistic view of humanity." Mr. Nassauer expresses a similar distrust of humanity when he says, in response to Mr. Schulz's criticism that money and livestock are less regulated in their movement than humans, that "Mr. Schulz is clearly not a beef steer and so must expect to be checked from time to time"

Although other representatives highlight the weaknesses of the area of freedom framework established by the Schengen Agreement, they advocate the strengthening, rather than weakening, of supranational migration controls as the solution. This community believes that the key weakness of Schengen is the increasing drive to renationalize migration controls, weakening the supranational framework of the Schengen Agreement in the process. Mr. Wiebenga also argues the importance of a

supranational migration framework, referring to “secret agendas and unverifiable actions by the governments; no parliamentary control, [and] no proper judicial control” as evidence to his claim. He claims that rather than addressing crime and security issues through restrictive national migration policies, EU members should employ multilateral cooperation to address the specific problems at their root. For example, France should not address Dutch drug traffickers through border controls, but should instead work to harmonize drug policies with its neighbors with the eventual goal being a single, harmonized EU drug policy.

Both sides of this debate implicate migration and scale as determinants of crime; the source of disagreement is the scale at which power over migration should be held. Once again, the primary tension is between the national and supranational scales. Immigration and security have traditionally been controlled by states, and nationalists advocate the continued control over these issues at the national level, citing the inability of the EU to sufficiently address security of individual nations. These arguments reflect Jonas’s (1994) claim that power is not achieved by simply jumping up scales. These representatives claim that the supranational scale is less capable of providing security than the national scale. Their opponents in this debate promote adherence to a supranational migration framework in conjunction with the use of more precise instruments that address the root problem. For this group, the area of freedom provides significant benefits (though these are not explicitly discussed) that would be mitigated by the retention of national-level migration controls. In addition, they express doubt that nations can be trusted to resist protecting their national-level interests for the benefit of

the European Union as a whole. This community advocates the EU, exercising power in a top-down manner, as the proper authority over migration.

IMMIGRATION

Economic and security issues have also constituted a significant amount of EU immigration discussions. As you will see, these debates, in addition to shedding some light on assumptions of the EU on immigration and immigrants, demonstrate the close relationship between immigration into, and internal migration throughout, the EU.

Economy. On Friday, March 14, the European Parliament engaged in a debate on how to address the problem of Europe's inverted population pyramid. Because of low fertility throughout Europe, people over the age of 65 will eventually outnumber those under the age of 20, presenting problems in several areas, including social security and health care. Additionally, several representatives suggested that this demographic inversion would also result in significant labor shortages. Although immigrants were mentioned as a solution to the labor shortages, none of the Parliamentary representatives seriously suggested it as a solution. The statements of representatives of several countries suggest two reasons for the dismissal of immigrants as a viable solution to Europe's demographic inversion problem: immigrants' status as being outsiders or "other," and assumptions that immigrants are unskilled workers.

Mrs. Boogerd-Quaak claims the "idea that the growing numbers of immigrants will replace the decline in the population is . . . not really an answer." She does not justify this statement. Ms. Raschhofer, also without elaborating, claims that "improved

access to the employment market for immigrants . . . is the wrong approach.” Mr. Andersson, echoing these sentiments, says that the labor “problem cannot be solved through immigration [which would] have to be enormous.”

Seemingly contradicting these statements, Mr. Feret cites the “lengthening queues of unemployed people of every nonEuropean [sic] nationality.” This statement suggests that if the current influx of non-European immigrants is great enough to swell current unemployment lines, then perhaps the possibility of immigrants meeting Europe’s future labor needs is not unrealistic. However, Mr. Feret continues his statement with an argument against labor immigration as the solution to Europe’s demographic and future employment woes. His opposition to the recruitment of immigrants for the labor force comes from a seemingly unrelated issue: the “disquieting . . . influx of immigration from the Third World,” which is responsible for swelling Belgium’s prison population.

This debate has one or more implications for the meaning of “immigrant” within European Parliamentary migration discourse. First, it suggests the ‘otherness’ of immigrants. Several Parliamentary representatives claim that immigrants are not an adequate solution to the demographic problem, but offer no further explanation. These claims suggest that immigrants have some characteristic that makes them an unsatisfactory solution to Europe’s demographic woes. Only Europeans, and specifically EU citizens, are an adequate solution. Supranational notions of identity are held above individual, local, regional, or national identities as the appropriate level of aggregation for determining the ‘other.’ European Union citizenship is the important characteristic for distinguishing desirable individuals from the “other.”

Mr. Feret suggests another possible characteristic contributing to immigrants' otherness: criminal behavior. As will be discussed later, immigrants are associated with crime to a degree that EU citizens are not. This indicates that perhaps resistance to using immigration as a solution to future labor shortages is not based on its lack of utility, but rather on other issues that are unrelated topically and temporally. Resistance to immigration as a future solution is based on current attitudes towards immigrants and their economic and societal impacts: unemployment and crime. However, if unemployment is causally linked to crime, as Mr. Feret suggests, crime will hardly be an issue in a future Europe where labor demand is expected to exceed labor supply unless there is a disconnect between labor supply and demand.

A possible source of this disconnect suggested in the previous section on internal migration is the presumed dichotomy between immigrants and internal migrants as unskilled labor and skilled labor, respectively. Consider two April 1997 debates that occurred only days apart. During an April 8, 1997 debate on xenophobia, Mr. van Bladel referred to an oversupply of labor as a source of resentment towards immigrants. In contrast, Mr. Amadeo, during the April 10, 1997 debate on the recognition of higher education diplomas, refers to a labor shortage "crisis" that can be solved by facilitating the movement of labor within the EU. No Parliamentary representative objected to either of these assertions during these two separate debates, even though one cited a labor oversupply and the other a labor undersupply. References to large immigration flows in this and other debates considered in light of concerns over future labor shortages suggest that immigrants are considered an inappropriate source of labor to satisfy the perceived

type of labor demand because of the implicit meaning of “immigrant” as “unskilled immigrant” and “labor shortage” as “skilled labor shortage.”

Security. I now turn the analysis to discourse in which immigrants are discussed in association with issues of security. In this discourse, immigration and internal migration are inextricably linked. Many of the concerns associated with the area of freedom as facilitating crime are linked to the ability of illegal immigrants, once inside the Union, to move unchecked across internal EU borders.

Illegal immigration is predictably almost unanimously argued against based on the fact that it is, after all, illegal. There are, however, several communities that employ discourse indicating that illegal immigrants are an inherent security risk and jeopardize the EU and the safety of its citizens. For example, during the March 10, 1997 debate on free movement within the EU, Mr. Chanterie says that “illegal immigration would . . . jeopardize the safety of the citizens.” Later, Ms. Reding claims that provisions of the Schengen Agreement are guaranteeing the citizens’ safety and therefore “Police activity against criminals, thieves, the Mafia, drug pushers, [and] illegal immigrants, must not be reduced.” During this debate, illegal aliens are cited as a concern only because of supposed security risks; no other cause for concern is given.

Others, however, argue that the policy reactions to the perception of immigrants as a security risk are overly harsh. Mr. Mohamed Ali, for example, expresses discomfort that the Schengen information system, a database designed to facilitate cooperation among law enforcement agencies from different member countries, has been used primarily as a means of refusing “undesirable aliens, including foreigners with no

previous criminal record or who are without means.” Later, Mrs. Roth accuses the EU of using the Schengen Agreement as an instrument to keep undesirables out while at the same time drawing attention away from this fact through the implementation of open internal borders. This debate presents two alternate immigrant discourses. In the first, immigrants are the source of crime and other security concerns. Restrictive immigration policies are a justified reaction to conditions created by immigrants. The second discourse presents immigrants as victims of oppressive immigration regimes. These representatives view EU immigration policy as being an overreaction, and refer to it as a “hermetic sealing of the external borders” and a Europe that is a “veritable fortress.”

In contrast to debates that focused on immigrants as security risks and sources of crime, the February 20 and April 8, 1997 debates concentrate on immigrants as the focus of safety concerns, specifically as victims of xenophobia and race-related crimes. Much of the debate on the topics of racism, xenophobia, and anti-Semitism focuses, unsurprisingly, not on whether it exists or whether it is desirable; racism, xenophobia, and anti-Semitism are almost unanimously recognized and condemned. Rather, these debates focus on whether immigrants are a cause or a target of xenophobia, though some representatives discuss immigrants as being both.

During the February 20, 1997 debate on racism and xenophobia, unemployment, illegal immigration, and the abolition of internal borders are all cited as causes of racism and xenophobia. However, there are marked differences between Parliamentary representatives that concentrate on the results of xenophobia and those that concentrate on the causes of xenophobia and, in the process, intentionally or unintentionally justify it.

Among others in the first camp is Mr. Hory who, after claiming that race and ethnic crimes are a growing problem throughout Europe, links them to the “far Right in Europe” and the issues that it represents. He claims that the success of rightist candidates in municipal elections in France made “the worst . . . acceptable for some of our fellow citizens.” He also claims that xenophobia is causally related to the growing “aggression against freedom of expression and against artistic creativity.” Similarly, Mr. Paillet links xenophobia to the successes of rightist political groups and to the institutionalization of racism through several newly adopted laws that equate “a foreigner with an illegal immigrant and an illegal immigrant with a delinquent.” Continuing with this line of reasoning, Mrs. Roth discusses the outcome of xenophobia in Germany, where residence permits have been made compulsory for children of migrants entering from Turkey and other countries that serve as source countries of labor, thus reducing these children to “degraded and marginalized . . . second-class citizens.” These representatives cite xenophobia as a causal factor in society’s ills and cast immigrants as its victims. Racism and xenophobia affect immigrants directly and through ripple effects throughout society.

Shortly after Mrs. Roth’s comments, the discourse subtly turns to one of the causes of xenophobia. Mr. Lindeperg discusses the importance of addressing the causes of xenophobia: unemployment and “unrestricted free enterprise [with its] disastrous effects on the social fabric.” Mr. Goerens follows up by claiming that far Right, xenophobic movements are composed of the unemployed, people who fear losing their jobs, and the marginalized. Immigrants are implicated as the cause for these conditions. Mr. Schaffner takes the discussion of causes one step further and explicates illegal immigration as the “basic evil.” He continues on with the chain of causal events that lead

to xenophobia. Illegal immigration leads to marginalization. Mr. Schaffner then asks “how can anyone live on the margin . . . without having the misfortune to lapse into practices that may become criminal?” This suggests marginalization necessarily leads to criminal activity. Finally, criminal activity on the part of illegal immigrants leads to xenophobia.

Whereas prior discussions cast immigrants as the victims of xenophobia, in these discussions, immigrants are clearly singled out as its cause. Illegal immigration, criminal activity, and competition from immigrants within the labor force lead to discontent within the native population, and xenophobia is a necessary outcome of this discontent. This difference in discourse leads to very different suggestions for solutions to the problems of xenophobia and racism. Those who cast immigrants as victims seek to deal with the extremist groups fueled by xenophobia and argue against legislation that makes immigration even more difficult and thus stigmatized. For example, Mr. Paillet chastises France for its growing number of anti-immigrant laws. In contrast, those that cast immigrants as the cause of xenophobia seek legislation to address what they portray as its specific root causes, such as illegal immigration and unemployment. Mr. Schaffner, for example, calls for tougher immigration laws and action against immigrants who exploit their “fellow immigrant citizens” for labor.

An April 8, 1997 debate on the establishment of a monitoring center for racism and xenophobia includes a continuation of the “cause vs. effect” arguments of the February 20, 1997 debate. While a majority sees such a center as a worthwhile endeavor, others, such as Mr. Van Bladel, for example, suggest that combating “unemployment, crime and the drugs trade” is effort better spent. Once again, xenophobia is turned into a

consequence of conditions created by the immigrants, with the implication that addressing the causal conditions will fix the overall problem. This suggestion shifts actions from ones that protect immigrants directly to a form of “trickle-down prosperity” that benefits natives directly with the hope that immigrants will also benefit from the improved conditions.

Among others that oppose the center is Mr. Vanhecke, who views the initiative as nothing more than a political ploy. In his view, the center is a “toy” designed to fight “a marginal phenomenon” that is neither “sociologically or politically relevant.” Whereas the center’s supporters lauded it as a good-faith initiative to address a significant problem, Mr. Vanhecke and others in his camp object to it on several grounds. It is costly, unnecessary, and is a “propaganda unit” that subordinates free expression to the irrelevant practice of combating racism. The impetus for this argument seems to stem not from any view by Mr. Vanhecke and his colleagues that racism is non-existent, but instead from his view of foreigners as “violent gangs,” “displaced,” and “a ticking . . . time bomb.” Whereas xenophobia discourse usually acknowledges the feeling as irrational or unjustified, Mr. Vanhecke’s comments suggest an alternate definition of xenophobia in which fear of, and discrimination against, foreigners is justified. In his comments, the roles of immigrants and xenophobic natives have been reversed. In a discussion with the overall goal of addressing discrimination against immigrants by xenophobic natives, Mr. Vanhecke stresses the need to prevent crimes against natives at the hands of immigrants.

ASYLUM

In contrast to internal migration and immigration debates, asylum debates centered on topics that were not explicitly economic or security issues. These debates focused on the politicization of European Union asylum policies and on determining those who are deserving or undeserving of refugee status. Several interesting discourses emerged from these debates concerning asylum and refugees. Asylum was alternately presented as gendered, being abused and inefficient, and not being extended to enough people.

“Refugee” carries a connotation of oppression and persecution, but within the context of EU Parliament debates it is gendered, with as many statements supporting the need to protect women and children as there are statements supporting the importance of protecting all victims of systematic persecution. For example, Mrs. d’Ancona commends the EU council for including language that singles out female asylum seekers in its proposal, but expresses disappointment that the proposal does not go far enough in protecting women. Shortly afterward, Mrs. Lulling commends the Council for adopting recommendations by the Committee on Women’s rights on asylum policy. Mr. Moreau stresses the importance of considering the “situation of women, who in some countries are subjected to violence, mutilation, and duress in violation of human rights.” Mr. Amadeo, and Mr. Mohamed Ali, too, stress the importance of the right to asylum for women, while Mr. Deprez, Mr. Zimmerman, and Mrs. Kinnock discuss the importance of asylum policies that highlight the needs of women *and children*.

These debates raise several questions regarding views within the Parliament on asylum, women, and the way they interact in asylum policy creation discourse. Some

statements reflect a genuine concern for the forms of oppression that uniquely affect women, while others, especially those that group the needs of women and children together, suggest a patriarchal attitude towards granting asylum to women—a view of asylum as protection for the weak rather than protection for the oppressed.

There is little contention within the EU Parliament that the EU needs a clear, unified policy on granting refugee status. In the November 13, 1996 debate, asylum policy is unanimously held up as an issue of utmost importance. Dissatisfaction is expressed across the board that more has not been done by either the EU Parliament or the EU Council on issues of refugee admittance to the European Union. These deliberations focus on establishing guidelines to prevent asylum from being misused. In these debates, lines are drawn between two communities of Parliamentary representatives who employ competing discourses on asylum and asylum policy. Those who favor more liberal asylum policies are easily identifiable; they verbally reprimand the EU Council for not going far enough in its draft of the EU asylum policy. Others who favor stricter asylum policies identify themselves by commending the EU council for making progress, no matter how limited, towards a resolution.

In this debate, the political nature of ascribing refugee status is highlighted as an important consideration in developing the EU's asylum policy. Much of the debate revolves around ways in which countries are determined to be safe countries of origin. For example, during the November 13, 1996 debate, Mr. Schulz states, "We cannot have a situation in which safe countries of origin are defined *only* by the governments of Member States and *only* on the basis of their own individual tactical, domestic-policy or diplomatic considerations" (emphasis added). In this statement, Mr. Schultz implies the

status quo of defining refugee status, though the meaning of this statement is somewhat ambiguous and open to at least two different interpretations. 1.) The designation of safe countries is solely a political matter, e.g. “only . . . tactical,” not at all in response to persecution. The degree to which a particular country abuses human rights currently plays absolutely no role in its designation as either a safe country or as a human rights abuser by the EU. 2.) Mr. Schultz is leaving some latitude for EU member countries to continue to define safe countries partially as a matter of political or tactical strategy, but to include to a greater degree actual human rights abuses in the equation. In other words, safe countries cannot be defined only on the basis of governments’ tactical or diplomatic considerations, it should also include consideration of human rights abuses. Both interpretations reflect a discourse that includes politics and international relations as inherent to asylum.

A debate on the establishment of “safe countries of origin” presents two competing discourses that further evidence the politicization of asylum, as well as conflicts over scale. A major area of contention in the safe country debate revolves around not how a country is designated, but whether a safe country truly exists at all. Mr. Deprez, for example, claims that at the very least all EU member countries should be designated as safe. He asks “How could we accept a situation where a Belgian citizen applies tomorrow for refugee status in a neighbouring State, whether it be France, the Netherlands or Germany?” Others discuss the inappropriateness of designating safe countries at all. According to Mr. Amadeo, “every application for asylum has characteristics and peculiarities of its own that defy any a priori classification.”

To the EU Council and others that support the designation of safe countries, the phrase “safe countries” is an administrative tool designed to streamline the process by which an individual is granted or denied asylum in the European Union. If an individual is fleeing from a country that has been designated safe, he or she will be refused asylum and returned to his or her country of origin under the assumption that this person was fraudulently seeking asylum. This same efficiency is the reason that several Parliamentary representatives object to its use. In creating an asylum policy, matters of efficiency are less important than matters of democracy and due process. Does the fact that a country is an EU member preclude it from executing some systematic discrimination upon a particular group? Mr. Amadeo and others who share his views believe that political relationships are irrelevant and that asylum should be granted based on the individual’s unique case, regardless of country of origin. The latter group refers to the former as one that is more concerned with “plugging the leaks” of asylum policy than providing sanctuary for refugees. This metaphor implies immigration policy as a dam or pipe that controls the potential flood of immigrants pushing for entry into the EU. Those characterized as being interested only in plugging the leaks view asylum policy as a weakness in the overall migration policy that allows unwanted immigrants to leak through. Asylum is politically necessary, but the criteria set forth should be stringent and focus as much on who should not be granted asylum as who should.

These asylum debates include scale as an important component. During the November 13, 1996 asylum policy debate, Mr. Nassauer highlights the weakness of any EU asylum policy that has not been communitized at the supranational level. Because any EU country must admit within its borders any refugee admitted by another EU

country, and because any asylum-seeker denied admission by one EU country cannot seek admission into any other EU country, all members should have identical asylum policies. An entity such as the EU that has already supranationalized many of its economic and social functions (such as internal migration policy) must supranationalize other, related functions in order to remain consistent.

This debate also includes some statements that include negative implications of the supranationalization of asylum policy. Mrs. Roth refers to the asylum policy created by the European Council as “the lowest common denominator.” She claims that in creating this policy, a representative from each EU member country “takes the toughest asylum provision from his own country and slaps it on the table” to create a harmonized EU policy. From this perspective, harmonization has distinct disadvantages, and will result in an overall weak policy. Only asylum policies that all or most countries can agree on will survive. Therefore, the most liberal policies will be thrown out, while the more restrictive asylum policies will meet less resistance. Mr. Lööw echoes Mrs. Roth’s concerns when he states “movement towards a harmonisation of refugee policy in the Union cannot but be stricter and more severe.” Mrs. Roth and Mr. Lööw both indicate that harmonization is responsible for the creation of “Fortress Europe.” This stands in stark contrast to the use of the term in much of the EU literature, in which Fortress Europe is described as a multilateral, intentional creation to keep foreigners out of the EU. The creation of “Fortress Europe” described in these debates indicates that it is somewhat unintentional, and certainly not multilateral. Instead, migration policy is described as something that can only be as liberal as the EU’s most conservative member.

Scale also plays an important role in the November 13, 1996 “safe country” debate. Mr. Deprez, for example, argues that because of the oversight of the EU on affairs at the national level, no refugees will originate from member countries, therefore all members countries can be designated as safe. By the time the September 16, 1997 debate on the right of asylum for EU nationals occurred, this sentiment had been partially incorporated into the Amsterdam Treaty; except in unique circumstances, nationals originating from EU countries could automatically be denied asylum by other member countries. While this treaty communitizes asylum policy, individual nations retain some national autonomy in being able to evaluate individual applications. Interestingly, the Geneva Convention supercedes EU policy; regardless of EU asylum policy requirements, member countries are required to honor the Geneva Convention and then EU policy. Both greater and lesser geographic scales influenced the expression of asylum policy within the Amsterdam Treaty: the superior supranational scale of the Geneva Convention, and pressure at the inferior national level.

CHAPTER 6 CONCLUSION

In this thesis, I set out to explore the role of scale and discourse in shaping migration policy. I chose to focus on the European Union, for which policymaking has been particularly contentious. This is because the EU is a supranational organization in which issues of scale and sovereignty are prominent, and migration's elevated status greatly influences collective identity. I focused on the debates leading up to the passing of the 1997 Amsterdam Treaty.

The literature review underscored the idea that policy in general, and migration policy in particular, is created through the employment of discourse that communicates individuals' unique perceptions of a particular issue. The speakers' subjective experiences shape this discourse, resulting in bias being incorporated into policy during its creation. This is primarily demonstrated through discourse within the European Parliament in which representatives attached meaning to my three key artifacts (internal migration, immigration, and asylum) that was either not inherent to the dictionary meaning or contradicted by other speakers' meanings. While this discourse can include a great variety of topics, migration literature suggests that it has focused traditionally on two areas: economy and security. Leitner suggests scale as a third important discursive topic in migration policy creation within the European Union. The central issue involving scale is over whether political authority over migration should rest in supranational or national institutions.

I employed discursive analytical techniques adapted from Yanow (2000). These techniques included identifying artifacts that held different meanings for different actors,

the discourse employed in reference to those artifacts, and the communities that employed the various discourses. To these I added a fourth step that involved identifying the scale that different communities make their arguments from. I focused on three discursive artifacts: internal migration, immigration, and asylum, and each artifact's synonyms and closely related words.

Two significant findings emerged from the analysis of the Amsterdam Treaty and the preceding debates. First, internal migration, immigration, and asylum were presented as having very different characteristics and different levels of desirability. Internal migration was generally discussed as being desirable, immigration was discussed as being less desirable and more problematic, and attitudes towards asylum fell somewhere in between. The justification for these generalizations varied widely. Internal migration, for example, is perceived to have economic benefits, whereas immigration is not. This seems to derive from a homogenous view of internal migrants as skilled workers who originate within the European Union, whereas immigrants are characterized as unskilled workers for whom free movement throughout the Union is neither permitted nor important. Surprisingly, however, immigrants were only once explicitly cast as a cause of unemployment, a commonly held assertion suggested by the international migration literature. Asylum and refugees were presented as a financial burden to receiving countries, resulting in suggestions for ways to increase the efficiency of granting and denying refugee status.

Controversy surrounds the area of freedom, security, and justice as a security liability. Although some predict increased safety as a result of EU oversight regarding migration abuses of individual countries, implying that power and control increases as

scale increases, others expressed skepticism that opening national borders facilitated illegal activity and the movement of criminals. Both the Amsterdam Treaty and European Parliamentary debates suggest, however, that it is primarily because of immigration and permeable external EU borders that internal migration is a security issue. This discourse posits that immigrants are likely to be criminals, responsible for social unrest, and should be controlled or monitored. This is reinforced in EU debates on xenophobia in which immigrants are cast not as xenophobia's victims, but as its causes. A conflicting view within immigration discourse presents immigrants as victims of xenophobia, crime, and social unrest, and worthy of protection.

In addition to asylum being considered a burdensome institution, asylum and refugee were also gendered in EU discourse. Several parliamentarians focused on refugees as being women and children. In some of these instances, the discourse suggested that women and children are uniquely victimized and therefore worthy of specific attention. In others, the discourse suggests a paternalistic view of refugees as being women and children who are unable to protect themselves.

The second significant finding is the degree to which tensions over the reconstruction of scale within the EU surfaced between advocates of national and supranational migration controls in migration discourse. Because these debates occurred when the European Union was in its infancy, a significant amount of tension revolved around where European power and identity should be held. Political actors deployed scale in EU migration discourse to position member states as victims and the EU as oppressors with overly broad authority, or to position the EU as the legitimate seat of authority and individual nations as incompetent or untrustworthy. One example is the

reluctance of the United Kingdom and Ireland to participate in the Schengen Area, citing security fears but also expressing concerns over sovereignty. Additionally, a significant amount of conflict occurred over whether EU states should accept asylum applications from other member states, signifying countries' adherence to their own national identities over a single, supranational, EU identity. These conflicts suggest the complexities of scale in the EU policy making process that arise as a result of the push by the European Union to control administrative tasks traditionally controlled by autonomous states and states' resistance to relinquishing this control.

An additional example of the unique complexities of scale issues in the European Union is the expression of national identity and dissent within the European Parliament. These political actors, at the same time acting as though the scale they represent is distinct and clearly understood, reinforce the notion that political units situated at different scales are not discrete and autonomous but are inextricably linked together. The argument for national sovereignty by some actors within the EU on issues of immigration control demonstrate that these actors, while advocating control of such issues by national governments, are attempting to exert their power at the supranational scale. This simultaneously demonstrates the legitimacy of the European Union as the significant and authoritative seat of power and demonstrates that on this and many other issues within the EU, the national, regional, or local cannot be separated from the supranational.

After acknowledging the importance of state policy in observed migration and investigating the discourse that led to the creation of state migration policy, the next logical step is to investigate who employed particular discourses in policy debates and why. Unfortunately, the scope of this study prevented any meaningful conclusions to be

drawn about the communities espousing the various sides of each issue. However, it would be useful in future studies to determine political relationships between the actors involved and any political parties or lobby groups through interviews and archival research so that the influence of nativist groups, labor unions, various citizens groups, and any other relevant political group could be determined.

Additionally, investigating the background and motives of particular communities would facilitate drawing more complete conclusions about the various scales involved beyond only the national and supranational. Undoubtedly, many of the opinions expressed in the Parliamentary debates that served as the focus of this thesis were directly influenced by conditions at local and regional levels of administration. However, determining the relevant conditions and scales would require the researcher to go beyond the debates to other sources of information, including interviews, to determine the existence of struggle between different scales.

It is important that migration scholars continue to acknowledge in their research the importance of state migration policies and their formation. Because of work suggesting the importance of state migration policies in influencing international migration outcomes and recent global events resulting in the further politicization of migration in several regions, including Europe and the United States, it is paramount that migration scholars consider how migration policies are formed as well as how they effect migration outcomes.

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