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Part I  Introducing the Exclusionary Politics of Asylum: The Management of Dislocation
1
A Dislocated Territorial Order?
Introducing the Asylum ‘Problem’

This book tells two stories. The first story has as its primary character a sovereign state. This state strives to protect its citizens against the negative imposition of uninvited non-citizens, while the latter risk life and limb in order to steal the benefits of which the former are the rightful recipients. As we will see, there is seemingly no end to this story, because the sovereign state effectively generates the ‘problem’ or ‘threat’ to which it is opposed. The second story has as its primary figure the ‘asylum seeker’, who is defined according to his or her ‘unauthorised’ entrance into a foreign territory. This mobile character, in risking life and limb, serves as an exemplary figure that renders visible the exclusionary practices employed by the state in its attempt to maintain a territorial order. The ending of this story remains unclear. Will the asylum seeker be consigned to the role of a scapegoat, or will s/he constitute herself/himself as a political agent within a broader movement towards a ‘post-national’ or ‘post-territorial’ citizenship?

In juxtaposing these two stories, this book critically explores how the territorial political community is defined against those mobile subjects who fit neither its norms nor its exceptions. The ‘abusive’ asylum seeker is a key figure in this respect, particularly in the European and UK contexts. Often assumed to be an economic migrant who enters without authorisation in order to reap the benefits of living in a wealthy state, this figure is largely perceived as a ‘bogus’ one that ‘poses’ as a refugee in need of protection. On this reading, the asylum-seeker-cum-illegal-immigrant does not fit the norm of a citizen who is protected by his or her own state, but neither does s/he fit the exceptional status of the refugee who requires protection within a ‘civilised’ state from one that is ‘rogue’ (Owen, 2005). It is in exploring the political, popular and technical constructions of this ambiguous figure as a ‘problem’ or
‘threat’ that this book shows how the exclusionary politics of asylum get entangled in a self-fulfilling cycle of restriction and control. In particular, it shows how the exclusionary politics of asylum precariously reconstructs the territorial political community in the face of its dislocation by constituting asylum seekers as scapegoats for ‘problems’ that are the political community’s ‘own’. Although the asylum seeker may be seen as a semi-autonomous agent who challenges the territorial norms of the sovereign state, s/he can thus also be conceived of as a subject who is prohibited and subsequently punished for his or her transgressions. It is when mobile subjects come up against their restricted doubles that this book observes the potential for a move beyond the reactionary confines of exclusionary politics.

Asylum, citizenship and sovereignty

In exploring the exclusionary politics of asylum, this book entails a broader engagement with questions surrounding citizenship, governance and belonging. As theorists such as Bonnie Honig (2001) have shown, the ‘foreigner’ plays a founding role through which a broader imaginary of citizenship is constructed, and in this respect citizenship qua belonging is defined in relation to ‘foreign’ figures such as the asylum seeker. Rather than approaching the political community and its citizen-body as pre-given entities that need to be defended against ‘threatening’ foreigners, this book approaches citizenship as variously constituted through relations with ‘alien others’ and ‘immanent outsiders’ (Isin, 2002). Its opening assumption is thus that the production of ‘foreign’ figures plays a constitutive role in defining the limits of citizenship and political community. Indeed, it suggests that the drawing of lines between foreigners and citizens does not only delineate those who belong to the political community from those who do not, but it also entails processes of governance or government through which the movement of citizens and non-citizens is regulated by the state and its subsidiary agents. In this respect, citizenship can be understood as a regime of inclusion/exclusion that creates units of belonging through which populations are governed (see Hindess, 1998).

It is in exploring how these limits are drawn through an opposition to asylum that this book seeks to contribute to existing debates surrounding citizenship and immigration (e.g. Brubaker, 1989; Castles and Davidson, 2000; Hampshire, 2005; Hansen, 2000; Joppke, 1999; Koopmans, Statham, Giugni and Passy, 2005; Layton-Henry, 1992; Spencer, 1994). Asylum shot up the political agenda in the UK and
across Europe from the 1990s, rendering the asylum seeker a key ‘foreign’ figure by which the limits of citizenship are drawn. In this context, attention has been drawn to the paradoxical role that asylum plays in constituting liberal democratic citizenship. On the one hand, a commitment to the provision of protection for those fleeing persecution is key in articulating a liberal democratic way of life as morally superior to that of refugee-producing states or to that of states that are not signed up to the 1951 United Nations Convention for Refugees (Schuster, 2003a). On the other hand, the articulation of asylum as a security issue necessitating intensified border controls undermines the very freedoms that are central to a liberal democratic way of life (Huysmans, 2006). According to Matthew Gibney’s (2004) reading, liberal democratic citizenship is thus constituted in ‘schizophrenic’ terms, because it combines a moral attachment to the principle of asylum with a practical attachment to measures that are designed to ensure that asylum seekers don’t reach the territory where they can receive protection.

This book approaches this paradoxical liberal democratic formulation of citizenship as indicative of a tension at the very heart of the territorial order. This tension, it suggests, is central to the workings of the sovereign state and its subsidiaries. The primary focus in this book is thus on the restrictive impulse which Gibney highlights, which is conceived of as characteristic of the sovereign state as much as of the liberal democratic state. Immigration control is one of the defining features of the modern sovereign state and, as such, serves as an important means by which a territorial order is constituted in terms of state governance and national belonging (Bartleson, 1995). This territorial articulation of governance and belonging can be interpreted in terms of the inscription of an opposition between sovereignty and anarchy, in which the domestic sphere is conceived as one of peace and order and the international sphere is conceived as a dangerous and threatening anarchy (Ashley, 1988). As we will see, however, there have been significant disruptions, transgressions and dislocations of this distinction between the inside and the outside over recent years (Kostakopoulou and Thomas, 2004). This renders the drawing of limits around citizenship highly complex. Indeed, it often leaves the distinction between those who belong and those who do not, as well as the distinction between those who require restriction and those who do not, in a relation of tension with the territorial frame of the nation state (Joppke, 1998).

It is in relation to these varied disruptions, transgressions and dislocations of a territorial order that this book explores the contemporary articulation of asylum as a ‘problem’ or ‘threat’. It is now
firmly established that a framing of free movement as a security issue has led to its construction as a ‘threat’ in the post-Cold War context (Huysmans, 2006). Indeed, it has been suggested that the securitisation of migration signals a ‘disembedding’ of liberalism, particularly in a post-9/11 context (Hampshire and Saggar, 2006; Hampshire, 2008). This is particularly evident in relation to asylum, not only in the UK but also more widely across Europe and beyond. As Guy Goodwin-Gill (2001) suggests, the articulation of asylum as a security issue has diluted the language of refugee protection, while facilitating a move away from an individual rights-based approach. These developments have led some to claim that a ‘new asylum paradigm’ may be emerging as an alternative to the post-war international refugee regime (Crisp, 2003; Koser, 2001; Schuster, 2005a). Whether or not contemporary developments in the area of asylum signify a qualitatively ‘new paradigm’ remains open to debate, but the analysis in this book clearly supports the suggestion that a ‘hostile new agenda’ has emerged over recent years (Joly, Kelly and Nettleton, 1997). Running parallel to managed migration, this agenda can be conceived of as part of a wider attempt to manage complex and mixed migratory flows ‘at a distance’ (Geddes, 2000). With asylum seeking perceived as ‘threatening’ the very success of managed migration (Flynn, 2005), an exclusionary approach has emerged in which asylum seekers are subject both to restrictive measures of surveillance and control (see Pratt, 2005; Pickering and Weber, 2006), as well as to hostile narratives of exclusion (Ahmed, 2004; Nickels, 2007). It is where these dimensions become intertwined in what Heaven Crawley (2005:15) describes as a ‘vicious cycle’ that the exclusionary politics of asylum can be identified.

The emergence of the asylum ‘problem’

Asylum has a long and varied history in both the UK and the European contexts, but it only became a focus of primary legislation in the UK in 1993 (Schuster, 2003a). It was at this point that the Asylum and Immigration Appeals Act incorporated the 1951 United Nations Geneva Convention Relating to the Status of Refugees into British law, and the UK was formally obliged to acknowledge Article 14 of the Universal Declaration on Human Rights, which refers to the right of asylum. The 1993 act thus constituted a commitment on UK’s behalf to provide an individual with the right to claim asylum on its territory and, if successful in his/her claim, with the right to enjoy asylum. Prior to this legislation the granting of asylum remained a more ad hoc process,
which was developed according to the needs of particular groups. Such was the case in relation to Chilean and Vietnamese refugees during the 1970s (e.g. Joly, 1996).

Notably, the 1993 commitment to the UN Convention came at a time when there had already been a shift towards the 1951 Convention’s more ‘restrictive interpretation’ (Castles and Miller, 1998:89). This is reflected in what Roger Zetter (2007:189) describes as the ‘fractioning’ of the refugee label, whereby a complex legal plethora of temporary protections statuses have emerged that conceal the political agenda of ‘restricting access to refugee status’. Supporting this claim, this book shows how a complex legal picture tends to be precluded by a more simplistic distinction between ‘desirables’ and ‘undesirables’, both at the level of political and popular debate as well as at the level of technical practice (see Parts II and III). While a restrictive approach to refugee protection is widely conceived as emerging in response to an increase in ‘territorial asylum seeking’ during the 1980s and 1990s, this analysis seeks critical distance from the assumption that restriction has been a ‘natural’ response to increased numbers of individuals physically entering the country in order to claim asylum. Rather than interpreting restriction as necessarily emerging in the face of growing numbers of asylum claims, it contends that it is important to develop a more complex understanding of the shift towards restriction. This can be developed through the consideration of various events and processes that serve as the conditions under which restrictive asylum discourse emerged.

The end of the Cold War is generally seen to be the most important event that conditioned the emergence of restrictive asylum policy. As Liza Schuster (2003a; 2003b:244) suggests, asylum became of declining political utility in a post-Cold War context, because it no longer benefited the interests of powerful states. Indeed, the literature on asylum widely recognises the declining political efficacy of asylum after 1989. In a context where asylum no longer refers to those fleeing communist regimes, a commitment to political migration would seem to be of secondary concern (Castles and Miller, 1998). Nevertheless, asylum entails new political efficacy in its movement from an issue of ‘low’ politics to an issue of ‘high’ politics. Specifically, its articulation as a ‘problem’ or ‘threat’ facilitates a specifically exclusionary territorial reconstruction of political community in a context marked by increased cross-border mobilities. This process has a longer history than is sometimes assumed, but could be said to have taken on a new intensity after 9/11 and, in the UK, after the 7/7 London bombings in 2005. While the direct articulatory linkage of asylum seeking and terrorism would seem to be
unfounded, the analysis in this book suggests that associational links between various types of ‘cross-border threat’ remain efficacious. This is evident, in particular, where we consider the consequences of the framing of asylum as a security issue for those seeking to claim asylum in EU states such as the UK (Guild, 2003).²

The end of the Cold War and the Global War on Terror (GWOT) are not the only factors that have conditioned a move towards an increasingly restrictive asylum agenda. Various events and processes need to be addressed if we are to understand more fully how a restrictive approach to asylum has come to have such a hold within the European and UK context today. First, there are economic conditions. A longer history is required here: beginning in the 1970s, a period of economic instability led to the shrinkage of guest worker programmes across Europe, and paved the way for a restrictive approach that retains its resonance even today. Indeed, the shrinkage of guest worker programmes led to the greater visibility of asylum, which increased proportionately in relation to overall immigration figures. Economic factors are thus important in developing an understanding of the emergence of a restrictive agenda that targets asylum seekers specifically.

Also important in understanding this restrictive agenda are changing political conditions within Europe. The break-up of the former Yugoslavia during the 1990s was a key factor conditioning concerns about increasing the numbers of asylum seekers, while the opening of internal borders and a corollary expansion and tightening of the Union’s external borders reframed restriction in terms that largely work against the inclusion of asylum seekers (Kostakopoulou, 1998).³ Although integration has led to a significant liberalisation of migration within the EU, it has thus been coupled with a strong emphasis on the restriction of migration from outside of the Union (c.a.s.e. collective, 2006). Despite the EU’s explicit ongoing commitment to asylum and to human rights, and despite its attempt to prevent a ‘race to the bottom’ in terms of asylum reception standards, European integration could thus be conceived as moving asylum policy in a broadly restrictive direction.

This analysis thus suggests that a range of events and processes have emerged as conditions for the emergence of a restrictive approach to asylum within the European context. Indeed, this restrictive approach is particularly strong in the UK, whereby an influential right-wing popular press has often engaged in a campaign against asylum seekers (Kaye, 1998). Such a campaign arguably thrives on an authoritarian nationalism which emerged in the UK under the leadership of Margaret Thatcher in the 1980s (Hall, 1983), and which found in the
asylum seeker a convenient scapegoat during the 1990s. This antagonistic approach to asylum needs to be understood in relation to wider political and popular hostility surrounding a human rights framework, which is often articulated as granting rights to ‘foreigners’ over citizens. Such hostility is, for example, evident in political debates surrounding whether or not the UK should renege on its commitment to the European Convention on Human Rights (Joint Committee on Human Rights, 2006). A concerning concoction of anti-asylum, anti-European and anti-judiciary sentiment would seem to have conditioned the emergence of a restrictive asylum agenda in the UK (see Chapter 4).

It is, thus, in relation to various economic, social and political conditions that asylum has been constructed as a ‘problem’ or a ‘threat’ that necessitates intensified controls. Such a discourse rests on several key assumptions. First, it assumes that there is, or has generally been, an increase in the numbers of asylum seekers, and that this constitutes a problem for receiving states. Second, it assumes that the asylum system has been subject to widespread ‘abuse’ by economic migrants who want to enter, reside and work in the UK. Third, it assumes that intensified restriction or control will help in successfully resolving ‘problems’ that are associated with increased numbers of asylum seekers.

One of the main aims of this book is to challenge these assumptions, each of which are conceived to be highly problematic. With regard to the first assumption, it is clear that there have generally been higher numbers of asylum claimants since the 1990s, although this rise in numbers has been punctuated and has dropped recently. However, rising numbers do not necessarily constitute a ‘problem’ for receiving states such as the UK, particularly given its ageing population and its requirement for migrant workers in certain sectors. With regard to the second assumption, it is critical to note that the question of whether an asylum seeker is ‘deserving’ or not is impossible to establish in fact, and is imbued with judgements regarding his or her ‘desirability’ or ‘undesirability’. A focus on ‘would-be’ migrants who ‘abuse’ the asylum system plays on this ambiguity in terms that foreclose questions regarding the rationale on which decisions about asylum claims are made. This is highly problematic because it closes down opportunities for a more open debate surrounding the issue of asylum. With regard to the final assumption, it is important to note that the specific effects of restriction are difficult, if not impossible, to judge because of the wide range of factors that condition contemporary migrations (Castles and Miller, 1998:19–29). Going further, it seems that many of the ‘problems’ associated with
asylum are not, strictly speaking, problems of asylum seeking but that they are, in fact, often produced or aggravated by restrictive controls (see Part III). Such are the exclusionary politics of asylum, which constitute scapegoats for the wider dislocation of a territorial order.

Exclusionary politics and the dislocation of a territorial order

Rather than working with the assumption that restrictive controls serve as a ‘natural’ response to increased numbers of asylum seekers, this book suggests that it may be more adequate to interpret restriction as symptomatic of a wider dislocation of a territorial order of governance and belonging. It has often been suggested that we are witnessing the displacement of a territorial order in which the sovereign state reigns supreme. Some researchers emphasise economic and social factors that are related to the demand for flexible labour, the development of a global market, the internationalisation of finance and to the autonomy of corporations (Thompson, 2000). Others focus on social and technological factors, such as the development of transport and communication systems that foster interactions between peoples at a global scale (Appadurai, 1996). Others still draw attention to political and legal shifts such as the development of human rights norms and modes of multilevel governance (Habermas, 1992, 1998). These various strands of research suggest that there is what might be described as a ‘metadiscourse’ of globalisation that is characteristic of our times.

It is in relation to these wider processes of globalisation, neoliberalism and transnationalism that questions have emerged regarding new forms of governance and belonging that undermine the authority of the sovereign state and the national articulation of citizenship (Bhabha, 1999; Soysal, 1994; Linklater, 1998, 2007). Migration or human mobility is of particular interest in relation to such debates, because it entails complex and often contradictory rearticulations of governance and belonging (Tastsoglou and Dobrowolsky, 2006). Human mobility might thus be conceived of as a ‘turbulent’ force that disrupts territorial borders, to which the sovereign state has often responded defensively (Papastergiadis, 2000; Mezzadra and Nielson, 2003). It has frequently been noted that a neoliberal commitment to the free movement of goods has not been met by a similar commitment to the free movement of people (Harris, 2003). In this context, the sovereign state’s response to the ‘turbulence of migration’ can be seen as mixed, if not blatantly contradictory. Thus, ‘desirable’ migrants are warmly welcomed while ‘undesirables’ clearly are not (Newman, 2003).
Indeed, Anne McNevin (2007) suggests that these ambivalences are central to the development of restrictive asylum policy. She argues that the sovereign state’s closure of asylum routes can be interpreted as part of a process of assuaging domestic anxieties provoked by neoliberal restructuring. In this respect, McNevin draws attention to the ways in which asylum has been central to the neoliberal adaptation of the sovereign state. While her analysis draws on the Australian case, this book develops a similar reading of the UK. As we have already seen, the 1980s were marked by the resurgence of a nationalistic, authoritarian-populist discourse of citizenship, which ran alongside a pervasive neoliberalism. Despite their significant rearticulation, there has been a continuation of both of these dimensions under recent Labour governments. Such conditioning factors—authoritarian nationalism and neoliberalism—run both in parallel and also in contradiction with one another. Thus, the neoliberal demand for flexible labour serves to open up migration routes, while domestic anxieties (often articulated in nationalistic terms and related in part to the pressure for flexible labour and related job insecurity) demand their partial closure. It is in this ambiguous context that the conditions have been ripe for a constitution of the asylum seeker as a scapegoat for wider shifts in governance and belonging.

If exclusionary asylum discourse functions to assuage anxieties in a context marked by neoliberal restructuring, it could also be said to assuage anxieties in a context marked by a range of dislocations of a territorial order of governance and belonging. European integration is of particular interest in this regard, because it potentially entails a post-territorial mode of governing (Weiner, 1998) and a post-national mode of belonging (Soysal, 1994). In other words, European integration itself potentially dislocates a territorial order. This raises questions as to whether asylum is constituted as a scapegoat at the European level, and as to whether an emergent ‘post-national’ or ‘post-territorial’ polity such as the EU facilitates a movement beyond the framing of governance and belonging in the territorial terms of exclusionary asylum discourse. This book engages with such questions through analysing asylum discourse in both the UK and the EU contexts. The UK can be conceived as an exemplary case by which such questions can be considered, both because of its tradition of Euro-scepticism (which suggests that European integration is particularly dislocatory in this context), and also because of its specific focus on asylum. While concerns regarding ‘illegal immigration’ have generally tended to dominate in the southern and eastern European contexts, a concern with asylum has been particularly heightened in the UK. As such, an analysis of
UK asylum discourse is not only of interest in its own right, but also is of interest in its relation to the articulation of asylum at a wider European level. Indeed, it is an important case by which we can develop an understanding of exclusionary politics more generally. On this reading, UK asylum discourse can be approached as a story of what happens when the sovereign state and its national community come together in responding to territorial dislocations in distinctly exclusionary terms.

**Analysing the exclusionary politics of asylum**

The UK’s exclusionary focus on the ‘threat’ or ‘problem’ of asylum in part reflects its geographical positioning. As an island ‘buffered’ by various EU member states, the UK does not face ‘illegal immigration’ in such an immediate way as countries such as Italy and Spain in the south, or the more recently acceded EU states in the east. Much of the concern in the UK has thus been about those who have passed through other EU states, including those who have been trafficked or smuggled, and also as asylum seekers. The prominence of asylum seeking, over illegal immigration, reflects this concern, although the revised Dublin Convention has lessened this emphasis in the UK since it requires that asylum seekers be dealt with by the first safe country that they entered. Notwithstanding these important specificities, however, the differences between UK and other EU (and non-EU) states should not be overstated. Asylum discourse is characterised by a ‘frequent conflation’ of asylum with issues of immigration (Lewis and Neal, 2005:436). Indeed, an exclusionary politics that takes asylum as its primary target of control may be less distinct than it initially appears from an exclusionary politics that takes ‘illegal immigration’ as its primary target of control. It is with this in mind that restrictive asylum discourse can be conceived of as part of a wider exclusionary politics in which the focus of control shifts between various ‘threatening’ mobile subjects.

This book draws critical attention to the conflation of asylum and ‘illegal immigration’ through referring to the *asylum-seeker-cum-illegal-immigrant*, as well as to asylum-cum-illegal-immigration or illegal-immigration-cum-asylum. Where such terms are used, they specifically refer to the conflated categories of asylum and ‘illegal immigration’, which often form a focus of concern in political and popular debates. Nevertheless, it is important to remember that the two are in fact separate subcategories of migration, which have distinct legal meanings. *Migration* broadly refers to the movement of humans across borders, whether forced or unforced, whether political or economic and whether
authorised or not. While the migrant is a traveller or a worker who moves from one region to another, the immigrant seeks settlement within the ‘host’ region or country. Asylum seeking in its territorial variant applies only to those migrants who have physically reached the state’s territory or its port, and who have lodged a claim for refugee protection. On successfully being granted protection the asylum seeker is redefined as a refugee, who according to the 1951 Convention, is ‘a person outside of his or her country of nationality who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion’ (United Nations High Commissioner for Refugees, 1996:16). If s/he does not meet the criteria of the Convention, s/he may instead be granted with subsidiary protection, often of a temporary nature.

In contrast to asylum, ‘illegal immigration’ refers to the unauthorised residence of migrants within a ‘receiving’ state. The ‘illegal immigrant’ may enter without authorisation or s/he may enter legally and breach his or her visa conditions by staying after his/her visa has expired. Although ‘illegal immigration’ is primarily represented in relation to asylum as a problem of entrance without authorisation, it can thus also refer to those who have reached the end of the asylum process without having their claims accepted by the state. This serves as just one of the ways in which illegality is produced by the state (De Genova, 2002, 2004). An acknowledgement of the various processes of ‘illegalisation’ that come into play through the extension and reinforcement of restrictive policy initiatives is expressed in the use of quotation marks around the term ‘illegal immigration’ throughout this book.

It is important to note that the asylum seeker is protected in international law from being defined as an ‘illegal immigrant’. However, there have been moves to criminalise those asylum seekers entering without correct documentation over recent years, despite the 1951 Convention’s emphasis on the right of an asylum seeker to enter a territory without legal documents (Guiraudon, 2003). Reflecting such developments, the term ‘asylum-cum-illegal-immigration’ is employed here through a critical engagement with the restrictive discourse of control, which is dominant in the UK and elsewhere. In contrast, the term ‘irregular migration’ is employed in order to signify a critical disengagement with such a discourse. Where the book refers to the irregular migration, it thus employs its own term to refer to disruptive ‘acts’ in which state borders are crossed and territories are inhabited without authorisation (Isin and Nielsen, 2008). This term is thus not used in a legalistic sense, nor does
it refer to a specific category of migrants. Rather, the irregular migrant is perceived as a figure who potentially interrupts an exclusionary discourse through which a territorial order of governance and belonging is precariously reconstructed. The term ‘irregular migration’ is thus indicative of the critical distance that this book strives to develop between the analysis and the object of the analysis.

A growing number of works have emerged over recent years that develop a critical understanding of the way in which EU states such as the UK respond to asylum within the international or global sphere. Whether from a legal (Goodwin-Gill, 1996), political (Boswell, 2003a; Geddes, 2003) or sociological perspective (Morris, 2002), and whether taking as a primary focus domestic (e.g. Hansen, 2000) or EU developments (e.g. Lavenex, 1999; Guild and Niessen, 1996), asylum policy and practice have been subject to detailed investigation. An analysis of the securitisation of free movement can contribute to this critical body of literature by examining the way in which the framing of asylum as a security issue legitimises the extension of restriction developments within, and beyond, ‘host’ states such as the UK (Bigo, 2000a, b, 2002b; Huysmans, 2006; van Munster, 2009). This analysis contributes to the literature on securitisation by focusing on its exclusionary processes and consequences in relation to asylum-seeking more specifically. In this regard, it can be linked to a wider literature on criminalisation (Cuneen, 2000; Garland, 2001). Rather than producing a detailed and comprehensive analysis of asylum policy per se, it engages with policy developments specifically in terms of the way that they shed light on the framing of asylum as a security or criminal ‘threat’. Conceptualising securitisation as related to criminalisation (or ‘illegalisation’) in terms of its exclusionary narrative and technical operations, the book conceives both as similarly entailing a logic of selective opposition. This, it suggests, can be understood in terms of the articulation of asylum as a ‘threatening supplement’ against which the territorial political community is defined (Derrida, 1997; Smith, 1994). Such an articulation is conceived both in terms of the exclusionary reconstruction of a nationalistic conception of belonging, as well as in relation to the exclusionary reconstruction of a state-centric conception of governance. Indeed, this analysis suggests that restrictive migration controls precariously reconstruct the state where it is disrupted by the increased role of subsidiary regulatory agencies, while at the same time the nation is reaffirmed against disruptive or turbulent transnational and regional identifications.
In analysing these exclusionary politics from a critical perspective, this book strives to move beyond a restrictive discourse of control in which some migrants are included, only for others to become scapegoats. In so doing, it has four key objectives. First, it aims to consider how an exclusionary approach to asylum has become dominant in the UK and the EU today. While the centrality of restrictive (and often draconian) policy developments is relatively widely charted in the literature on asylum, the process by which a restrictive approach has become dominant is less clearly understood. This book addresses this limitation through developing a historical analysis of the conditions of emergence for restrictive asylum policy, and through undertaking a discursive analysis of the interrelation between the political and popular legitimisation and the technical and institutional embedding of such developments. In so doing, it develops a discursive approach to securitisation in which narratives of control and technologies of control are approached as distinct practices that come together as part of a wider exclusionary asylum discourse. Such an approach enables us to consider how words and actions come together to constitute asylum as a ‘problem’ or a ‘threat’ necessitating restrictive controls.

Related to this, the second objective of the book is to examine how exclusionary asylum discourse is manifest across the political, popular, public and technical spheres. Various commentators have pointed to linkages between press and policy debates regarding asylum (Kaye, 1999) and to the co-option of various non-governmental and private organisations within an exclusionary agenda (Zetter, Griffiths and Sigona, 2005). A discursive approach facilitates a detailed analysis of these processes, because it allows both for a consideration of the ways in which exclusionary narratives of control are manifest across EU, governmental, party political and press discourse (Part II), as well as for a consideration of the technical operations through which various agencies enact restriction (Part III). In exploring these processes, the book draws on a wide range of texts and interviews in order to show how processes of securitisation and criminalisation serve to legitimise and extend restrictive controls while delegitimising alternative discourses of asylum. This not only allows it to shed light on the way in which an exclusionary asylum discourse maintains dominance even where restrictive measures are subject to significant contestation, it also shows how the increasing dominance of exclusionary asylum discourse at the domestic level tends to preclude a more radical rethinking of asylum at the European level.
The third objective of the book is more concerned with the effects or consequences of exclusionary asylum discourse than it is with the operations and processes by which exclusionary asylum discourse has become dominant. Specifically, the book explores the effects of restrictive controls in relation to asylum seeking, both in conventional and critical terms. First, the book assesses policy initiatives in their ‘own terms’. It does this by drawing out a range of exclusionary narratives of control in Part II, through which key initiatives examined in Part III are then assessed. Drawing on interviews with asylum seekers, community representatives, asylum support workers and immigration officers, the analysis shows how policy initiatives often produce and reproduce the ‘problems’ that serve as justification for such practices. From this, the book develops a second line of critique in which it is suggested that asylum seekers are constituted as scapegoats onto whom various ‘problems’ are projected. This process is, it suggests, an inherent dimension of exclusionary politics in which processes of securitisation and criminalisation get entangled in a self-fulfilling cycle.

It is in the attempt to break out of this self-fulfilling cycle that the final objective of the book comes into play. While the primary aim of the analysis is to consider how, and with what effects, exclusionary politics have become dominant in and beyond the UK today, attention is also paid to how the space for a more ‘inclusionary’ approach to asylum can be opened up. Throughout the book, the analysis draws attention to various contestations that emerge in relation to the restrictive measures and threatened/threatening subjectivities that such a discourse inscribes. In considering how such contestations might be engaged with critical effect, Part IV of the book shows how a reinvigorated conception of the political subjectivity of asylum seekers serves as an important starting point for any movement beyond exclusionary politics. It suggests that such a move not only requires a rereading of asylum, but also a rethinking of citizenship more broadly. Drawing attention to the European Union as a key site by where this re-enactment of citizenship and asylum might proceed, the book suggests that any movement beyond exclusionary politics of the reactive and territorial form outlined here requires a rearticulation of citizenship in terms that takes mobility seriously.

An outline of the exclusionary politics of asylum

This book is divided into four parts, the first and last of which are primarily theoretical in nature and the middle two of which combine empirical analysis with theoretical discussion. Part I goes forward from
this introductory chapter into Chapter 2, which develops the conceptual and theoretical tools by which the empirical analysis proceeds. The first part of the chapter shows how a focus on asylum is important in drawing attention to the exclusionary tendencies of ‘managed migration’, and suggests that both liberal and critical analysts risk reaffirming a discourse of the asylum ‘problem’ where they do not critically distance themselves from the exclusionary operations of a managerial approach. Introducing securitisation theory as one starting point for such a critique, Chapter 2 suggests that a discursive theory of securitisation enables us to critically examine the exclusionary processes through which the territorial political community is constructed against the ‘threatening supplement’ of asylum-cum-illegal-immigration. Going further, it suggests that a discursive approach is able to bridge a methodological and empirical gap that has opened up between speech act and governmental theories of securitisation, because it is able to examine the exclusionary interactions between narratives of control and restrictive techniques of control. This is critical in showing how restriction becomes decontested or depoliticised through the discursive sedimentation and the institutional embedding of an exclusionary politics.

Part II of the book explores how exclusionary asylum discourse has become dominant in the UK and the EU, and outlines the key securitising and criminalising narratives that emerge across political, public and popular debates. Chapter 3 further charts the historical emergence of restrictive asylum developments in the UK, and considers how emergent European policies have been legitimised at both the domestic and EU levels through an opposition to asylum and associated ‘threats’. The first part of the chapter situates restrictive asylum developments in relation to a longer historical trajectory of restriction in post-war Britain. In so doing, it suggests that contemporary asylum politics might be conceived of as an exclusionary reiteration of post-war immigration politics. Situating the exclusionary politics of asylum in relation to European integration, the second part of the chapter goes on to show how the tensions and dislocations that emerge between European and domestic articulations of political community are mediated or covered over by exclusionary asylum discourse at both the domestic and at the European levels. Specifically, it examines European Council, European Commission and UK government discourse in order to show how the construction of asylum-seekers-cum-illegal-immigrants as ‘threatening’ or ‘culpable’ subjects both naturalises and normalises the extension of restrictive controls in terms that bring together the UK and the EU in an
exclusionary relation of equivalence. This, Chapter 3 concludes, serves to precariously reconstruct a territorial order while covering over dislocations that are in part produced by the process of integration.

Chapter 4 moves from this focus on the EU in order to examine the dominance of restrictive asylum policy at the domestic level. More specifically, it charts public contestations of restrictive policy measures and explores how exclusionary narratives of asylum that cross governmental, party political and popular press texts legitimise restrictive developments at the level of practice. The first part of the chapter shows how recent governments have limited the scope and effectiveness of contestation by developing a populist and exceptionalist style of government. The second part of the chapter shows how this style of government needs to be understood in relation to a broader shift towards restriction across the party political spectrum, which in turn needs to be understood in term of the dominance of exclusionary narratives of control in which asylum is constructed as ‘threatening‘. Charting these narratives in further detail, the analysis shows how political community is defined as socially stable and morally benevolent, precisely through an opposition to asylum. This contradictory reconstruction of political community is indicative of a productive tension at the heart of exclusionary asylum discourse in which the dislocations of a territorial order are selectively covered over in reactionary terms.

While Part II of the book begins with restrictive practices and moves through to the analysis of exclusionary discourse, Part III of the book starts with exclusionary discourse and moves through to an analysis of restrictive practices. Specifically, Part III develops a more detailed assessment of the effects of exclusionary politics by assessing two control initiatives in both conventional and critical terms. Chapter 5 focuses attention on ‘external’ techniques of control that prohibit the entrance of asylum seekers en route to EU states such as the UK. The first part of the chapter introduces interception as part of a managerial approach that entails a range of institutional and technical processes of securitisation and criminalisation, and shows how the managerial development of migration control signals a process of depoliticisation in which restrictive controls are moved away from the sphere of public scrutiny. The second part of the chapter considers the effects of such developments in relation to asylum. Showing how asylum is constituted as a ‘problem’ of unauthorised entrance through the development of interceptive controls, it challenges the assumption that external regulatory practices respond to a pre-existing ‘threat’ of unauthorised entrance. Specifically, it argues that interceptive techniques are better understood
as interdictive control technologies that pre-emptively *refoule* ‘undesirables’ such as asylum seekers.

Chapter 6 focuses attention on ‘internal’ techniques control that discipline asylum seekers who have already entered EU states such as the UK. The first part of the chapter introduces asylum reception practices such as dispersal, detention and deportation (or removal) as punitive technologies that form part of a wider deterrent rationality. Going on to critically analyse the punitive techniques that characterise the dispersal initiative, it shows how a range of organisations have become co-opted within the diffuse practice of policing asylum seekers. The second part of the chapter develops a critique of dispersal by showing how the initiative aggravates many of the ‘problems’ that it is designed to resolve. Specifically, it shows how dispersal tends to reproduce the ‘threat’ of service strain and social tension, while constituting asylum seekers *en mass* as ‘culpable’ subjects who have no right to complain. Claiming that this process reduces the scope for solidaristic political engagement by creating a hostile environment in which asylum seekers are vulnerable to both political and economic exploitation, Chapter 6 concludes that dispersal feeds into a self-fulfilling cycle of securitisation and criminalisation, the only route which would seem to move in the direction of abjection.

Part IV shifts the focus back to a more theoretical level, while considering the potential for a movement beyond the exclusionary politics of asylum. Chapter 7 opens by considering how far Giorgio Agamben’s theorisation of sovereign power facilitates a specifically critical diagnosis of exclusionary politics. While it accepts that Agamben’s work is important in facilitating a conceptualisation of the exclusionary processes of securitisation and criminalisation in relation to the production of abject spaces, it Warns against an approach that precludes a consideration of the ‘turbulent’ resistance of irregular migrants. Instead, the analysis suggests that sovereign-bio-power produces multiple abject spaces, which are crossed through with a range of contestations. The second part of the chapter develops this claim by considering how the critical inhabitation of abject spaces by the *No Borders* and *No One Is Illegal* movements enact citizenship, governance and belonging in terms that exceed a territorial frame. Such actions are important, the chapter suggests, because they critically intercede an exclusionary politics by producing solidaristic relations between citizens and irregular migrants through the ‘misplaced’ claiming of rights and obligations.

Chapter 8 closes the book by considering how a more ‘inclusionary’ approach to asylum might be developed. Summarising the critical
diagnosis of the exclusionary politics of asylum as a specifically reactionary, depoliticising and divisive politics of differential inclusion, the first part of the chapter suggests that a simple move beyond a territorial political frame is inadequate to the task of rethinking asylum. Suggesting that a critique of both the oppositional relations and also of the discursive and institutional depoliticisations of an exclusionary politics is critical in any ‘post-territorial’ rethinking of citizenship and asylum, the second part of the chapter goes on to draw attention to the limits of human rights and open borders approaches in critically intervening exclusionary politics. As an alternative, the chapter argues for a distinctly political engagement of asylum qua irregular migration and for a mobile re-enactment of ‘post-territorial’ citizenship in terms of acts of solidarity. Pointing to the European Union as a fertile ground for such developments, the chapter concludes that such political engagements potentially open the space for a dialogue that does not become caught in an exclusionary cycle.
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