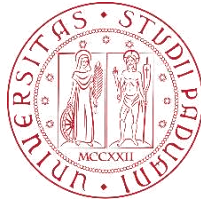


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**Master's degree in
Human Rights and Multi-level Governance**



The Securitization of Asylum Immigration
Examining the Influence of the European Union's
Internal Security Project on Dutch Political Discourse

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Abstract

Since the establishment of the Schengen area, the European Union's internal security project has led to the securitization of immigration. This thesis investigates how this internal security framework has impacted political discourse on asylum immigration in the Netherlands while devoting particular attention to the broader consequences of the securitization of immigration for asylum seekers' human rights. By applying the theory of securitization and analyzing debates, policy documents, and the transposition of European Union directives into Dutch legislation, this thesis offers a comprehensive analysis of securitizing and desecuritizing moves within Dutch political discourse. It reveals how securitizing actors and rival voices incorporate the European Union into their discourses.

Keywords

securitization; asylum migration; political discourse; the Netherlands; European Union.

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Abbreviations

ACVZ	-	Advisory Council on Migration
CAT	-	Committee against Torture
CDA	-	Critical Discourse Analysis
CEAS	-	Common European Asylum System
CJEU	-	Court of Justice of the European Union
COA	-	Central Agency for the Reception of Asylum Seekers
CRC	-	Committee on the Rights of the Child
CS	-	Copenhagen School
CSDP	-	Common Security and Defense Policy
CU	-	<i>ChristenUnie</i>
EASO	-	European Asylum Support Office
ECHR	-	European Convention on Human Rights
ECtHR	-	European Court of Human Rights
EEC	-	European Economic Community
EU	-	European Union
HRC	-	Human Rights Committee
IND	-	Immigration and Naturalization Service
PDA	-	Political Discourse Analysis
PMA	-	Pact on Migration and Asylum
PVV	-	<i>Partij voor de Vrijheid</i>
SEA	-	Single European Act
TFEU	-	Treaty on the Functioning of the European Union
UN	-	United Nations
VVD	-	<i>Volkspartij voor Vrijheid en Democratie</i>

Introduction

In the past decades, the increased regional cooperation in the European Union (EU) and the establishment of the Schengen area have increased the permeability of EU member states' borders, allowing citizens to move freely across countries without the restriction of border controls. However, this newfound freedom of movement within the EU also created challenges, with member states concerned about immigration from outside of the EU. Once within the EU, people on the move can travel between member states, triggering concerns about immigration within the Union. The borders of the frontier member states have become the EU's external borders, making frontier member states' borders an EU concern.

As these developments raised concerns among the EU and its member states, an internal security project was developed, framing immigration as a security issue for all EU member states. This process, referred to as the securitization of immigration, focuses on safeguarding the EU and its member states from migration by approaching people on the move as potential threats. This has led to the creation of an in-group and out-group: while EU citizens enjoy freedom of movement, non-EU people on the move face increasingly strict immigration and asylum policies. Through a focus on the perceived need for safeguarding the EU, the rights of people on the move are continuously violated within member states, at EU borders, and outside the EU through policies and agreements supported by the Union.

The securitization of immigration has been extensively studied in individual EU member states. For example, scholars have identified securitization tendencies in countries such as Hungary (Von Rosen 2019) and the Czech Republic (Bureš and Stojanov 2022). This thesis adds to this line of research by focusing on the case of the Netherlands, often seen as a "Global Good Samaritan" (Brysk 2009). Whereas the Netherlands is identified as a state prioritizing human rights in its foreign policy, Brysk (2009) highlights the "Dutch dilemma of migration" (136), referring to controversial reversals in refugee reception and protection in the country. The growing politicization of migration since the 1990s confirms this dilemma. Recently, asylum migration again proved to be a priority on the political agenda with the fall of the Dutch Cabinet over

asylum in the summer of 2023 and the victory of the anti-immigration party *Partij voor de Vrijheid* (PVV) in the following general elections.

This thesis critically examines how the EU's security project on migration influences the Dutch stance towards asylum migration. The research seeks to determine whether Dutch political discourse is likely influenced by and incorporating EU-level securitization practices and narratives. Therefore, the central research question guiding this thesis is: How is political discourse on asylum immigration in the Netherlands influenced by the European Union's security project on immigration? To answer this main question, the thesis addresses the following sub-questions:

- a) What does the securitization of immigration entail?
- b) How does the securitization of asylum migration manifest itself in language, policy-making, and legislation at the EU level?
- c) How have immigration patterns, discourses, and practices addressing asylum migration evolved in the Netherlands?
- d) How is the European Union incorporated in securitizing or desecuritizing moves in the political discourse of the Netherlands?

The hypothesis regarding the main question is grounded in the Copenhagen School's securitization theory and further critical developments of its ideas.¹ At the EU level, the development of an internal security project around migration has influenced member states' approaches to asylum. Since securitization is a constructivist process, the framing of migration as a security issue at the EU level has repercussions for the stance of the Netherlands' approach towards asylum. The Netherlands is expected to follow the EU securitization of immigration trend, not only due to binding EU directives and regulations but also because EU-level narratives and practices express and reinforce the perceived need for the securitization of asylum migration.

The relevance of the described research problem and question is twofold. First, it addresses the real-world implications of the securitization of asylum migration, causing or allowing for human rights violations against asylum seekers within the EU but also outside, such as breaches of the principle of non-refoulement, detention, and exposure to torture or degrading treatment. As the political interests regarding asylum migration proved to be high, examining securitization tendencies in Dutch political discourse is

¹ See, for example, Baysal (2020), Balzacq et al. (2016), Buzan (1997), Hansen (2000), and Wæver (1989).

highly relevant with regard to human rights. By incorporating the broader EU context, this thesis provides insight into how Dutch policies and discourses align with EU-level securitization efforts, adding depth to the understanding of the securitization of immigration and securitizing and desecuritizing moves.

Second, this thesis' academic relevance lies in the broad approach of political discourse analysis, which allows for the consideration of different sources and incorporation of the complexities of securitization. Therefore, this thesis includes debates, policy documents, and legislation in its analysis of political discourse on asylum migration in the Netherlands. Furthermore, this thesis develops a critical approach to discourse and practices addressing asylum migration and underlying power relations. This thesis incorporates this critical approach and expresses awareness of the influence of academic research on securitization practices.

This critical approach is developed in the theoretical framework addressing the securitization of immigration. The Copenhagen School's securitization theory is the foundation for the exploration of this form of securitization. Further developed through the incorporation of different critiques, the securitization of immigration is finally developed into the following definition: the complex process of discursive and non-discursive practices that frames immigration as a security issue threatening the referent object, which is most often the national population, national identity, and the state. This constructed security issue comes with a call for exceptional measures, which can cause harmful effects to the national population and people on the move.

Further critical developments of securitization theory reveal securitization is influenced by and demonstrates power relations: those in power tend to be the successful securitizing actors and most often benefit from securitization. The normative dilemma and constructivist dimension of securitization call for a deconstruction of power relations and the consideration of less powerful actors to prevent the reproduction of securitization and its harmful consequences.

To incorporate this critical perspective methodologically, this thesis adheres to a political discourse analysis (PDA). PDA is part of the broader realm of critical discourse analysis (CDA). Generally speaking, CDA is used to analyze discourses and to highlight how dominant discourses serve to create structures of meaning and power, which strongly relates to the constructivist approach of securitization theory. PDA also adheres to this

critical approach, which means it deals with power and domination through political discourse and the context of the political discourse (Van Dijk 1997b, 11).

Political discourse comprises a broad selection of political documents as it comprises all manners of ‘doing politics’ through language use (1997b, 11-18). Examples include laws, passing bills, campaigning, debates, and other forms of communication within political institutions. Therefore, specific forms of political discourse can construct asylum migration as a threat and a need for exceptional measures, whereas others express exceptional measures, which again reinforces securitization. Additionally, the broad selection of documents allows for the necessary flexibility to address the complexities of securitization and take into account its constructivist nature.

Throughout the subsequent chapters, several terms are used repeatedly and some already appeared in this introduction. To ensure their understanding, the terms ‘asylum seeker’, ‘refugee’, ‘migrant’, and ‘people on the move’ need to be defined. First, ‘asylum seeker’ is defined as an individual seeking protection in a country other than their country of residence or nationality, but who has not been granted refugee status or another form of international protection (yet). Asylum migration, therefore, refers to the movement of people with the goal of seeking protection in another state. It is crucial to note that seeking asylum is a human right, following Article 14(1) of the Universal Declaration of Human Rights: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

The most widely accepted definition of the term ‘refugee’ originates from the 1951 Convention Relating to the Status of Refugees. Article 1(2) defines a refugee as someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”

It is important to note that ‘refugee’ is a declaratory status, meaning it is granted by states to individuals who fulfill the criteria of the 1951 Refugee Convention or broader criteria established in other legal frameworks. Asylum seekers who have not yet been granted protection can still be recognized as refugees if they meet the legal criteria.

Additionally, if an asylum seeker does not qualify for refugee status, they may still be eligible for other forms of international protection.

In this thesis, the term ‘people on the move’ refers to individuals who cross borders using irregular migration routes, either to seek protection, settle, or work in another country, whether temporarily or permanently. The broader term ‘migrants’ encompasses all individuals migrating to the EU or the Netherlands, both via regular and irregular routes, and includes various forms of migration such as labor, study, family reunification, and asylum migration. Consequently, ‘people on the move’ and ‘migrants’ include asylum seekers and refugees. Additional key concepts are defined in the chapters that follow.

The chapters of this thesis are intended to offer a comprehensive exploration of the EU’s securitization of asylum migration and its influence on and reflection in Dutch political discourse. All subchapters address a separate sub-question. Chapter 1, therefore, addresses the first sub-question by presenting the theoretical framework of securitization theory based on a review of academic literature. Based on this review, a critical approach to both the securitization of immigration and the research on this topic is developed. Additionally, this chapter presents the argument that immigration has been successfully securitized in the EU.

Chapter 2 explores this last claim proposed in Chapter 1 by considering language, policy-making, legislation, practices, and human rights violations in the EU. This chapter provides an answer to sub-question b and argues that the securitization of immigration intensified after increased European cooperation, resulting in an internal and external framework to address immigration. The gaps and securitization tendencies in these frameworks can lead to human rights violations, which are addressed extensively to devote appropriate attention to asylum seekers as referent object.

In Chapter 3, sub-question c is in focus. This chapter traces securitizing moves addressing immigration back to the Netherlands of the late 1980s, even though the Netherlands had been a country of immigration since the 1960s. The idea of the “Dutch dilemma of immigration” is further explored by discussing the politicization of (asylum) immigration, while also addressing persistent securitizing discourses. Finally, violations of asylum seekers’ human rights are discussed to address the consequences of the securitization of asylum migration and include asylum seekers as referent object.

Chapter 4 delves into political discourse analysis, provides a detailed analysis of Dutch political discourse, and answers sub-question d. Through an analysis of three debates – on asylum reception conditions, the fall of the Dutch Cabinet over asylum, and the most-watched election debate of 2023 – political discourse on the securitization of asylum migration is explored with specific attention to references to the EU. Through these debates, rival voices to securitizing moves are incorporated. In addition, the coalition agreements of 2021-2025 and 2024-2028 are analyzed to consider securitizing moves in policy documents and possible changes between these years. Finally, the transpositions of the Recast Qualification Directive (2011/95/EU), Asylum Procedures Directive (2013/32/EU), and Reception Conditions Directive (2013/33/EU) into national law are analyzed.

Finally, the chapter Conclusions synthesizes the findings from the previous chapters, answering the main research question. Limitations to this thesis and its research are discussed in addition to possible future avenues for research. Finally, the chapter emphasizes the implications of the conclusion, ensuring that this thesis devotes the appropriate and much-needed attention to the human rights of asylum seekers in the context of securitization.

1. Theoretical framework: the securitization of immigration

This theoretical framework explores the Copenhagen School's theory of securitization, its development, different strands of critique, normative considerations, and the relationship between immigration and securitization proposed in academic literature. This exploration aims to answer the first sub-question of this thesis: What does the securitization of immigration entail?

The first subchapter addresses the Copenhagen School (CS) and its approach to securitization theory. Their constructivist approach to security issues is of primary importance to this thesis. Accordingly, this thesis does not approach security issues as grounded in an objective threat but instead grounded in a process that constructs this threat. However, the CS's theoretical considerations are not sufficiently comprehensive to explain the complicated securitization process.

Therefore, the second subchapter goes beyond the CS and addresses different critiques and perspectives to understand the theory's applicability better and build a starting point for the analysis made in this thesis. Furthermore, this chapter aims to broaden the understanding of securitization and address the complexities of securitization. Additionally, this subchapter introduces the normative dilemma, which refers to the reproduction of harmful securitization discourses and practices through research.

In the third subchapter, the relationship between immigration and securitization is analyzed. This section shows us the relation between these two phenomena and also sheds light on the different research directions. Furthermore, by discussing various case studies, this thesis moves beyond the Eurocentric perspective and showcases that the complexities of the securitization process discussed in subchapter 1.2 have empirical ground.

Finally, the conclusion recaps the previous subchapters and answers the research question. Based on the subchapters, the following definition for the securitization of immigration is provided: the securitization of immigration is the complex process of discursive and non-discursive practices that frame immigration as a security issue threatening the referent object, which is most often the national population, national identity, and the state, and comes with a call for possibly harmful exceptional measures.

Finally, this conclusion considers avoiding the confirmation, legitimation, and reproduction of harmful securitization narratives and practices.

1.1. The Copenhagen School's securitization theory

The CS is a school of academic thought within critical security studies that moves away from the traditionalist military focus on security and the conceptualization of security as a concrete, objective reality (Wæver 2011, 1). The CS's "ambition is [...] to re-think the concept of security" (Wæver 1989, 1). Therefore, this school theorizes that speech acts prioritize and construct challenges as security issues. Consequently, security issues do not refer to an objective reality but are constructions (Wæver 1995, 51).

To substantiate this argument, Wæver (1989) – one of the CS's foremost theorists – draws on Austin's speech act theory. According to Austin (1962), uttering words is not simply a description. Instead, every speech act has an illocutionary force, meaning that every individual conducting a speech act performs an action by simply speaking the words (1962, 99). This illocutionary dimension of speech acts is essential to securitization theory: speaking about a challenge as a security issue “is to define the particular case as one belonging to a specific category (‘security’) where the state tends to use all available means to combat it” (Wæver 1989, 42).

As such, a challenge becomes a security issue by naming it a security issue. The illocutionary force of the speech act of security stands independent, meaning it does not rely on the receiver or the felicity conditions, i.e., appropriate circumstances for the speech act to be performative. Uttering the sentence is the performative act (1989, 42). The consequences of the speech act – or the perlocutionary force – do not have to be considered when addressing the illocutionary force (Austin 1962, 109).

However, the perlocutionary effect is vital for the speech act to be successful, meaning that a securitizing move causes the securitization of a challenge. The perlocutionary effect is closely related to the effect on the audience and power (Wæver 1989, 42). Who utters the speech act and how much power this actor has will decide whether the audience accepts a challenge as a security issue and whether a securitizing move can be deemed successful - this 'who' is the political center, the state in securitization theory. According to Wæver (1989, 7), only the state can successfully make use of the reference to security.

The perlocutionary act shows us that a securitizing move does not guarantee success, as not every move will be accepted (Buzan et al. 1998, 25). Rejection leaves a possibility for failure, which is essential to the context of security. It is only possible to securitize an issue if there is a possibility that the issue will not be securitized. The possible failure invokes an image of what would happen if the securitization did not work, demonstrating the threat (Wæver 1989, 45).

In addition, Wæver (1989, 45) emphasizes that not all issues can nor should be constructed as security issues. Securitization needs to be reserved for issues that threaten the sovereignty or independence of the state rapidly or dramatically. Security is, therefore, about survival. Such issues call for exceptional measures as the failure to address the issue will end the state (Wæver 1995, 50). Therefore, urgency characterizes security problems, and the state is the only legitimate referent object – i.e., the entity facing the threat and needing protection. This does not mean that only other states can be a threat. Other sectors can also threaten the state's survival, and these threats would, therefore, also ask for urgent, exceptional measures (1995, 49).

Buzan (1997) – another key scholar in the CS – agrees with Wæver. He rejects focusing solely on military issues as a threat, which is the more traditionalist approach to threats and security. However, he also widens the referent object beyond the state: bankruptcy threatens firms existentially in the economic sector, whereas the concrete survival of species is threatened in the environmental sector (Buzan 1997, 16-17). The book by Buzan, Wæver, and De Wilde (1998) reiterates this widening of the referent object. However, Buzan (1997, 21-22) also emphasizes that excessive securitization does harm. Wide-ranging securitization produces a coercive state that cripples civil society, mainly observed in closed states such as North Korea and the Soviet Union, by framing civil society activities as threats and repressing these with violence (1997, 21).

Because of such harm, Buzan (1997, 21-23) and Wæver (1995) both argue for desecuritization, which their book with De Wilde (1998) re-emphasizes. As their understanding of securitization asks for urgent measures, desecuritization is focused on "shifting of issues out of emergency modes and into the normal bargaining process of the political sphere" (Buzan et al. 1998, 4). As such, there is a need for a move from securitization to treating issues in the proper manner – e.g., treating economic problems with economic means (Wæver 1989, 7). Buzan (1997, 25) notes that critical security

studies must provide means of identifying and criticizing counter-productive claims to securitization.

In conclusion, the focus on the construction of security, the intersubjectivity of securitization between the securitizing actor and the audience, and the focus on desecuritization go against an objective notion of security issues. Hence, the CS seems to fulfill its ambition to rethink the concept of security by introducing this new approach. Furthermore, their approach is a fruitful ground for further development of critical security theory. This further development also comes with critique, which will be addressed in the following subchapter.

1.2. Critique and alternatives within critical security studies

In the decades after the establishment of the CS's securitization theory, critiques and new approaches to securitization have been developed. All approaches adopt the defining feature of the CS: security threats are not grounded in reality but they are subject to construction. However, how this construction takes place and whether the CS presents a comprehensive securitization theory are grounds for debate. This section discusses important concepts in the following order: the speech act, the conceptualization of security, referent objects, the audience, and the normative dilemma.

The main findings of this subchapter demonstrate the oversimplification of securitization in the CS's theorization. Through the critique presented, various scholars present additional dimensions of securitization, offering a broader perspective for approaching the topic of securitization in this thesis. Additionally, it shows essential considerations for the reproduction of securitization frames and pleads for a critical lens in the rest of this thesis.

1.2.1. Beyond the speech act

This subchapter starts at the foundation of the CS's securitization theory: the speech act. In his work, the scholar Baysal (2020) argues there is an overemphasis on this concept in the CS's theory. Because of this, the CS presents securitization as a single moment in which a securitizing move is proposed to an audience and then accepted or rejected. However, Baysal (2020, 9) argues that securitization is a process that takes place over time and involves not only speech acts but also other channels of communication. He

notes that other discursive practices, such as videos and images, are forgotten within the CS's approach, while these practices have been proven to be highly influential in the construction of security problems (2020, 7).

Additionally, Stritzel (2007, 367) proposes that a discursive practice, be it a speech act or another channel of communication, needs to be embedded in a broader discourse. While the CS argues that uttering security with its illocutionary force changes the external, the external also influences securitization. This externalist approach proposes that the existing discourse needs to support the securitizing move to succeed. Power is central to this, as actors in power can define the discursive context and utter securitizing speech acts.

Stritzel (2007, 364-367) notes that Wæver has recognized the idea of broader embeddedness. Wæver (2001), for example, writes that "[d]iscourses organise knowledge systematically, and thus delimit what can be said and what not" (29). Also, in the joint work of Buzan and Wæver (2003), there is a move towards externalism, for example, by introducing the concept of 'facilitating conditions' – the most striking one being 'features of the alleged threats that either facilitate or impede securitization' (Stritzel 2007, 364-366). However, this discussion of the context in the CS is underdeveloped and is in later works rejected by Wæver as it would cause tensions by rejecting the conceptualization of the illocutionary force and through an implicit reintroduction of objectivism – as this would mean that the threat would, at least partly, be based in reality (2007, 366).

There is also a strand of scholarship that promotes a practice-centered and, therefore, non-discursive approach. The Paris School sees securitization as a routinization and institutionalization of security practices (Baysal 2020, 7). This school emphasizes the effect of the work of security professionals, the agents on the ground who carry out security practices, such as border controls or police actions (Balzacq et al. 2016, 504; Baysal 2020, 13).

In addition, Balzacq et al. (2016, 506) emphasize the reproductive power of these government and security practices. Practices do not only represent the security narrative but reproduce it. They organize society in a manner that aligns with the securitization mindset. For example, border controls can express the mindset of the securitizing actor regarding immigration but also constitute securitization by bringing this narrative into reality. This also reiterates that power facilitates securitization as security practices owe

their existence and content to the power relations in a field (2016, 505-507). In line with the Paris School, Baysal (2020, 13) notes that actors as security professionals normalize the definition of security proposed by high-level decision-makers – the CS's powerful securitizing actor.

Balzacq et al. (2016, 497) propose to combine this non-discursive focus with discursive practices in an analytics of government that revolves around the conditions under which security practices arise. These conditions involve, for example, government practices, processes, and ways of thinking. Balzacq et al. (2016, 507) observe that empirical studies often use both discursive and non-discursive approaches to tackle the puzzles of securitization.

In summary, the analysis of securitization theory reveals a significant critique of the CS's focus on the speech act. Scholars argue for a broader understanding that includes various discursive practices, the influence of external contexts, and non-discursive practices. This approach challenges the notion of securitization as a singular moment and instead frames it as an ongoing process. Going beyond the speech act can enhance the empirical analysis of securitization.

1.2.2. A broader conceptualization of security

A second question that arises is how to conceptualize security. Stritzel (2007, 366) argues that if securitization and security are characterized by exceptionality, the concept of insecurity becomes anchored in a realist conceptualization, where insecurity is understood as a condition requiring extraordinary measures. By approaching security and insecurity in this static manner, the conceptualization denies the constructivist approach of the speech act and thus fixes the meaning of security. Through a constructivist lens, security would be a dynamic concept that can be constituted differently in different contexts.

Furthermore, this realist language would be empirically inadequate. Many security practices deal with threats below the level of exceptionality, which shows that security practices not only address insecurity threatening the state's or society's survival. The strict theoretical polarization between security and non-security issues makes it difficult to apply securitization theory to reality (2007, 367). While this discrepancy can be explained by Buzan's (1997) and Wæver's (1995) notion of excessive securitization, it

is important that this consideration in itself also causes a theoretical tension. By deeming securitization in some instances excessive, it demonstrates that Buzan and Wæver, in some other cases, believe that objective threats cause securitization, which again showcases a realist tendency.

In addition to these theoretical considerations, Nunes (2012, 349) states that different scholars observe the logic of exceptionality and the need for exceptional measures to be harmful. Exceptionality would lead to violence, exclusion, and totalization as the survival of the referent object becomes the utmost priority. However, these exclusionary and violent meanings of security can be changed as security is the product of construction itself (2012, 350). His reasoning is in line with Stritzel (2007) in this respect. Therefore, Nunes (2012, 350) argues that the meaning of security needs to be derived from the context. More strongly, if the violent and exclusionary meanings are not rejected, scholars may play into policymakers' agenda by assuming that constructed security threats require violent responses (2012, 350).

To challenge the understanding of security as needing exceptional measures, the Welsh School proposes conceptualizing security as emancipation. Booth (2007, 110-112) conceives security as the removal of constraints upon the lives of individuals or groups. This approach has two implications: the individual or a group of individuals becomes a referent object, and the real-life situation of people is taken into account to define what security and insecurity are, even though political negotiation and conflict are still present. While the framework of security-as-emancipation also faces critique, this conceptualization has the ability to represent but also challenge reality (Nunes 2012, 351).

In brief, this section demonstrates the theoretical tensions between realist and constructivist notions of the concept of security within the CS. To navigate this theoretical challenge and hinder the reproduction of excessive securitizing moves, scholars attempt to reconstruct the concept of security, for example, by approaching the term as context-dependent or as emancipation.

1.1.3. Widening the referent object

The introduction of the Welsh school in the previous section brings us to our third topic: the widening of referent objects. While this was already addressed in section 1.1 with the discussion of excessive securitization and the goal of desecuritization, it is valuable to

discuss perspectives beyond the CS. For example, McSweeney (1999, 33) argues that people should be the ultimate referent object of security. In his approach, the state is the instrument to ensure this, but the state is not the ultimate referent object. This is in line with the idea of security as emancipation.

Huysmans (2006, 37) observes that shifting the referent object from the state to other actors often serves as a basis to critique the state and the role of the state in the securitization process. Therefore, broadening securitization theory to other referent objects has a normative dimension. However, shifting the referent object from the state does not mean the state loses its importance. He agrees with McSweeney (1999): the state remains a significant global instrument, just not the actor in whose interest security practices should be organized (2006, 38).

As we broaden our perspective, it is important to recognize that not all referent groups are easily identifiable, as many groups facing security challenges may not form a single, coherent entity (Hansen 2000, 287). From a gender-based perspective, Hansen (2000) argues that security problems for women often involve an interlinkage between gender and other parts of their identity – i.e., intersectionality. Groups of women, therefore, frequently cannot be constructed as one collective, self-contained referent object, which the CS requires. As a consequence, security problems women face are often constructed as problems facing an individual, and therefore, these challenges are perceived as less critical.

Finally, the discussion of widening referent objects within the CS mostly becomes problematic because of the notion of an existential threat needing emergency responses. As section 1.2.2 challenges this conceptualization of security, this opens the door for the introduction of a new referent object because the indeed harmful use of emergency responses is no longer inherently connected to security or to the wish to keep the referent object safe.

1.2.4. The conceptualization of the audience

To shift focus to another player involved in securitization, the following point of critique derives from the relatively little attention paid to the concept of the audience. This is a consequence of Wæver's reliance on Austin's speech act theory and the focus on the illocutionary force. However, according to Balzacq (2005, 173), the success of the

securitizing actor is highly contingent upon their ability to reach the audience, which means that the securitizing actor has to consider the audience's needs, feelings, and interests. This relates to Stritzel's (2007) argument of embeddedness: for an audience, a securitizing move needs to make sense, which depends on the broader discourses in society.

Stritzel (2007, 363) notes that in the later conceptualizations of securitization theory, the audience is increasingly taken into account, which implies a shift to a more intersubjective approach to security: the representation of a challenge as a security issue is negotiated between the actor and its relevant audience. The audience decides whether to accept the proposal of the securitizing actor. However, Stritzel (2007, 363) argues that this leads to a tension between the conceptualization of the audience and the speech act's illocutionary force. The balance between the illocutionary force and the power of the audience remains unclear.

This is further complicated by the fact that there is often not one single audience but rather several audiences. How these different audiences relate to each other depends on the context. Additionally, the differences in power in these audiences would influence the acceptance and, hence, success of a securitizing move. Further complicating the topic, there is no appropriate yardstick to measure such acceptance of a security narrative by the audience, let alone a yardstick to measure the acceptance by various audiences (Balzacq et al. 2016, 499-500).

Baysal (2020, 9) notes another shortcoming as a consequence of the little attention devoted to the audience: CS would be too elitist and top-down, meaning it elevates political leaders and people in power above the audience. This focus on the elite comes from the perception that different actors have different capacities to make claims about threats (Balzacq et al. 2016, 501). This focus is problematic as it portrays the audience as passive listeners who can only accept or reject securitization. It does not consider the audience as an actor nor the subjection of the audience to other discourses.

To solve these theoretical tensions, Rita Floyd (2011, 428) proposes to eliminate the concept of audience. She argues that the securitizing move on the side of the securitizing actor is the act that carries the illocutionary power but does not complete the securitization process. The securitizing move is simply a warning to an aggressor or a promise to a referent object. The securitization is complete when the relevant practices

are implemented and carried out. For this theoretical approach focusing on the speech act and practices, Floyd (2011) argues that the audience can be disregarded when determining whether securitization has been successful.

According to Côté (2016, 546), empirical works, however, give great importance to the audience. Who the audience is depends on the context. In all case studies, the securitization process relies on an iterative process led by actor-audience interactions. Furthermore, he notes that in case studies, audiences are active participants, meaning the audiences can challenge the securitizing moves. This forces the securitizing actor to abandon its attempt or to propose a new narrative. Furthermore, case studies show there can be disagreement within the same audience, leading to partial securitization. In addition, differing audience interpretations of similar securitizing attempts led to different outcomes (2016, 546-547). Therefore, Côté (2016) argues the audience should not be overlooked despite this theoretical gap.

To sum up, scholars beyond the CS – despite Floyd (2011) - contribute considerable attention and importance to the concept of the audience. Audiences are attributed the power to accept, reject, and influence the securitization process. Côté's (2016) research demonstrates the empirical value of audiences. However, it is essential to consider that the role the audience can play in a specific context highly depends on the level of power they enjoy. In this line of reasoning, the role of audiences can differ throughout different securitization processes.

1.2.5. The normative dilemma

The fifth and final point of discussion is the normative dilemma. This dilemma revolves around the challenge of not reproducing or legitimizing securitization narratives that harm, exclude, or are negligent of a possible referent object (Charrett 2009, 33-35). From the previous discussion, it is clear uttering security has a performative function – even though the force depends on which scholar you would ask. By engaging with security studies and uttering securitization, Charrett (2009) argues that scholars risk replicating and reinforcing perceptions and narratives of security and, thus, organizations of fear and order. Researching security means one becomes part of a political technology to manage insecurity (2009, 14-15).

Moreover, the normative dilemma implies more than one referent object, as it refers to exclusion and possible harmful effects if referent objects are left out of consideration (2009, 33-35). Discourses of exceptionality and beyond the law also have to be considered through this normative lens, as they risk legitimizing harmful, exclusionary, or negligent practices and discourses (2009, 16). A similar concern is raised by Nunes (2012, 350) under section 1.2.2 as he discusses the harm of conceptualizing security as requiring exceptional measures.

Furthermore, scholars need to examine the power dynamics of societies. While audiences have the power to reject, challenge, and influence narratives proposed by those in power, power relations are influential as they decide who can suggest which challenges should be constructed as security issues. In addition, securitization research can reinforce the securitizing power of already powerful actors through further routinization and institutionalization. The power of the securitizing actor needs to be deconstructed (2009, 25).

In addition to this deconstruction, rival voices need to be included. The CS's theory assumes that there are no disagreeing voices within the context of securitization. Hence, the audience would not be subjected to rival voices (Baysal 2020, 10). However, this does not represent reality. Including the rival voices ensures that - possibly marginalized - actors with less power do not go unnoticed, which is the case with an uncritical application of securitization theory. Even if securitizing attempts have been unsuccessful, these actors must be considered to prevent the institutionalization of the powerful securitizing actors as the only legitimate actors (Charrett 2009, 29-30).

To better understand these rival voices, Baysal (2020, 11) splits them into two groups. First, non-violent groups that reject the definition of security or propose a new one. Second, counter-securitization groups that employ violent resistance. Counter-securitization groups present the primary securitizing actor as the security threat, which needs to be met with exceptional measures, therefore legitimizing violence. Because of these rival voices, Baysal (2020, 11-12) argues that securitization is never a linear process, and, thus, a securitization analysis needs to consider both the primary securitizing actor(s) and rival voices.

In addition, the CS does not take into account those who are not able to speak. Focusing on the speech act will disregard security issues that cannot be articulated.

Hansen (2000, 285-286) stresses the effect of the disregard of these individuals, especially women: those without a voice are prevented from becoming subjects worthy of consideration and protection. Hansen (2000, 287) argues that silence in itself can become a tactic to avoid insecurity, which further increases the possibility of an issue not becoming securitized.

While Charrett (2009), Baysal (2020), and Hansen (2000) thus call for greater awareness of power relations and propose solutions to prevent the harmful reproduction of these relations and securitization practices, Floyd (2011, 429) argues that scholars do not have to pay special attention to the possible reproduction. Analysts cannot securitize: securitizing moves must be followed up by security practices for successful securitization (Floyd 2011, 429). As analysts only reiterate the securitizing move, they only issue a warning or a promise.

Floyd (2011) proposes a different approach to deal with normativity. She proposes three criteria for a normative securitization theory to evaluate whether securitization is morally justifiable (2011, 428). These criteria include the identification of an objective threat, a morally legitimate referent object, and a security response appropriate to the threat. By comparing her approach to earlier discussed literature, Floyd goes back to an objectivist and realist approach to securitization; therefore, her approach can be deemed inconsistent with the overall goal of securitization theory as first proposed by the CS.

To sum up, the normative dilemma within securitization theory presents a significant challenge for scholars: avoiding the reproduction and legitimization of harmful securitization narratives. This dilemma asks for an awareness of power relations, the deconstruction of the securitizing actor's power, the inclusion of rival voices, and the discussion of challenges that are not securitized. By doing this, the reproduction of power relations and securitization narratives can be minimized.

1.3. Securitization of immigration

The securitization of migration has become a central topic of scholarly debate. According to Balzacq et al. (2016, 508), securitization theories are most often applied to discussions on migration, as well as related discourses and practices. This subchapter addresses the different considerations of securitization and immigration within academic literature. Additionally, it introduces the argument for the successful securitization of immigration

in the EU. To ensure this subchapter avoids a Eurocentric perspective, case studies beyond Europe provide insight into the broader academic applicability of the securitization of immigration.

Starting with the CS, Wæver (1993, 40) argues migration is securitized in the context of societal insecurity, which refers to a supposed threat to the survival of society and its identity. In this case, identity is a "package of linguistic, ethnic and cultural similarity" (1993, 40), which is the foundation for a large-scale community. In the same book as Wæver, the scholars Heisler and Layton-Henry (1993, 158-162) state that the societal security that comes with a shared identity is threatened by introducing heterogeneity and incomplete integration. Both might undermine states' ability to govern (1993, 162).

The discussion on the securitization of migration has broadened since the CS's initial treatment. Especially literature on the securitization of migration in the EU has significantly increased and proposed different focus points. Despite these different approaches, most scholars nowadays agree on the successful securitization of migration in the EU (Balzacq et al. 2016, 509).

Two main strands of investigation can be identified that express such successful securitization. In the first strand, scholars focus on the modalities through which migration becomes securitized. Modalities include discourses and manners through which these discourses become embedded in and expressed through government practices, such as policy-making and security practices. The second strand focuses on the effects of the securitization of migration (2016, 509-510). Both strands of research will be discussed in the following paragraphs.

First, well-known examples of securitization modalities include discourses presenting migrants as economic or cultural threats. Bigo (2002, 64) identifies these discourses as a primary problem: the securitization of migrants derives from the language in itself, not from an objective threat. He notes that this dynamic is well-known since the early 2000s. Despite increasing awareness, the discourses continue.

Bigo (2002, 64) explains this continuance by the fact that the security threat identified comes from the speech act itself, which is difficult to counter because of power relations within society. The powerful deem it in their interest to continue this discourse based on the state as the referent object, the perceived need for control of the internal

territory, and the unease felt by citizens. By playing with discourse, political leaders can frame themselves as the protectors of society which reaffirms their power position and simultaneously covers up past mistakes. These discourses legitimize security practices such as racial profiling or risk assessment. (2002, 65-70).

While Bigo (2000) addresses the context of the 1990s and early 2000s, Von Rosen (2019, 35) discusses securitization in the 2010s. He also approaches the modalities of securitization by first focusing on discourses in the EU context. Von Rosen (2019) identifies a similar dynamic as Bigo (2002): populist political leaders frame migration as threats to economic wealth, employment, national security, and cultural identity. Von Rosen (2019) notes that the discourse of populist leaders is based on a logic of survival, which justifies and prioritizes security practices – he, therefore, takes the speech act as a starting point. The leaders build upon a general feeling of unease, also identified by Bigo (2002). The linguistic practices are supported by non-linguistic acts, such as camps for 'illegal' migrants (Von Rosen 2019, 36-37).

In a case study on the Czech Republic, the scholars Bureš and Stojanov (2022, 1) confirm Van Rosen's argument and show how a rise of populist discourse has provided a pathway for the securitization of immigration in the Czech Republic. In addition to populist politicians, they include a second securitizing actor: the media. Public opinion polls confirm that both actors influence citizens' perception of immigration, even though the number of migrants entering the Czech Republic is relatively low (2022, 1). They also consider the Paris School approach, even though security practices have been noted to be less important in the Czech Republic than discourse. Other case studies, such as Karyotis' (2012) work on Greece and Bello's (2021) article on Italy, also show this double focus on discursive and non-discursive practices.

The second strand of scholarship focuses on the consequences of constructing migration as a security problem. Huysmans and Squire (2009, 8) note that public opinion becomes increasingly hostile through discourses and practices that constitute migrants as a threat. According to Chebel D'Appollonia and Reich (2008, 3), the safety of civil society and civil liberties granted to legal and irregular migrants will deteriorate if the EU and the United States do not address or rectify critical situations.

Von Rosen (2019, 37-39) also engages in this second strand of research. First, he notes a steep increase in hate crimes against migrants by individuals in the EU. The

government implements the system that erects, maintains, and allows such acts. As the government implements a separate treatment of migrants and 'normal' citizens, it creates a separation in society. With the creation of an us vs. them narrative and dynamic, securitization can legitimize violence.

In this us vs. them dynamic, Von Rosen (2019) sees a central role for identity as a referent object. By changing the question of "Who are we?" to "What do we have to do to save our community from immigrants?", the contradiction between the community of the 'normal' citizens and migrants is confirmed and made urgent (2019, 39). More clearly than Heisler and Layton-Henry (1993), Von Rosen (2019, 39) shows how this threat becomes constructed by changing the question and, hence, the discourse.

The answers to the second question can have a de-democratizing and de-liberalizing effect, for example, leading to the declaration of a state of emergency in Hungary in 2016 (2019, 38). This is an extreme example. In milder forms, the de-democratization takes away the focus of other political discussions on topics concerning the community, such as wealth distribution and culture (2019, 39).

According to Balzacq et al. (2016, 510), not all scholars agree with the successful securitization of immigration in the EU. However, such disagreements would mostly be a result of the different roles ascribed to discourses and practices. For example, Boswell (2007) analyzes discourses and practices in fighting terrorism and concludes that migration is not securitized through this analytical focus. Boswell's analysis, therefore, has a different foundation than, for example, Von Rosen's (2019).

To move beyond the Eurocentric perspective of the previous paragraphs, the coming paragraphs discuss academic literature focusing on securitization beyond Europe and the EU. Treviño-Rangel (2016) discusses the securitization of immigration in the case of Mexico. In Mexico, the securitization of migration policies after 9/11 is often proposed as one of the explanations for the country having the highest death toll of migrants in the world and a continuing migrants' rights crisis (2016, 1-12). However, Treviño-Rangel (2016, 12) notes that securitization falls short of explaining the violations of migrants' rights.

While Treviño-Rangel (2016) focuses on securitization as an explanation for human rights violations, De Reno Machado (2020, 213-214) explores the Brazilian legislative turn towards the securitization of migration. Through an exploration of context and an ethnography of legislative documents, the scholar notes a securitization process characterized by securitizing and desecuritizing moves as governments and actors change. During the far-right rise in 2019, pro-immigration agents increasingly fulfilled the role of rival voices and even became framed as internal enemies themselves (2020, 226-227).

In a study on Indonesia, scholars include a broad range of actors to describe the process of securitization and desecuritization. Similar to Brazil, securitization takes the overhand through discourse and practice (Zayzda et al. 2019, 81). In the same region, Arifianto (2009, 616-617) applies securitization theory to fill the gap in the analysis of the Malaysian treatment of Indonesian migrants and explain the shift from a tolerant stance towards approaching Indonesian immigrants as a security threat. He notes the consequences of securitization on the stance towards Indonesian migrants and states that they have become a scapegoat for societal problems (2009, 627).

In conclusion, this section shows us that scholars have discussed the securitization of immigration worldwide. While the focus has mainly been Eurocentric, securitization theory has also proven valuable outside Europe. Case studies provide us with different strands of research and methods to describe the securitization process in various states and regions. Despite such differences, they also shed light on dynamics typical to the securitization of migration, such as discourses based on us vs. them, threats to identity, and logic of survival. Most case studies focus on discourse and practice, moving beyond the discursive focus proposed in theoretical works. This affirms Balzacq et al.'s (2016, 507) observation that empirical studies use both discursive and non-discursive approaches to tackle the puzzles of securitization.

1.4. Conclusion

This theoretical framework aims to answer the following question: What does the securitization of immigration entail? The discussion of the CS's securitization theory has presented the starting point for answering this question. According to this school, securitization is the construction of challenges as security issues through speech acts.

These security issues are characterized by great urgency as they threaten the survival of the state and, therefore, require exceptional measures.

The second subchapter represented a synthesis of critique on the CS's securitization theory and broadened the understanding of securitization processes. Securitization is shown to be a complex process in which multiple securitizing actors, rival voices, audiences, and discursive and non-discursive processes play a role. The notion of a process needs to be emphasized, as securitization is a process of acceptance and rejection. The normative dilemma shows us the importance of considering the involved actors' complexity and power relations. The failure to consider the complexities can cause a reproduction of the power relations and dominant narrative, which might have negligent, harmful, or exclusionary consequences.

The third chapter presented us with an important observation made in academic literature: immigration has been successfully securitized in the EU. Scholars have tried to showcase this through two strands of research: modalities and the harmful consequences of such securitization. The harmful consequences presented in this chapter also emphasize the importance of the normative dilemma presented in subchapter 1.2. Therefore, this thesis reiterates that the constructivist dimension of securitization calls for deconstructing power relations and considering less powerful actors.

However, because of the focus of the main research question on political discourse, the thesis focuses mostly on powerful actors, namely politicians, policymakers, and legislators. To avoid reproducing the harmful consequences of the securitization of immigration, this thesis will include rival voices. It is important to recognize the multitude of actors playing a role in the securitization process to emphasize the complexity of the securitization process and address power relations and the normative dilemma.

Additionally, the construction of securitization narratives will be challenged by providing objective information on immigration. Finally, considerable attention will be devoted to human rights violations, which can be considered one of the harmful effects of securitization. By including these violations, this thesis moves beyond the state and national entities as the sole referent object and frames people on the move as a referent object in need of consideration.

To further ensure awareness of the normative dilemma, this thesis will adopt the complex understanding of securitization proposed in subchapter 1.2 and supported by the case studies of subchapter 1.3. Therefore, the answer to the sub-question of this chapter is as follows: the securitization of immigration is the complex process of discursive and non-discursive practices that frames immigration as a security issue threatening the referent object, which is most often the national population, national identity, and the state. This constructed security issue comes with a call for exceptional measures, which can cause harmful effects to the national population and people on the move.

2. Patterns and politics of migration in the European Union

As Chapter 1 has noted, securitization theorists have argued that immigration within the EU has been successfully securitized (Balzacq et al. 2016, 509), meaning immigration has been constructed as a security issue that needs exceptional measures to deter this ‘existential problem’. To discover how this manifests itself at the EU level, this chapter revolves around the following sub-question: How does the securitization of asylum migration manifest itself in language, policy-making, and legislation at the EU level?

To answer this question and incorporate the critical lens proposed in Chapter 1, the chapter is divided into four subchapters. The first subchapter addresses the history of immigration and the European integration process that allows for the securitization of asylum migration. This historical lens provides a critical perspective on securitization narratives by contextualizing securitizing moves and the perceived need for securitization of immigration. Additionally, it provides a foundation for the argument presented in this chapter by explaining the European integration project.

As apparent from the sub-question, this chapter centers on language, legislation, and policy-making. By including a literature review on the language of securitization in the EU in subchapter 2.2, important discursive practices supporting securitization of immigration are addressed. Whereas the academic literature in subchapter 1.3 addressed the securitization of migration in separate EU member states, subchapter 2.2 focuses on the EU level and demonstrates which frames of immigration as a threat are most pervasive.

In subchapter 2.3, an overview of relevant policies and legislation on asylum immigration is provided, together with the human rights implications for people on the move. Through the extensive focus on human rights violations, this subchapter moves beyond the EU and EU member states as referent objects. Additionally, it demonstrates the harmful effects of EU asylum immigration policies and legislation on people on the move and, hence, applies a critical lens.

Through the different subchapters, this chapter discovers in what manners the successful securitization of immigration – a claim first proposed in Chapter 1 – and in specific asylum migration manifests itself on the EU level. Therefore, the chapter proposes the following answer to the research question: the securitization of immigration

intensified after increased European cooperation, resulting in an internal security project comprising an internal and external policy and legislative framework addressing asylum migration. Within the security project, the EU and the member states are the referent objects, while people on the move are the threat. This approach not only fails to protect against human rights violations but also contributes to the violations themselves. The securitization of asylum migration is thus constructed through both discourse and non-discursive practices, with significant consequences stemming from this framework.

2.1. History of immigration and migration control

To continue our critical lens proposed in the previous chapter and be aware of the risk of reproducing securitization narratives, it is important to trace back Europe's history of migration, which easily proves migration on the European continent is far from new. This notion helps to challenge the exceptionality frame applied to immigration which facilitates securitization.

This subchapter splits the history of immigration into two parts. Section 2.1 discusses the history of European migration before World War II. It demonstrates that total sovereignty and control of borders has never been the norm. Section 2.2 shows a continuance of this history by focusing on immigration and migration control as a European cooperative endeavor after World War II. It shows how economic cooperation further intensified and spread to other domains, including immigration, borders, and a common European system for immigration, representing an attempt to control immigration.

2.1.1. Before World War II: migration, migration control, and the transmobility norm

History shows that Europe has a long history of migration. The historian Bade (2003a, 1-2) begins his analysis of migration in the 17th century, continuing it into the 18th and early 19th century. During these centuries, various migrant groups covered vast distances either by land or sea in search of employment, resettlement opportunities, or to flee from religious persecution. Next to such longer journeys, many also undertook shorter journeys for labor purposes, relocating to secure their livelihoods (2003a, 1-4).

Carrying his analysis further into the 19th and early 20th centuries, Bade (2003b, 53) observes a trend toward the interregionalization and internationalization of labor markets, facilitated by improved infrastructure, reduced travel costs, and shorter travel durations. This surge in labor migration encompassed both industrial and agricultural sectors.

The period from the French Revolution to the First World War was also characterized by national revolutionary movements. Because of these political tensions, the terms political exile and political refugee became institutionalized (2003b, 130). Going beyond the European continent, migration became intricately intertwined with Europe's imperial ambitions, as colonization efforts abroad were accompanied by migratory movements (2003b, 81-117).

It was in the 20th century that migration movements reached higher levels. During the First World War, the conflict's violence spurred a significant refugee crisis in Europe, resulting in the displacement of approximately 12 million civilians within and across borders. Also, the interwar period was marked by turbulence, causing forced resettlements and flights. During the Second World War, migration further increased: this war caused a total of 50 to 60 million refugees, expellees, and deportees (Bade 2003c, 198-204).

This concise overview of the 17th to 20th century underscores the longstanding nature of migration on the European continent. It further supports Vigneswaran's (2020) argument that there is no longstanding norm of sovereignty in Europe. The myth of this norm has been presented as a linear story, starting at the Peace of Westphalia. By giving rulers the right to choose the religion practiced in their territory, this accord would validate a form of sovereignty that cradles the territorial sovereignty norm (2020, 8).

Vigneswaran (2020, 9) states this norm is untrue: the Peace of Westphalia also speaks of the *ius emigrandi* – the right to emigrate – when the practitioner of a minority religion wants to or is ordered to. Additionally, the myth is problematic: the idea of total sovereignty allows states to problematize movements and settlements, determine what forms of migration are legitimate, and physically control the movements at the border (2020, 2-3). The reality is that throughout history, sovereignty has been negotiated by the transmobility norm. This is an ongoing process according to Vigneswaran (2020), which is further explored and supported by the following section.

2.1.2. After World War II: the European Union's internal security project

After World War II, the drive for European cooperation intensified to prevent a repetition of similar devastations. In 1952, Belgium, France, Luxembourg, Italy, West Germany, and the Netherlands integrated their coal and steel communities and founded the European Coal and Steel Community (ECSC), which made war undesirable and virtually impossible (European Union n.d. a).

The Community's success led to further economic cooperation. In 1957, the founding members signed the Treaties of Rome – the basis for the current Treaty on the Functioning of the European Union (TFEU) – establishing the European Economic Community (EEC) to create a common market, and the European Atomic Energy Community to develop nuclear energy. Together, they formed the European Community (European Union n.d. a). In 1986, the adoption of the Single European Act (SEA) opened the doors to political cooperation (European Parliament n.d. b).

The 1992 Maastricht Treaty (i.e., the Treaty on the European Union, TEU) transformed the European Community into the EU, adding the two pillars of Common Foreign and Security Policy and Cooperation in Justice and Home Affairs. This treaty aimed to deepen European integration with a single currency, unified foreign and security policy, common citizenship rights, and enhanced cooperation in immigration, asylum, and judicial affairs (EUR-Lex n.d. b).

At this moment, the EU had twelve member states: the six founders plus Denmark, Ireland, the United Kingdom, Greece, Spain, and Portugal. In 1995, Austria, Finland, and Sweden joined. In 2004, the biggest enlargement so far took place as ten new countries joined the EU: the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, and Slovenia. Bulgaria and Romania joined in 2007, and Croatia in 2013, expanding the EU to 28 members. The United Kingdom's exit in 2020 reduced the number to 27 (European Commission n.d. b).

This history shows how economic cooperation deepened and spread to other domains, while simultaneously including more and more countries. Throughout this European cooperation, borders within the EU area became increasingly permeable. The Treaty of Rome establishing the EEC already covered the free movement of workers and freedom of establishment within the Community, hence, movements entirely related to economic objectives (European Council, n.d. b).

Later in 1986, SEA defined free movements in terms of an internal border-free zone and linked policies to strengthening the outside borders. In SEA, Huysmans (2000) argues that the following reasoning is applied: “If we diminish internal border controls then we must harmonize and strengthen the control at the external borders of the European Community to guarantee a sufficient level of control of who and what can legitimately enter the space of free movement” as illegal movements would challenge public law and order (759). Therefore, a space of free movement enabled the EU to transform immigration and borders into an internal security project, while refugee organizations continued to warn for Fortress Europe (2000, 759-760).

This space of free movement – and hence the perceived need for an internal security project – was also strengthened by other developments with EU citizenship and Schengen being the most apparent ones. With the Treaty of Maastricht of 1992, every national of an EU member state automatically enjoyed EU citizenship. This EU citizenship allows persons to move freely across the EU member States, and reside in the territory of other EU member states (European Parliament n.d. d).

This freedom of movement for EU citizens is underpinned by Schengen. Initially signed in 1985 by Belgium, France, Germany, Luxembourg, and the Netherlands, the Schengen Agreement established the concerted efforts of these states to gradually remove internal borders. The Schengen Convention of 1990 adds to the agreement with arrangements and safeguards (EUR-Lex n.d. a).

Schengen and the EU are two separate entities, but closely connected. With the entry into force of the Amsterdam Treaty in 1999, the Schengen regime was incorporated into the EU (Zaiotti 2011, 5). Unless otherwise specified, new EU Members become part of the Schengen area (European Council n.d. a). Presently, the Schengen area encompasses 23 out of 27 member states, along with the members of the European Free Trade Association (European Council n.d. a; EUR-Lex n.d. a).

For citizens of Schengen states, free movement has become part of their ‘common sense’: these citizens are used to traveling freely beyond borders and increasingly see this as normal (Zaiotti 2011, 3). Despite total sovereignty not being the norm, Zaiotti (2011, 3) argues Schengen has been a big shift for states concerning border control and sovereignty. By joining the Schengen regime, a national government has to renounce its

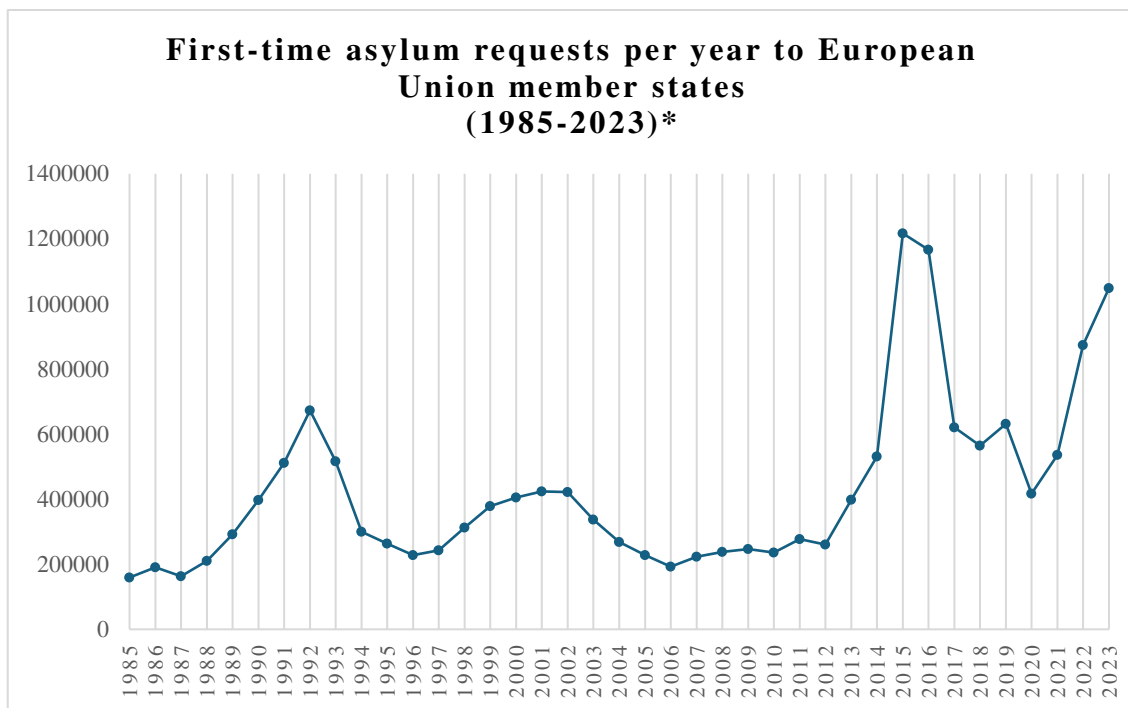


Figure 1 This graph represents the number of first-time asylum requests per year since 1985 into European Union member states. 1985 to 1997 address the EU-15 countries, i.e., the member states since 1995. 1998 to 2012 includes EU-27, i.e., all member states since 2004. 2013 until 2019 includes EU-28, i.e., all member states since 2013. 2020-2023 includes EU-27, i.e., all member states since 2020. It shows the overall trend in number of asylum requestions over the years. Data is retrieved from different source (EASO 2013, 7; Juchno 2007, 3; Eurostat 2024a; UNHCR 2008, 4; UNHCR 2009, 4; UNHCR 2010, 4; UNHCR 2011, 3; UNHCR 2012, 2; UNHCR 2014, 2).

power to control what used to be its national borders and its responsibility. Only in exceptional circumstances, they can control their borders.

Additionally, the borders of states at the outer borders of Schengen are not purely national anymore as they have become the external borders of the Schengen area. This means Schengen member states and the EU now also take an interest in these borders. This leads to new questions regarding control and responsibility, and these national borders become a subject of multilateral discussion (European Council, n.d. a). Additionally, this supports the creation of an internal security project regarding immigration and borders: because Schengen and EU citizenship transformed the EU into a free movement zone, this would also ask for more border protection.

According to Muus (2001, 47), not only opening the borders has caused a demand for a common migration policy in the EU, but this demand was further strengthened by a new form of migration: asylum migration. While Europe had already become an area of immigration after the Second World War, from 1985 onwards asylum applicants

attempting to flee dangerous situations in their home country or region increasingly arrived in Northwestern European states (Muus 2001, 34). As demonstrated by Figure 1, this trend continued.

The Amsterdam Treaty of 1999 made a common migration and asylum policy an EU responsibility with a set deadline:

“within a period of five years after the entry into force of the Treaty of Amsterdam, measures aimed at ensuring the free movement of persons [...], in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration [...], and measures to prevent and combat crime”

(Treaty of Amsterdam, Article 61).

The “measures to prevent and combat crime” refer to the unintended consequences of this new and more protectionist policy-making that was already implemented on the level of EU member states, namely irregular migration and the increased importance of traffickers and smugglers (2001, 47).

To meet this five-year deadline, the European Council met in Tampere, Finland (Muus 2001, 44). This led to four main areas for EU migration policy under the Tampere program: keeping immigration movements under control, partnerships with countries of origin, fair treatment of third-country nationals, and a Common European Asylum System (CEAS) (European Parliament n.d. c). The agreements under the Tampere program show two dimensions of migration policy and legislation: internal and external.

In conclusion, the history of the EU demonstrates a deepening of cooperation, characterized by increasingly handing over control to a European collective by an increasing number of states. As borders became more permeable and eventually led to an internal border-free zone, immigration and asylum became collective concerns, prompting an internal security project focused on managing these issues and their potential impact on law and order.

Simultaneously, the EU history confirms the transmobility norm proposed by Vigneswaran (2020), while also showing the importance of sovereignty for states. When it comes to such a transmobility norm, the EU history shows it does not apply to all. The EU’s border regime creates a clear distinction between the in-group – EU and Schengen

citizens who can move freely – and the out-group – migrants who face EU migration policies and legislation. The consequences for people on the move are addressed in subchapters 2.3 and 2.4 together with the exact content of asylum migration policies and legislation.

2.2. Securitization of immigration language in the European Union

By discussing the linkage between securitization and immigration in Chapter 1, this thesis has shown that securitizing actors can construct immigration as a security threat through discourse and, therefore, language use. Whereas most literature focuses on separate EU member states, a handful of scholars addresses the discursive practices on the EU level. Supported by examples from academic articles, this subchapter addresses three common frames: immigration as a security, economic, and cultural threat. Finally, this subchapter presents some common rhetorical strategies for securitizing immigration found on the EU level.

The first constructed threat is based on security. Huysmans (2000, 756-757) notes that during the 1980s, migration became a topic during policy debates. During the 1990s, the focus on security increased. Huysmans (2000) takes the Schengen Convention of 1990 as an example. This convention connects immigration and asylum with terrorism, transnational crime, and border controls (2000, 756-757). While not explicitly addressed by Muus (2001), the notion of ‘measures to prevent and combat crime’ in the Maastricht Treaty shows a similar connection of asylum migration to crime. According to Huysmans (2000, 757), examples such as the Schengen Convention locate immigration in an institutional framework dealing with internal security.

Such references to crime can also be found in the work of the scholar Güler (2023). He analyzes EU parliamentary debates during the first half of the 2019-2024 parliamentary term and focuses on the discourse of the five most populous anti-immigration parties. For example, Güler (2023, 103) argues that Silvia Sardone of the Italian party *Lega Salvini Premier* denominates immigration and migrants by using terms such as ‘foreign criminals, and arguing that immigration increases crime.

Different scholars have explored securitization by investigating the connection made between immigration and terrorism within discourse. Abdulhamid (2018) argues EU rhetoric around immigrants after the 9/11 attacks underscored policies of exclusion

for non-European citizens and more restrictive asylum policies. She includes the European Commission's working paper on the relationship between safeguarding internal security and international protection instruments as an example as it "painted, explicitly and implicitly, immigrants as potential terrorists and threats to the national security of the state and the human security of its citizens" (2018, 53).

Léonard and Kaunert (2021, 563) focus on the period 2015/2016. These years, levels of asylum immigration were high (see *Figure 1*) and several member states were hit by terrorist attacks. They argue immigrants became socially constructed as security threats by connecting an 'immigration crisis' to a 'terrorism crisis'. However, they note that this securitization mostly happened through practice: language was relatively mild on the EU level, especially in comparison to the language within EU member states (2021, 571). Following the Paris terrorist attacks in November 2015, the then President of the European Commission Jean-Claude Juncker pleaded not to pile refugees from the Middle East and terrorists together (2021, 570).

Despite the bigger importance Léonard and Kaunert (2021, 562) contribute to practices, they recognize a securitizing discourse after the Taliban's conquest of Afghanistan in 2021. After a discussion of the Ministers of Home Affairs of the EU Member States, the Ministers made a joint statement: "[the] EU and its Member States will do their utmost to ensure that the situation in Afghanistan does not lead to new security threats for EU citizens" and that the "timely performance of security checks of persons being evacuated from Afghanistan remains crucial" (European Council 2021).

During parliamentary debates, Güler (2023) reports that there is a connection made between terrorism and asylum immigration. Bernard Zimniok (2019) of the German party Alternative für Deutschland calls asylum seekers "so-called refugees" or "terrorists" against which "our own citizens" and "borders" need to be protected (Güler 2023, 104). Güler (2023, 104) demonstrates he uses terms such as 'escaped terrorists' and 'infiltrating the EU'.

In addition to this construction of immigrants and immigration as a security threat, Güler writes that EU political parties continuously construct immigration as an economic threat – similar to what has been reported on the level of separate EU member states by for example Bigo (2002) and Von Rosen (2019). Three out of five parties examined by Güler (2023) present such a discourse. For example, Dominique Bilde of the French party

Rassemblement National frames immigration as an economic threat by stating it causes downward pressure on wages (Güler 2023, 102). Sardone states that “[u]nrestrained immigration is an economic and social damage” (Sardone 2021). Zimniok (2019) calls the European Asylum Support Office (EASO) “a money-wasting machine”, implying immigration damages the EU economy.

The third construction is immigration as a threat to cultural identity. Huysmans (2000, 671) reports this securitizing move within European politics. Cultural identity is not securitized through a discourse of all-consuming cultural conflict. Instead, migration would be a challenge to the social and political integration of society by challenging the overlap of cultural and political borders. The vagueness of this notion would have stronger securitizing effects (2000, 762). According to Abdulhamid (2018, 54), the construction of immigration as a cultural threat is a new form of cultural racism, which perceives cultural differences as the ultimate threat to the social fabric of the community.

According to Güler (2023, 107), the discourse of cultural threat is the most pervasive frame in the parliamentary debates. Jordan Bardella (2021) of *Rassemblement National* states that immigration threatens the “future and the identity of our peoples”. Elżbieta Kruk (2020) of the Hungarian party *Prawo i Sprawiedliwość* argues the “millions of migrants” coming in, are “deliberate social engineering” to “hasten the end of nation states and create a new man without ideals, without national identity, and without Christian faith”. Carlo Fidanza (2019) of the Italian party *Fratelli d’Italia* differentiates between “real refugees from Christian origin from Venezuela” and “economic migrants coming mostly from Africa and mostly Muslim”.

However, whereas such discourses of cultural threat are clearly present, Huysmans (2000, 766) argues that the EU cautioned for the revival of racism, xenophobia, and nationalism. This leads to an inherent tension as discourses and practices on the EU level portray immigration as a threat (2000, 766). Therefore, these discourses and practices feed into or express racist, xenophobic, and nationalist ideas, whereas others attempt to counter this. Nowadays, multiculturalism and antiracism continue to be an EU concern, for example, demonstrated by the EU Anti-Racism Action Plan 2020-2025 and European Commission president Ursula van der Leyen’s speech against racism at the European Anti-Racism Summit in 2021 (European Commission n.d. f).

Finally, to frame migration as a threat, Güler (2023) shows that Members of the European Parliament employ strategies to justify anti-immigration discourses. One of the most used strategies is denomination, which refers to words negatively portraying immigration: terms such as ‘crisis’ and ‘illegal immigration’ are well-known examples (2023, 103-107). Numbers games are a second strategy, i.e., referring to numbers (‘millions’) or quantities (‘massive’) to support the rejection of migration (2023, 101-107). The third often-used strategy is top-down transfer, which means that the European population is used as an excuse, reason, or legitimation to have an anti-immigration discourse (Van Dijk 1997a, 38). Examples include referring to the ‘will of the citizens’ or saying ‘the citizens are worried about immigration’ (Güler 2023, 101-107).

In conclusion, this subchapter did not have the aim to determine whether asylum immigration has been completely or successfully securitized through discourse, but rather which discourses can be identified as repeated securitizing moves regarding migration. With this in mind, this subchapter demonstrates that repeatedly and over the years, immigration and immigrants have been constructed as a threat to security, the economy, and cultural identity. These securitizing moves employ different rhetoric strategies to ensure these constructions of immigration as a threat are convincing.

2.3. Securitization in European Union policies and legislation

Subchapters 2.1 and 2.2 have shown how the successful securitization of immigration started and how this manifests in language and constructions of threats. This subchapter focuses on internal and externally focused legislation and policies on asylum immigration, while also addressing the practices derived from these policies and legislation. Through this focus, this subchapter includes the non-discursive practices that have been deemed so important in the more recent theoretical considerations of securitization theory.

The discussion starts at where section 2.1.2 left off: the Tampere Conclusions. Section 2.3.1 addresses the development of the internal framework from these conclusions until the third phase of the CEAS. Section 2.3.2 switches the perspective from EU member states to those who are at the mercy of the EU internal migration legislation: people on the move who have entered the EU. Different gaps within the internal framework are analyzed to discover how they lead to or leave room for human

rights violations. Sections 2.3.3 and 2.3.4 show a similar approach. First, in 2.3.3, the external framework on immigration and its history are addressed, whereas section 2.3.4. discusses human rights violations. Finally, section 2.3.5 reviews the new Pact on Migration and Asylum (PMA), listing its goals and the critique.

The sources used to discuss the internal and external policy and legislative framework include information provided by EU institutions and scholarly articles to gain a better overview of the development of legislation and policies. For human rights violations, this subchapter depends on scholarly articles and the work of non-governmental organizations (NGOs), such as Amnesty International. In section 2.3.5, both information provided by EU agencies as well as commentary and policy reviews published by NGOs and policy institutes are considered, which allows for contrasting the PMA's goals and critique issued.

2.3.1. The internal migration framework

This section addresses the internal policy project on migration. As argued by Huysmans (2000) and addressed in section 2.1.2, the increasing permeability of borders in the EU caused a perceived need for the development of an internal security project on immigration. This internal security project was accompanied by an internal policy and legislative framework with the Tampere Conclusions setting two clear internal goals: fair treatment of third-country nationals and a CEAS.

After the Tampere Conclusions, six legislative instruments were adopted, constituting CEAS and addressing these internal goals. The then CEAS comprised the Asylum Procedures Directive, the Dublin Regulation II, the Eurodac Regulation, the Qualification Directive, the Reception of Asylum Seekers Directive, and the Temporary Protection Directive (European Commission n.d. a; European Union Agency for Asylum n.d.). This legislative package was aimed at determining state responsibility for the examination of asylum applications, providing common minimum standards for reception conditions, approximating rules on recognition and content of refugee status, providing standards for subsidiary protection, and in the end, developing a common asylum procedure (European Parliament n.d. c). Through a provision of minimum standards, the legislative package was meant to homogenize the member states' legal frameworks (Commission of the European Communities 2008, 2).

However, after this first attempt including only minimum standards, the EU member states still had different policies and procedures in place regarding asylum and immigration. The unwanted diversity called for a second phase of CEAS and led to the European Commission's Policy Plan on Asylum in 2008. This second phase was characterized by the aim to establish a common asylum procedure, a uniform status for those who are granted asylum or subsidiary protection, and a strengthening of practical cooperation between national administrations (2008, 2). Additionally, the Policy Plan of 2008 reiterated the importance of the external dimension of migration policy, and the need for external solidarity as most migrants are outside of Europe (2008, 9-11).

In 2013, the set of reformed EU asylum laws was completed, including the establishment of the EASO to assist member states in implementing EU law and to enhance cooperation (European Commission n.d. a). However, very soon after – after the long summer of migration in 2015 into 2016 (see *Figure 1*) – the European Commission noted deficiencies in the Union's policies on asylum. Hence, the Commission proposed a third reform cycle with seven new legislative proposals “with the aim to move towards a fully efficient, fair and human asylum policy which can function effectively also in times of high migratory pressure” (n.d. a).

In 2017, there was a consensus on five of these proposals: transforming the Qualification Directive into the Qualification Regulation; recasting the Reception Conditions Directive; replacing the EASO with the European Union Asylum Agency; introducing an EU Resettlement Framework; and reforming Eurodac (n.d. a). However, reforming Dublin Regulation III and the Asylum Procedures Directive proved more difficult.

The Dublin Regulation III caused a significant concern for the EU during 2015 and 2016. This regulation stipulates that asylum seekers must lodge their applications in the member state they first enter, after which the member state assumes the responsibility of examining these requests. Moreover, should an asylum seeker depart from the member state where they initially applied, they can be returned to that state. Consequently, member states located at the EU's borders carry a heavier load of asylum applications, leading to heightened tensions among member states (Davis 2020, 260-262). Despite these challenges and the obligation of solidarity under Article 80 TFEU, a resolution was not easily found.

Second, the recast of the Asylum Procedures Directive failed. The Commission's proposal aimed to simplify, clarify, and shorten asylum procedures; ensure common guarantees for asylum seekers; ensure stricter rules to combat abuse; coordinate rules of 'safe' countries; and discourage secondary movements. According to the Commission, in this manner, solidarity and responsibility sharing could be increased. However, member states critiqued it for its discouraging approach to secondary movements and the lack of consideration for asylum seekers with special needs (European Parliament n.d. a).

To move beyond this deadlock in the third reform cycle, the EU Commission proposed a new plan in 2020: the new PMA. The European Commission (n.d. d) calls it "a set of regulations and policies to create a fairer, efficient, and more sustainable migration and asylum process for the European Union". In December 2023, the Council and the European Parliament reached a preliminary political agreement on the pact. On April 10th, 2024, a last round of voting took place and the Pact was officially adopted by the European Parliament (European Commission n.d. e). The expected implications of this new Pact for the internal framework and human rights violations are discussed under section 2.3.5.

This short overview of internal policy and legislative developments demonstrates the EU and its member states have had difficulties reforming the CEAS into a system that harmonizes the laws of EU member states. Immigration from outside the EU remains a sensitive issue, with member states seeking to retain control over decision-making. This tension stems from the balance between sovereignty and European cooperation, as noted by Zaiotti (2011) and discussed in 2.1.2. Maintaining control becomes challenging as the decision to create a border-free zone leads to a perceived need for a unified approach to asylum immigration.

2.3.2. Human rights violations & the internal framework

Within the EU, human rights violations of asylum seekers have been reported and while often condemned by NGOs, they have not been effectively addressed. This section addresses the CEAS and to what extent this system allows for human rights violations. The topics of minimum standards, the Court of Justice of the European Union (CJEU),

detention, crimmigration, the Dublin Regulation, and how they affect human rights protection are addressed.

First, the CEAS has provided minimum standards, also after the second phase of reforms. According to Küçüksu (2022, 170-183), while the CEAS has had the objective of creating a truly common system, it has proven difficult to find a balance between the abolition of internal borders, states' wishes for migration control, solidarity-sharing, compliance with the principle of non-refoulement, and human rights. To navigate this field of differing interests and to reach an agreement, the CEAS is stuck with minimum standards that allow for diversity in migration policies at the level of member states (2022, 170).

With regards to human rights within CEAS, the CJEU has been unwilling to or unable to fulfill the role of integration-motor it has played before. Its judicial power could have been used to interpret the legislation of the CEAS and offer guidance on a common asylum system that fulfills the rights of asylum seekers (2022, 170-171). However, Küçüksu (2022, 171) states that the CJEU has mostly shown a concern for the administrative and legislative dimensions of the CEAS itself instead of a consideration of human rights standards and international law. Meanwhile, the growing political sensitivity of the topic has continuously asked for a judicial power that safeguards human rights.

Without such incorporation of human rights, the CEAS has allowed for the criminalization of immigration, also called crimmigration. Crimmigration refers to the convergence of criminal and immigration law, meaning that immigration systems increasingly take the form of criminal and punitive systems (Majcher 2021, 85). According to Marin and Spena (2016), “[c]rimmigration is the most powerful manifestation [...] of the insufficient mainstreaming of human rights into the governance of migration” (151).

For example, the Reception Conditions Directive under CEAS leaves room for crimmigration of detention. Under international law, detention can only be used for administrative purposes that are aimed at enforcing immigration and asylum law. In itself, this can already cause human rights violations as the use of detention needs to be proportional, necessary, and a last resort measure (Majcher 2021, 87-90). If not used in this manner, the use of detention is a violation of Article 2 of Protocol 4 of the European

Convention on Human Rights (ECHR), Article 12 of the International Covenant on Civil and Political Rights, and Article 26 of the Refugee Convention – all articles that provide people on the move with the right to freedom of movement (Majcher 2021, 100).

However, according to Article 7(1) of the directive, states have the authority to confine asylum seekers to a designated area. Despite stipulating that the assigned area should not intrude upon their private life and should grant access to all benefits outlined in the directive, this provision neglects to incorporate the conditions derived from human rights instruments (2021, 100). Examples show that the lack of such incorporation allows for human rights violations, for example in Greece. After the EU-Türkiye Statement – further explained in section 2.3.3 – geographic restrictions led to overcrowding in Greek reception centers with appalling conditions, which means reception centers were transformed into de facto detention centers (2021, 100-101).

Additionally, Article 7(2) of the same directive gives the state the authority to choose the residence of the applicant. While this is in line with human rights instruments if there is a concern for the public interest – Article 2(4) of Protocol 4 ECHR, there is the right on the side of the person on the move to proportionality and individual assessment under international law. For example, proximity to family can be an individual circumstance. However, Article 7(2) does not ask for the consideration of proportionality and such individual circumstances (2021, 102).

Moreover, the Dublin Regulation III allows for and induces human rights violations, according to Bugge (2019, 91). This scholar disputes the claim that Dublin Regulation III incorporates human rights but states it rather leaves room for a violation of the right to freedom of movement and the right to international protection and asylum. As established before, the CEAS only provides minimum standards, meaning that the conditions, laws, and policies in member states differ. Being deported to the member state where an asylum seeker first applied may result in confinement to a country with poorer conditions or lower chances of gaining international protection compared to other member states (2019, 91).

The article by Bugge (2019, 97-98) examines the case studies of asylum seekers in three EU member states – Poland, Greece, and Bulgaria – which shows that there is a discrepancy between international human rights law and the policies implemented in the member states. Therefore, the assumption that it does not matter in which state an asylum

seeker applies for asylum as their rights will be fulfilled in every member state, proves not to be true.

Desmond (2023, 325) supports such critique of the Dublin Regulation. According to him, this regulation is one of the mechanisms that shows the reluctance of EU member states to responsibility sharing and giving up sovereignty. This is part of the EU's and its member states' instrumentalization of the perceived migrant crisis of 2015/2016 to increasingly control migration and mobility, showing a clear case of securitization and allowing for the defiance of legal obligations (Desmond 2023, 315). To change this approach to immigration, Desmond (2023) challenges the term 'migrant crisis', which has often been adhered to after 2015, and replaces it with 'migrants' rights crisis'.

Desmond's (2023) argument brings us to the conclusion that CEAS has left the door open for human rights violations. Whereas it is too drastic to say the rights of people on the move are forgotten within the internal framework, it can be argued they are not perceived as the primary referent objects in need of protection. As said in Chapter 1, the referent object in the securitization of immigration is the state or national population. Through the internal system, this translates to human rights violations of people on the move in the EU, and accumulates to Desmond's (2023) notion of a 'migrants' rights crisis'.

2.3.3. The external migration framework

To move beyond the internal migration framework, this subchapter addresses the external framework. This external framework refers to the legislation and policies implemented by the EU to control the influx of migrants from outside the borders of the EU. Between 2015 and 2024, this framework became more important as the failure to reform CEAS limited the EU's possibilities to develop a shared approach to migration at the EU level that would incorporate solidarity and responsibility sharing (Kassoti and Idriz 2022, 2). Despite the recent intensification of the external framework, the rationale behind the current external migration policy is not new. Therefore, this section discusses the development of external migration policy from the end of the 1990s to now.

As the EU developed a joint foreign policy and migration policy after the Maastricht Treaty, the EU also started externalizing its borders. A 1998 European Council document on immigration, called 'Strategy Paper on Immigration and

Asylum Policy’ exemplifies this. This document divides the world into four concentric circles with Europe as the center. These circles demonstrate how everyone would belong to a different circle, with every circle providing different rights for movement (Casas-Cortes and Cobarrubia 2022, 155).

Circle one consists of the EU members in the Schengen territory and the other countries that do not cause emigration but have become target countries for immigration, so-called ‘destination countries’. The second circle consists of ‘transit countries’. These countries do not cause emigration and are not destination countries, but migrants pass through them. These countries do not have strict control measures in place. According to the Strategy Paper, the protectionist measures of these countries should be brought in line with EU policies on immigration. The third circle includes countries of transit and emigration. These countries should concentrate on transit checks and combatting smuggling. The fourth circle contains countries of emigration. These countries should eliminate push factors (2022, 158).

This Eurocentric view of mobility places Europe at the center and exclusively prioritizes the interests of the EU. To fulfill the EU’s interests, countries in the second, third, and fourth circles are rewarded. For instance, second-circle countries may be rewarded with EU membership, while third-circle countries can anticipate enhanced economic cooperation. Fourth-circle countries will receive increased access to development aid (2022, 158).

After the publication of this Strategy Paper, it was perceived as an unnecessary and discriminatory view of mobility and immigration. The strategy proposed in the paper was voted down. However, Cortes and Cobarrubia (2022, 159) argue that the proposed strategy on concentric circles is still the basis for the current migration regime. The wording simply changed from ‘concentric circles’ to ‘migration routes’ with the Global Approach to Migration framework of 2005 (2022, 159).

The migration routes approach compares to the concentric circles approach in that it speaks of origin, transit, and destination countries. In 2005, the routes approach was new to the EU, and therefore the EU had to gain an understanding and track these routes (2022, 159). By tracking the routes, migrants and their routes became objects of policies and used for identifying the most governable locations (2022, 159-160). When journeys cut through ‘origin’, ‘transit’, and ‘destination’ countries – or concentric circles – they

become a source of concern, making interventions on governable locations (such as borders) supposedly necessary practices outside of the EU (2022, 160).

These practices outside the EU in ‘transit’ and ‘origin’ countries thus comprise the EU’s external migration policy. In 2015, this external policy regime was updated with the Commission’s European Agenda on Migration, which proposed new pillars around which the overall regime should revolve, stated new policy proposals for externalization, and intensified already existing externalization policies in place (European Commission 2015; Niemann and Zaun 2023, 2966). Additionally, the external responses to immigration intensified because of the long summer of migration in 2015 and the relatively high numbers of asylum seekers entering Europe in the following months and 2016 (see *Figure 1*). Niemann and Zaun (2023) provide us with different examples of this development since 2015.

First, the external migration policy became linked to the EU’s Common Security and Defence Policy (CSDP) (2023, 2965). Under EU guidance, military forces and national police of transit and origin countries, such as Libya and Niger, have been trained to stop migration (European Commission 2015, 5; Niemann and Zaun 2023, 2968). The European Agenda on Migration also notes the possibilities of CSDP operations to identify and destroy smuggler networks and vessels (European Commission 2015, 3).

Other practices include the reinforcement of border protection. For example, while the European Border Agency, Frontex, had a supportive role and a budget of six million Euros in 2005, Frontex now has its own mandate to enforce EU borders – even against the will of EU member states – and had a budget of 544 million euros in 2021 (Niemann and Zaun 2023, 2968). According to Léonard and Kaunert (2022), the long summer of migration has intensified Frontex’s security practices, including an increase in the collection of intelligence information and cooperation with security organizations such as Europol and NATO, and presents an increasing securitization of EU external policy.

Another facet of external policies comprises return and readmission agreements. Since 2004, the EU and its member states have negotiated numerous agreements facilitating such returns and readmissions, often in exchange for financial or other support. Additionally, EU member states have forged their own agreements with third countries (Niemann and Zaun 2023, 2969). An example is the EU-Türkiye Statement, wherein migrants arriving from Türkiye to the EU can be returned to Türkiye's territory.

Türkiye consented to this arrangement in exchange for six billion euros to assist migrants (2023, 2969). According to Kassoti and Idriz (2022, 2-3), such efforts toward return and readmission have escalated since the immigration of 2015/2016, fueled by the perceived success of such deals.

Informal agreements, in particular, have surged. Although Article 281 TFEU outlines a formal process for concluding readmission agreements, the EU and its member states increasingly bypass this procedure. The EU categorizes these informal readmission procedures as soft law, alongside other non-binding instruments (Fernando-Gonzalo 2023, 86-87). Despite their non-binding nature, these informal arrangements demonstrate a commitment to readmit nationals or third-country nationals. These arrangements often have ‘innovative’ – or misleading – names, such as Joint Migration Declarations, Memoranda of Understanding, or Good Practices (2023, 87). According to Kassoti and Idriz (2022, 4), this trend of informal readmissions is anticipated to persist, also under the new PMA.

In addition to this, the EU uses development aid and trade cooperation as a ‘carrot’ for third countries and transit countries (Niemann and Zaun 2023, 2969) – as was already proposed in the 1998 Strategy Paper. In specific, in exchange for financial support, EU countries propose an implicit responsibility-sharing approach: the states provide financial means to support the protection of refugees in the region. An example is the EU-Jordan Compact: Syrian refugees would gain access to education and employment in exchange for EU loans, grants, and trade agreements with the government of Jordan. However, in reality, this Compact has been ineffective as the 20.000 work permits offered by the Jordan government were unattractive and the informal market provided for better job opportunities (Niemann and Zaun 2023, 2970).

Furthermore, these external policies facilitate the Europeanization of migration policies outside the EU. This means that states with prospects of EU accession tend to adopt EU ideas, norms, policies, and institutions (Niemann and Zaun, 2974). For instance, in the Balkan region, Stojić Mitrović et al. (2020) argue that this trend is visible and not new, given the EU relies on Balkan countries to implement legislation and infrastructure to achieve the EU goals of reducing immigration. These states are incentivized by the prospects of EU accession and Schengen accession processes (2020, 16).

The Balkans represent the EU approach of ‘carrots and sticks’ – the ‘carrot’ being EU accession, the ‘stick’ being no accession and interrupting the economic and political cooperation already in place. However, whether this carrot will be provided in the end is unclear. In a report by the Transnational Institute (Ahmetašević et al. 2023, 5-6), the question is raised whether these states will actually accede to the EU within a reasonable timespan or are kept in a state of pre-accession to ensure they implement EU border policies.

The goal of the EU's external migration policy, namely keeping people out, becomes even more evident through the absence of legal migration channels for migrants. While EU policymakers have emphasized the need for such channels as this would help combat human smuggling and trafficking, the EU has failed to adopt such channels. Mainly, migrants who are highly qualified or seasonal workers have had access to them through EU Mobility Partnerships. However, these partnerships do not provide permanent migration. In addition, they are often part of readmission and return deals – a ‘carrot’ to make these deals go through (Niemann and Zaun 2023, 2970).

In brief, this section demonstrates that the EU's external migration control policy increasingly relies on security practices, border protection, informal agreements, and promises of development aid and EU membership. This externalization approach is rooted in the 1990s rationale of concentric circles although first perceived as discriminatory, and has evolved into a modern framework centered on route thinking with the EU as center and ultimate destination. Within a context of disagreement on how to manage immigration internally, this externalization process has become the focus. While this section already shows concerns regarding this Eurocentric externalization approach towards people on the move, the following section will shed light on human rights abuses at the EU's external borders and in cooperating countries.

2.3.4. Human rights violations & the external framework

Like the internal framework, the externalization regime opens the door for human rights violations of people on the move, only now at external borders and so-called ‘transit’ countries. This section addresses how the externalization practices proposed under the previous subchapter undermine the international protection regime. After, the human

rights violations on the Balkan Circuit² and the Mediterranean routes are discussed. Different examples are provided to illustrate how EU externalization policies contribute to and cause human rights violations of people on the move on these routes.

The increasing emphasis on externalization from 2015 onwards has been argued to undermine the global regime for human rights protection for people on the move. Kassoti and Idriz (2022, 4) argue that when the number of people trying to enter the EU lowers, the EU will feel less responsible and therefore less inclined to find solutions in line with human rights. In addition, the informalization of externalization policies poses a specific threat: the informalization means that the agreements do not have to adhere to EU law and therefore the human rights under EU law, which is supposed to follow the ECHR, the European Charter, and the 1951 Refugee Convention. The continuation of informalization may cause the creation of a parallel set of instruments, norms, and agreements, which circumvent EU rules, human rights, and refugee rights (2022, 4).

Furthermore, Barnes (2022, 442-447) argues that the EU and member states narrowly interpret their obligations under human rights law by implementing policies that allow for the ill-treatment of people on the move. The scholar identifies the following trend: “[i]nstead of using the law to develop safe migration pathways for migrants, [...] the EU [is] using the law to remove important human rights and refugee protections, resulting in distributive effects that are making migration pathways more dangerous” (2022, 442-443). EU policies therefore allow and provide for human rights violations and cruelty.

Barnes (2022) illustrates his argument with an array of examples of human rights violations on the Mediterranean Routes. Union member states have established cooperative agreements with North African countries and Türkiye, aimed at preventing migrants from crossing the sea to the EU. These agreements involve pushbacks and pullbacks, exacerbating the vulnerability of migrants and refugees, violating the principle of non-refoulement, and stripping them of their rights (2022, 441-443).

² The term ‘Balkan Route’ is commonly used, but it implies a single path taken by migrants, which is inaccurate. Recently, scholars have begun using ‘Balkan Routes’ or ‘Balkan Circuit’ to reflect the complexity of migration paths. In this thesis, the term ‘Balkan Circuit’ will be used.

One of the examples Barnes (2022, 452) addresses is the new form of cooperation of the EU and Italy with Libya. As the *Hirsi* ruling³ led to an end of Italy's pushbacks on international waters to Libya, the EU and Italy found new ways to hinder immigration, namely pullbacks. Through a 2017 Memorandum of Understanding between Italy and Libya, the Libyan Coast Guard received training and assistance to intercept migrant and refugee vessels before they could reach Europe (2022, 452).

EU support has further enabled this by providing vessels, training, and operational assistance. Italian officials often notify the Libyan Coast Guard of the location of migrant vessels departing from Libya, facilitating interceptions. Migrants have reported instances where Italian boats and helicopters were the first to arrive when they were stranded in the Mediterranean. However, instead of rescuing them, these vessels alert the Guard, who then pulls the migrant boats back to Libya. Upon reaching shore in Libya, migrants and refugees are placed in detention centers (2022, 452).

Since the agreement's inception in 2017, an estimated 40,000 people have been intercepted and returned to Libya. Whereas both the Italian government and the EU view these migration deterrence policies and cooperation with Libya as necessary and successful actions, human rights authorities have criticized the EU and Italy for endangering the safety of migrants and refugees. Human rights authorities argue people on the move face human rights violations in Libya and it is not a safe place to send people – a fair concern as instances of detention, killings, slavery, and sexual violence have been reported frequently. Italy and the EU counter this by arguing they provide humanitarian assistance and work to improve human rights standards in Libya (2022, 453).

Barnes' (2022) reasoning for the EU's policies facilitating cruelty can also be identified in the EU-Türkiye Statement. Amnesty International calls attention to the human rights violations occurring because of this deal, including the inhumane conditions on Greek islands for migrants awaiting their asylum claim and the increased vulnerability of migrants forced back to Türkiye (Amnesty International 2021). Additionally, Türkiye has been reported to be an unsafe country for migrants, which has become apparent through different human rights violations. Human Rights Watch (2022) states that

³ The case *Hirsi Jamaa and Others v. Italy* before the European Court of Human Rights concerned the pushback of three migrant vessels by Italian authorities. Italian authorities argued that this case did not concern a pushback as it happened outside of Italian territory. However, the ECtHR decided against Italy and held that Italy was in breach of Article 3 (right not to be tortured), Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens), and Article 13 (right to an effective remedy) of the ECHR.

between February and July 2022, Türkiye forcefully deported hundreds of Syrian refugee men and boys to Syria. This is not an isolated incident. In April 2018, Amnesty International (2018) reported that 7,100 Afghans were deported back to Afghanistan only in that month.

The European Court of Human Rights (ECtHR) also backs this in the case *Akkad v. Türkiye*. This case concerns a Syrian man who the Turkish authorities returned to Syria in 2018 after attempting to cross to Greece and being forced to sign a ‘voluntary’ return order. In 2022, the ECtHR ruled the Turkish authorities to be in violation of the prohibition of refoulement, the right to a remedy, the right to liberty and security, and a violation of the prohibition of degrading treatment due to the conditions of the applicant’s transfer in the context of the return operation (Amnesty International 2022a). The EU should have been aware of such risks of violations when signing and continuing the deal as they have been warned by different NGOs and human rights watchdogs, such as Amnesty International.

Despite these human rights violations in Türkiye and Libya and the reports on them, the EU does not back down from signing more deals. In 2023, the European Commission went ahead with the EU-Tunisia deal, in which the EU provides financial support for migration management – i.e., hindering vessels with people on the move from reaching the EU. No human rights guarantees are included in this deal, despite Tunisia having a poor human rights record (Dam 2023).

Just before the deal was settled in July 2023, Tunisian security forces had collectively expelled 1,300 black African migrants to border zones with Libya and Algeria without sufficient food and water for days. According to Libyan authorities, at least 27 people died at the border (Dam 2023). Since the signing of the deal, the international spokesperson of Amnesty International has reported that the human rights situation for migrants has further worsened (Bortoletto 2024).

In the states on the Balkan Circuit, human rights violations arise also through externalization, but in the context of Europeanization. At the start of the EU Accession Process for western Balkan states, the control of unwanted movements towards the EU had been set as a main objective. Therefore, these states - willingly but in exchange for moving forward in the accession process - ignore migrants’ rights with prospects of becoming full members of the Schengen area or the EU space (Stojić Mitrović et al. 2020,

28). These states issue extreme violence, pushback migrants, take part in collective expulsions, illegally deport people, install fences, criminalize solidarity, and, therefore, limit the work of NGOs as their employees can be prosecuted (2020, 16).

States, such as Bosnia and Herzegovina and Serbia, ‘harmonize’ their legislation and policies – also on migration – to move forward in the accession process as they are recognized as a candidate or potential candidate for EU accession. At the same time, these states become dumping grounds for the EU, particularly through an increase in illegal deportations of migrants that the EU wants to remove (Ahmetašević et al. 2023, 3; Stojić Mitrović et al. 2020, 20-24).

To sum up, externalization, informalization, narrow interpretation of human rights law, and Europeanization show the EU’s and its member states’ attempts to avoid responsibility for people on the move and represent the attempts to circumvent human rights protection, fulfillment, and promotion. The human rights violations on the Mediterranean Routes and the Balkan Circuit show that the EU gives priority to hindering people on the move from entering the EU instead of their rights. Despite human rights violations being well-communicated by NGOs and brought before the ECtHR, the EU and its member states continue to participate in more deals and ignore and violate human rights.

2.3.5. The new Pact on Migration and Asylum and human rights

After the deadlock of the internal framework described in 2.3.1 and the shift towards externalization policies described in 2.3.3, the European Parliament has come to a new agreement on migration and asylum with the new PMA on April 10th, 2024. The PMA comprises ten legislative acts (European Parliament 2024g). Three main pillars are included within these acts, namely solidarity-sharing; more responsibilities for countries at the EU’s external borders through increased checks and other newly introduced practices; and a more common and robust border and migration management, also through agreements with third countries (Horst Neidhardt 2024, 4).

The PMA, however, will probably not be a step in the right direction for the rights of people on the move but rather deepen Desmond’s migrants’ rights crisis if we listen to civil society organizations and other watchdogs. Amnesty International (2023) states: “The Pact on Migration and Asylum will set European asylum law back for

decades to come and lead to greater human suffering.” The following paragraphs discuss the different legislative acts and pillars, relate them to the regulations and directives still in place, and address possible future human rights violations.

Firstly, to address the discrepancy in responsibility caused by Dublin III between member states on the outer borders of the EU and other member states, the Pact introduces the Regulation on Asylum and Migration Management. Member states with lower asylum applications assist by relocating asylum applicants, providing financial contributions, or offering technical and operational support (European Parliament 2024g). EU member states can also provide funds for asylum, reception, and migration systems in third countries to fulfill the financial contributions (European Parliament 2024a). The Dublin rules remain in effect, but additional criteria are thus added to redistribute responsibility to other member states.

Although this regulation is aimed at improving solidarity and responsibility sharing, Amnesty International (2023) and Horst Neidhardt (2024, 5) of the European Policy Centre have voiced their doubts and critiques. The option to provide financial contributions to Members at the EU borders or to fund third-party countries – both to strengthen the borders of the EU – prevents a *de facto* form of responsibility sharing but can translate into a further fortification of the EU and externalization, which consequences have already been described under section 2.3.4.

The second legislative act that addresses solidarity and responsibility sharing is the Crisis and Force Majeure Regulation. This regulation underscores the need for solidarity in case of a 'crisis' situation for a member state. According to the regulation, a crisis can arise from a mass influx of migrants or the instrumentalization of migrants to destabilize the EU by a third-country. To be classified as a crisis, member states must face dysfunctionalities within their asylum system, reception system, child protection services, or return system. The European Commission decides whether a member state is facing a crisis. If the Commission confirms a State faces a crisis, other member states have to offer support through relocating asylum applicants, financial contributions, or other measures. Additionally, the Crisis and Force Majeure Regulation allows for derogations of refugee and international human rights law (European Parliament 2024e).

Amnesty International (2023) criticized this regulation for undermining a humane response to people in need of protection and causing a risk of human rights violations.

Furthermore, it might normalize such human rights violations in times of perceived crisis. While practices and human rights violations have already shown that the securitization of immigration in the EU has normalized exceptional measures, which are or cause human rights violations, this regulation demonstrates this in text.

Thirdly, the new pre-entry Screening Regulation – comprising two legislative acts – permits checks that last up to seven days at the borders of the EU if the person entering does not fulfill the criteria for regularly entering an EU member state. During these seven days, the identity of the person is verified, in addition to taking biometric data for the Eurodac system, a preliminary health and vulnerability assessment, and security checks (European Parliament 2024f). The goal of this regulation is to establish which procedure has to be started: an asylum procedure or a return procedure. States are asked to set up independent monitoring mechanisms to ensure fundamental rights and the principle of non-refoulement are respected (López Aguilar and Sippel 2024, 15).

However, in 2023, Amnesty International predicted (2023) that more people will be put in de facto detention centers at the external borders of the EU because of this new regulation. Furthermore, allowing member states to do security checks to establish whether a person enters the EU irregularly, can cause racial profiling (Horst Neidhardt 2024, 5). Whether independent monitoring mechanisms will be equipped to prevent this, is questionable. Additionally, this new Screening Regulation increases the responsibility of member states at the borders as these states deal with the highest number of people on the move entering the EU for the first time.

Fourth, Horst Neidhardt (2024, 5) notes that the Reception Conditions Directive could lead to safeguards against detention. However, this Directive notes that detention is allowed for reasons of public order or if an applicant is likely to abscond. As this is a directive and the grounds are determined by national law, this directive gives a fair amount of autonomy to member states and, therefore, does not provide effective protection against unlawful detention. In addition to detention, this directive addresses reception conditions, the protection of minors, and the improvement of integration opportunities (European Parliament 2024d). However, also concerning these topics, member states will have some leeway on how to implement this in their national laws.

Fifth, the Asylum Procedures Regulation – comprising a legislative act on the asylum procedures regulation and the return procedure – establishes a common procedure within and between member states to grant and withdraw international protection. In addition, the new Screening Regulation therefore supports this regulation by providing a mechanism for deciding whether an asylum procedure or return procedure has to be started at the border. People on the move with a low recognition rate of asylum, persons who are security threats, or individuals who have provided false information will be immediately subjected to a screening procedure. Furthermore, the application of the country of first asylum and safe third-country lists are decisive for starting an asylum procedure. A common EU safe third-country list is supposed to be developed, but it is not in place yet (European Parliament 2024h).

According to the European Network against Racism, as every member state will for now be able to use their own safe third-country list, this regulation “opens the door to abuse and the erosion of the prohibition of refoulement” (Sanoullah 2023, 2). Furthermore, the new provision that certain groups will be subjected to a faster asylum procedure increases the risk of a violation of expulsion without consideration of individual circumstances.

Sixth, the revamped Eurodac Regulation expands the biometric data and data on identity collected from people on the move. Facial images will be added to the existing fingerprint databases. This data collection is lowered from the age of 14 to the age of 6. Moreover, authorities will be able to record if a person is a security threat, which includes the person being violent, being unlawfully armed, having links to terrorism or terrorist groups, or being involved in offenses that fall under the European Arrest Warrant (European Parliament 2024b).

This regulation has been criticized with regard to crimmigration. The intertwinement of migration control and fighting crime stigmatizes people on the move. According to Krishnan (2023), scholars warned years ago about the Eurodac regulation and its negative influence and urged not to further expand the type of data collected. Under this new Eurodac Regulation, the type of data is further broadened (Krishnan 2023). Secondly, there is a clear reference to security and crime within this regulation, therefore showing a further intensification of crimmigration and securitization.

Seventh, the updated Qualification regulation sets new uniform standards for refugee status and subsidiary protection (European Parliament 2024g). This regulation also aims to deter secondary movement by prohibiting beneficiaries of international protection from relocating to another member state (European Parliament 2024c). This Regulation has not been at the center of critique.

Eight, the EU Resettlement Framework is the legislative tool providing safe entry to the EU. Member states will offer to host refugees from third countries recognized by the United Nations (UN) Refugee Agency, with special attention given to vulnerable groups. The EU plans to establish targets for resettlement per region. Member states will participate voluntarily (European Parliament 2024h). Therefore, this regulation does not come with obligations for member states.

Horst Neidhardt (2024, 8) notes that it will take years before this new Pact will become fully operational. The package will first be sent to the EU Council for the last formal approval. After this, the nine regulations need to be applied within two years. For the directive, member states need to adapt their national laws within two years (European Council on Refugees and Exiles 2024a). Because of this timespan, member states will probably continue to turn towards externalization (Horst Neidhardt 2024, 8).

Moreover, it is unlikely the Pact will solve the problems the EU now runs into. As mentioned before, externalization is likely to continue or increase as the problems of solidarity and responsibility sharing are not effectively solved under the PMA. Additionally, the pact provides pathways for such externalization. Horst Neidhardt (2024, 8) notes it is no coincidence that externalization processes continue. A recent example is the agreement between Italy and Albania to externalize the processing of asylum applications to Albania, which was established after the European Parliament had already accepted the new Pact.

In summary, the new PMA has been met with critique. NGOs and other organizations have voiced the fear that the human rights violations already arising under the previous external and internal policy framework and legislation will only further increase as problems are not effectively solved. Through the lens of securitization, there are clear references to concepts such as 'crisis' and 'security'. The legislation allows for practices in perceived crisis circumstances, which can cause further human rights violations through exceptional measures. Before implementation, this Pact shows

securitization on paper and is likely to further deepen securitization in practice, already described in Chapter 1, coming with human rights violations as described in 2.3.2 and 2.3.4.

2.4. Conclusion

This chapter was aimed at answering the following sub-question: How does the securitization of asylum migration manifest itself in language, policy-making, and legislation at the EU level? The chapter's starting point was the link between securitization and immigration in the theoretical framework and the so-called 'successful' securitization of immigration in the EU. The aim, however, was not to determine whether immigration was successfully securitized in the EU but rather to discover how immigration is constructed as a security threat in the EU through both discursive and non-discursive practices.

Based on the theoretical framework, this chapter incorporated a critical lens by going back into history and challenged the normality of securitization of immigration in subchapter 2.1. This provided us with the notion of the norm of transmobility and the EU's internal security project, arising because of the disappearance of internal borders and hence the need for the protection of external borders. In this subchapter, it already becomes apparent that immigration during the start of the internal security problem became connected to border crime and disruptions of public law and order. Additionally, Muus (2001) notes that the increase in asylum applications caused a perceived need for a common immigration policy, also opening the door for further securitization.

Subchapter 2.2 demonstrates that in language and discursive practices, the securitization of immigration goes beyond concerns for borders, crime at borders, and the increase in the number of asylum applications of the initial internal security project. From several authors' work on the securitization of immigration in the EU, three common constructions can be derived: immigration as a security threat, an economic threat, and a cultural threat. In these constructions, the EU, member states, and their national populations are presented as the referent object. Whereas these constructions are important, in several instances the EU and EU officials also present clear desecuritizing voices, for example, against the idea of asylum migration as a terrorist threat or cultural threat.

However, subchapter 2.3 does not support these desecuritizing moves and shows clear securitization tendencies in policies, law, and practice. The creation of an internal security project presents the first step, but the CEAS, the PMA, and the externalization practices show a deepening of securitization. As all allow for or cause human rights violations in the EU but also beyond the EU borders, it can be argued that the securitization of immigration allows for exceptional measures to lower immigration. The most recent and clearest example of this is the Force Majeure and Crisis Regulation of the PMA. As in subchapter 2.2, the EU, member states, and national populations are taken as referent objects, while immigrants are treated as the threat.

Together, the discursive and non-discursive practices on the EU level demonstrate a securitization of immigration and present a deepening of the construction of immigration and people on the move and more specifically asylum seekers as a threat. The consequences of this construction are worded most clearly and strongly by Desmond (2023): we are dealing with a migrants' rights crisis, not a migrant crisis.

3. Patterns and politics of immigration in the Netherlands

By addressing migration movements, asylum immigration legislation, and policies, the politicization of asylum migration, and human rights violations, this chapter aims to answer the following sub-question: How have immigration patterns, discourses, and practices addressing asylum migration evolved in the Netherlands? Additionally, this chapter provides the context for an informed and critical analysis of immigration debates, policies, and legislation in Chapter 4.

Chapter 3 takes a similar approach to Chapter 2. Therefore, we start with the Dutch history of immigration in subchapter 3.1. This subchapter first addresses the immigration patterns towards the Netherlands since World War II. Different figures based on descriptive statistics from the Statistics Netherlands Database are included to provide objective information on the immigration movements.

To be wary of the reduction of asylum seekers to mere numbers, it is shortly specified who the asylum seekers are and why they have entered. This subchapter is important in providing facts on immigration and asylum immigration, especially as anti-immigration, racist, and xenophobic discourses prove to be widespread, as discussed in subchapters 3.3 and 3.4. Therefore, this subchapter helps ensure a critical perspective.

Subchapter 3.2 describes the policies and legislation in place on asylum immigration. It outlines the EU and international obligations of the Netherlands. Additionally, it explains the Dutch political process to give insight into how asylum policies and legislation can be influenced and changed. This subchapter ensures that the chosen data for analysis in Chapter 4 is contextualized and its importance can be understood.

Subchapter 3.3 delves into the politicization of immigration and the development of various political attitudes towards immigration. Brysk's (2009) "Dutch dilemma of migration" represents the restrictive turns of legislation and policy-making already present in the early 2000s, whereas other scholars address the acceptance and adoption of xenophobic and anti-immigration discourses, also by the political mainstream and the public. Special attention is devoted to the last general elections, in which the radical right-wing party *Partij voor de Vrijheid* (PVV, i.e., Party for Freedom) won.

In subchapter 3.4, asylum seekers' human rights violations in the Netherlands are discussed. Similar to Chapter 3, this consideration of human rights violations is aimed at applying a critical lens, going beyond the state as a referent object and considering asylum seekers as those facing the threat. This subchapter addresses human rights violations on the domestic level as the Netherlands' role in violations internationally,

Through these subchapters and answering the research question, this chapter provides context but also argues that the securitization of asylum immigration in the Netherlands found its starting point in the late 1980s – almost 25 years after immigration started exceeding emigration. Whereas asylum applications have never reached the levels of asylum applications of 1994 again, the securitizing discourse against asylum migration has strengthened. Following the constructivist approach to securitization, such discourses can strengthen the securitization of asylum migration, eventually allowing for exceptional measures that cause human rights violations.

3.1. Immigration movements to the Netherlands

This subchapter addresses the migration movements towards the Netherlands from 1950 to the present day. Directly following the Second World War, the Netherlands became a country of emigration. However, after the 1960s, it became predominantly a country of immigration. This section describes the different streams of migration and provides deeper insights into asylum migration in comparison to overall immigration figures.

After the Second World War, the Netherlands witnessed emigration. The Dutch government encouraged emigration to countries such as the United States, Australia, New Zealand, and Canada. Around 500,000 Dutch citizens left the Netherlands between 1946 and 1969. Although there were also instances of immigration during this period, they generally did not surpass emigration levels until 1961 (Van der Woude et al. 2014, 563; Van Meeteren et al. 2013, 115).

Notably, in 1949, coinciding with the Netherlands' recognition of the former Dutch East Indies as the independent Republic of Indonesia and the end of the colonial war, there was a significant influx of repatriates to the Netherlands from the former Dutch East Indies (Van Meeteren et al. 2013, 115). From 1951 onwards, a considerable number of Moluccans were forced to migrate to the Netherlands (CBS n.d. d).

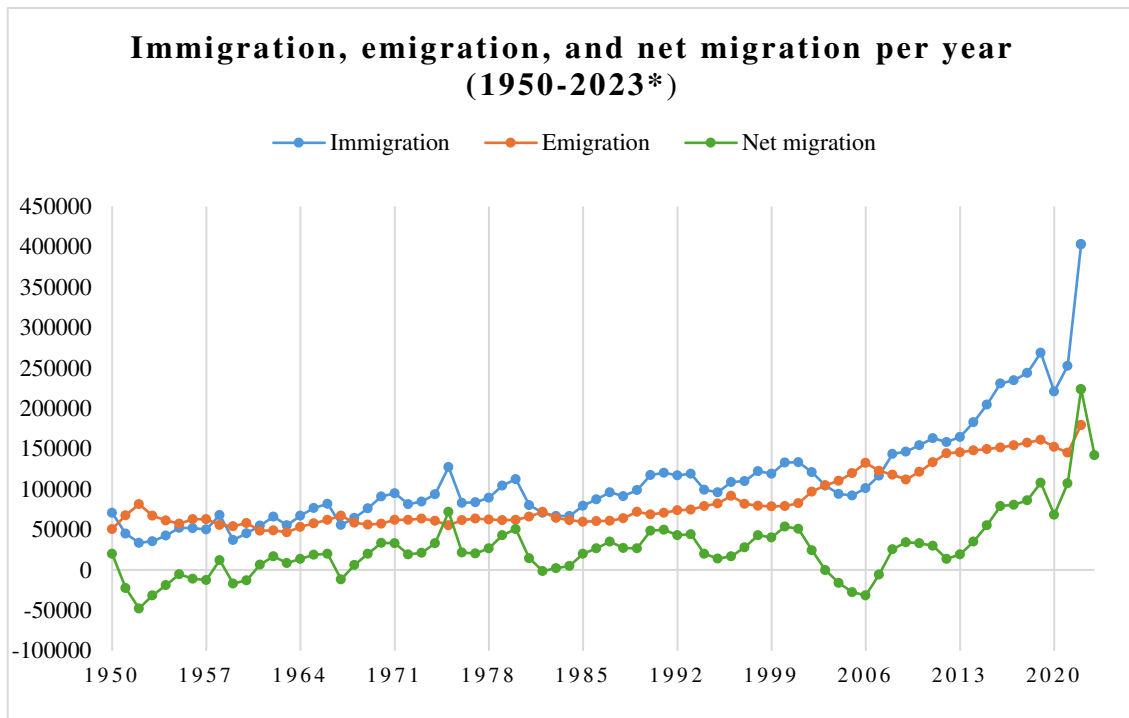


Figure 2 This figure demonstrates the cases of immigration and emigration per year. The net migration is the number of immigrants minus the number of emigrants. The years in which immigration exceeds emigration, the net migration graph will be above the the y-axis. The years in which emigration exceeds immigration, the net migration graph will be under the y-axis. Hence, the net migration graph showcases that immigration generally exceeds emigration after 1960. Exceptions are 1967, and 2003 until 2007. This in line with the argumentation presented by Van Meeteren et al. (2013). The data in this figure is retrieved from the Statistics Netherlands Database (CBS, n.d.c; CBS n.d.d).

* : for 2023, Statistics Netherlands (CBS) only published the net migration. This number is also still open to corrections.

In the 1960s, the Netherlands transformed into a country of immigration, meaning immigration started to exceed emigration. In this decade, the Dutch government recruited many labor migrants. These workers were called ‘guest workers’ – which refers to the Dutch government’s intention for them to return after their labor contracts finished. In the early 60s, guest workers mainly came from Spain, Italy, and Portugal. Hereafter, the Dutch government also recruited laborers from Türkiye and Morocco.

While many from the first group returned, individuals from Türkiye and Morocco stayed. Recruitment stopped with the oil crisis of 1973; however, immigration from Türkiye and Morocco continued through family reunification, marriage migration, and irregular migration. Additionally, in 1975 and the following years, nearly 300,000 individuals migrated to the Netherlands from Suriname following the state’s independence from Dutch colonial rule (Van Meeteren et al. 2013, 115-116).

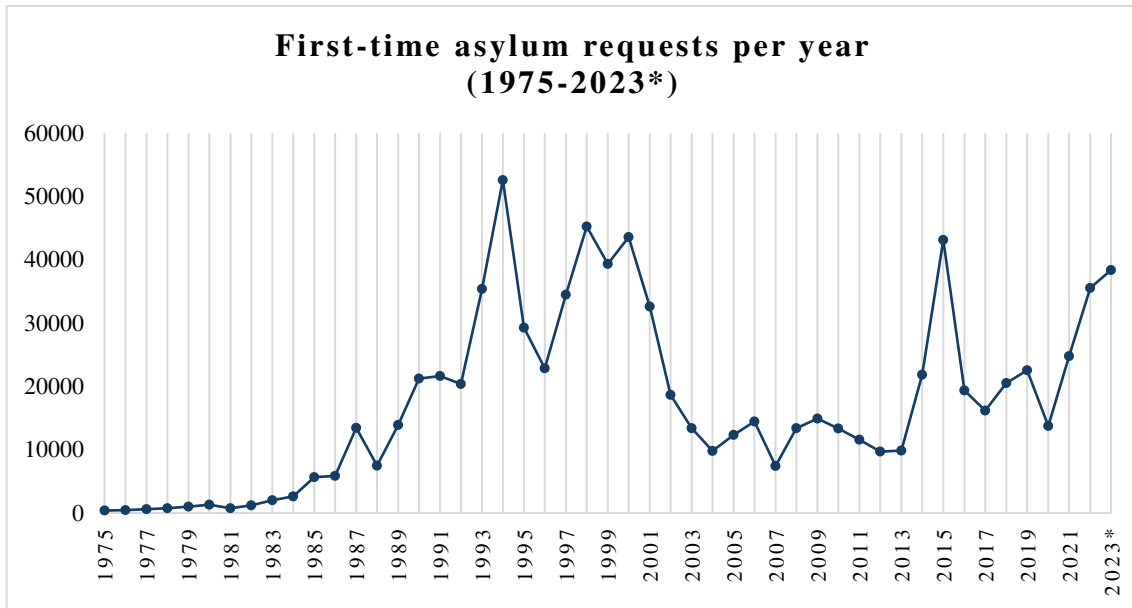


Figure 3 This graph represents the number of first-time asylum requests per year since 1975. As an asylum seeker has to apply for asylum when entering the Netherlands, this number represents the number of asylum seekers entering the Netherlands per year. It shows the overall trend in number of asylum requests over the years. Data is retrieved from the Statistics Netherlands Database (CBS, n.d. b).

In the early 1990s, there was an increase in asylum seekers entering the Netherlands, largely attributable to the wars in former Yugoslavia. This peak is represented in *Figure 3*. Van Meeteren et al. (2013, 116) report that in 1991 and 1992, 21,000 individuals applied for asylum each year. In 1999 and 2000, 43,000 people applied for asylum per year. In 2003 and 2004, asylum immigration slowed down again – the main reason being the introduction of a new and stricter Aliens Act (2013, 116).

Contrasted with the 1990s, the number of asylum requests in the ten years of 2003 to 2013 is relatively low. However, in 2014, the number increased again to 21,810 requests, primarily Syrians fleeing from civil war. Other significant groups included stateless individuals from Palestine, often fleeing from Syria as well, and Eritreans escaping political persecution and mandatory military service (Amnesty International n.d. b; CBS 2015).

The peak of asylum requests in the 21st century was reached in 2015, with Syrians again constituting the largest group (CBS 2016). Subsequent years witnessed a decline in asylum requests, attributed partly to political decisions at the EU level, such as the EU-Türkiye Statement and the closure of the Balkan Route. The COVID-19 pandemic further reduced numbers in 2020 due to travel restrictions (CBS 2022).

In 2021, asylum requests increased again. One-third of the requests come from Syrian nationals. The second two biggest groups are Afghans – as the Taliban took over in 2021 and Afghanistan faced and still faces a humanitarian crisis – and Turks – because of prosecution by the government (Amnesty International n.d. a; CBS 2023a; Vluchtelingenwerk n.d.). In 2022, asylum requests further increased with Syrians, Turks, and Afghans continuing to comprise the largest share of asylum seekers (CBS 2023a). In 2023, the number of asylum requests reached 38,375 with Eritreans replacing Afghans as one of the largest groups (CBS 2024).

It is essential to highlight that refugees from Ukraine arriving after the escalation of the war in 2022 are not included in these numbers on asylum requests. Ukrainians enjoy a special status, meaning they receive temporary protection without applying for asylum (CBS n.d. e). Ukrainians are included in the overall immigration numbers: in 2022, 108,000 persons fled from Ukraine to the Netherlands (CBS 2023b). This high

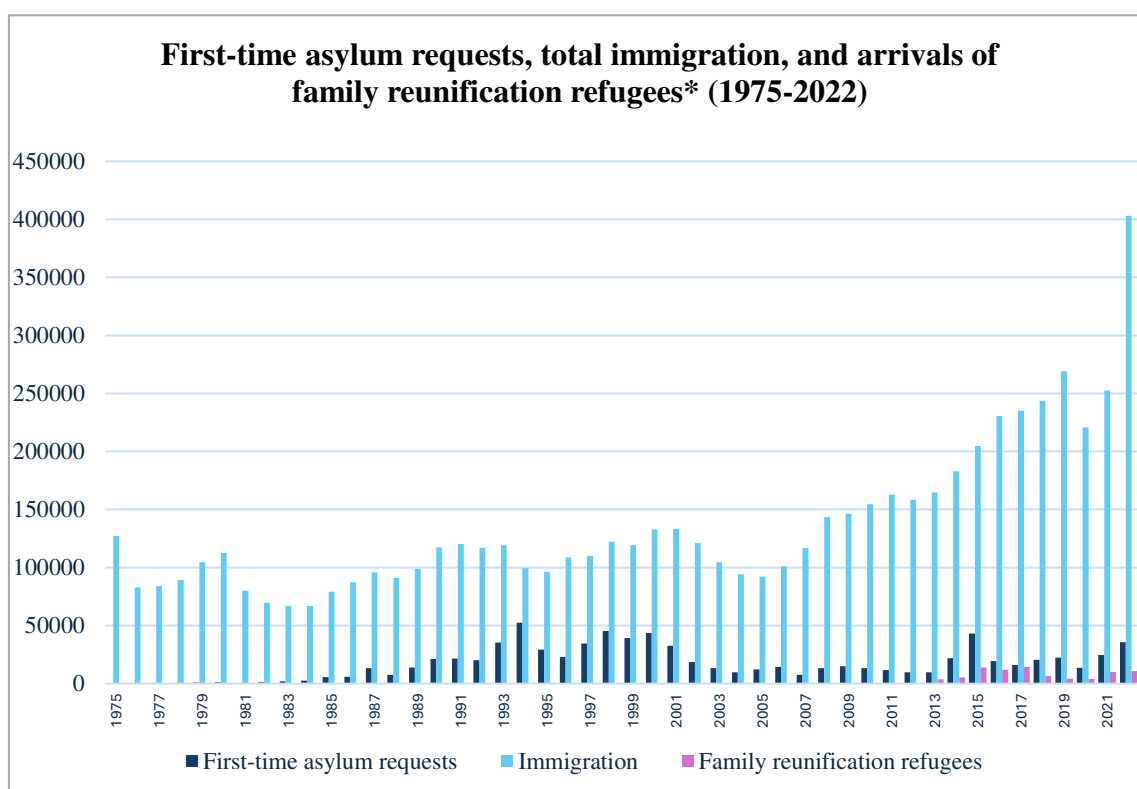


Figure 4 This figure presents the numbers of first-time asylum requests, immigration and the number of refugees entering the Netherlands through family reunification procedures. This total immigration numbers include both the number of asylum seekers and family reunification refugees entering the country. This figure therefore allows for a comparison of the total immigration to the number of first-time asylum requests and family reunification refugees (CBS n.d. a).

*: figures on family reunification are only available from 2013 onwards.

influx of Ukrainian refugees in 2022 also explains the surge in net migration this year, shown in *Figure 2*. In 2023, the total number further increased but people also moved out from the Netherlands. On April 26th, 2024, there are 110,140 registered Ukrainian refugees in the Netherlands (Rijksoverheid n.d. c). Therefore, the growth of Ukrainian refugees has not been large, which has translated into a smaller positive net migration in comparison to 2023.

When comparing *Figure 3* with *Figure 1* presented in subchapter 2.1.2, both figures show a similar trajectory but sometimes with peaks in different years. For example, while 1994 was a peak year in the Netherlands for asylum applications, for European member states overall, the peak was in 1992. Additionally, while for European member states overall, both 2015 and 2016 were characterized by high levels of asylum applications, the Netherlands received in 2015 double the applications in comparison to 2016.

A comparison of these two figures also shows that first-time asylum applications in the Netherlands constitute a small part of the overall asylum applications in EU member states. When looking at separate member states, Germany was the member state with the most first-time asylum applications in 2023 with 329,035 applicants. Spain was the second country with 160,460 applicants. With 38,375 applications, the Netherlands is 7th on the list for 2023 (Eurostat 2024b).

Figure 4 compares the number of asylum requests and the influx of family reunification refugees against the total immigration figure in the period from 1975 to 2022. It shows that asylum requests most years constitute a relatively small part of immigration – except in 1994 when asylum requests constituted half the immigration numbers. Also, family reunification is a relatively small share of immigration.

Additionally, it is essential to note that not all asylum requests are accepted. In the early 1990s, around half of all asylum requests were approved. After the introduction of the new Aliens Act, this number dropped to 10 to 12 percent (Van Meeteren et al. 2013, 116). Since 2015, the acceptance rate of first-time asylum requests has fluctuated. In 2015, the rate was 73 percent. 2018 demonstrates the lowest acceptance rate with 21

percent. The most recent acceptance rate is from 2023 with 54 percent (IND 2022, 3; Rijksoverheid n.d. e, 4).⁴

In conclusion, the Netherlands has long been a country of immigration. Different streams of immigration have long been present, including asylum immigration. 2022 has presented the highest number of net migration until now with a figure of 223,798. The other figures in this section show that asylum requests from other individuals have formed a relatively small part of the overall immigration number. This objective view provided through statistics is essential.

3.2. Asylum migration legislation and policies in the Netherlands

As we have now addressed asylum migration over the years, it is time to look into the legislation and policies governing asylum immigration. First, this subchapter addresses the most important legislative and policy documents in place. As legislation and policies are bound to EU and international law, these sources are shortly addressed. Finally, the political system is explained to understand the influence of politics over legislation and policies on asylum immigration.

To start with, the European Council on Refugees and Exiles (2024b) provides an overview of the main legislative acts relevant to asylum procedures, reception conditions, detention, and protection that regulate asylum policies in the Netherlands⁵. One of the most important documents is the *Vreemdelingenwet 2000*, the before-mentioned Aliens Act 2000. This act regulates the entry, admission, supervision, and deportation of aliens, including asylum seekers. The *Voorschrift Vreemdelingen 2000*, i.e., the Aliens Regulations 2000, and *Vreemdelingenbesluit 2000*, i.e., the Aliens Order 2000, further detail the entry, admission, supervision, and expulsion of aliens (Dienst Terugkeer en Vertrek n.d.).

The fourth important legislative act is the *Algemene Wet Bestuursrecht*, i.e., the General Administrative Law Act. This act provides regulations about the relationship

⁴ This is a short overview of all acceptance rates of first-time asylum requests since 2015: 73% in 2015, 55% in 2016, 31% in 2017, 21% in 2018, 25% in 2019, 49% in 2020, 59% in 2021, 69% in 2022, and 54% in 2023 (IND 2022; Rijksoverheid n.d. d, 4; Rijksoverheid n.d. e, 4)

⁵ It is important to note that in this thesis the Netherlands refers to the European part of the Kingdom of the Netherlands. The Caribbean part – consisting of Aruba, Bonaire, Curaçao, Saba, Sint, Eustatius, and Sint Maarten - is not part of the EU. Additionally, Aruba, Sint Maarten, and Curaçao are independent countries in the Kingdom of the Netherlands and are not signatories to the 1951 Refugee Convention.

between administrative bodies and stakeholders when preparing, taking, and applying decisions, ensuring transparency and fairness; therefore, also between asylum seekers and the Dutch state and its institutions (Parlementaire Monitor n.d.).

The fifth important legislative document is the *Wet Centraal Opvang Orgaan*, i.e., the Act of the Central Agency of Reception. This act delegates the following tasks to the Central Agency for the Reception of Asylum Seekers (COA): providing shelter to asylum seekers, managing shelters, maintaining safety and quality of life in shelter locations, providing necessary resources, and guiding asylum seekers to a future in the Netherlands or abroad (COA n.d). Sixth, the *Wet Arbeid Vreemdelingen*, i.e., the Aliens Labour Act, provides labor regulations for individuals without Dutch nationality (Nederlandse Arbeidsinspectie n.d.).

Additionally, the *Vreemdelingencirculaire*, i.e., the Aliens Circular, is an important policy document for asylum immigration. It provides detailed guidelines for the implementation of the Aliens Act, addressing entry, surveillance, deportation and departure, entry bans, declarations of undesirability, freedom-restricting measures, and registration and identification. It includes instructions for the Immigration and Naturalization Service (IND), COA, police, and other institutions (Dienst Terugkeer en Vertrek n.d.).

Regarding EU legislation, the EU has a profound influence on Dutch asylum law and policies through directives and regulations. The CEAS imposes – and the PMA will impose – obligations on the Netherlands. The Recast Qualification Directive was transposed in 2013 through the Aliens Regulations, while the Recast Asylum Procedures Directive and the Recast Reception Conditions Directive were transposed in 2015 via amendments to the Aliens Act 2000 (European Council on Refugees and Exiles 2024b).

Beyond EU law, the Netherlands is bound to international standards as a signatory to the 1951 Refugee Convention, its 1967 Protocol, and the ECHR (Rijksoverheid n.d. b). The importance of adhering to both EU law and international standards is presented on Dutch government websites, for example with the Ministry of Asylum and Migration stating: “The Netherlands may not introduce an asylum stop. International treaties and European law oblige the Netherlands to give people the opportunity to apply for asylum here” (Rijksoverheid n.d. a).

In addition to these human rights laws and EU directives, each Dutch government has the opportunity to influence immigration laws and policies. General elections normally take place every four years, determining the composition of the Second Chamber, the House of Representatives (ProDemos n.d. b). Following these general elections, the most-voted-for parties form coalitions with parties they can work with to secure a majority in the Second Chamber, requiring at least 76 seats. After forming this coalition, a coalition agreement is issued, outlining the coalition's directions for the next four years. Subsequently, the Cabinet, comprising ministers and state secretaries from the coalition parties, is formed.

The new government then consists of the monarch, Prime Minister, and ministers (ProDemos n.d. a). Together with the government, the Second and First Chambers form the legislative power. Most often, the government proposes the laws (Rijksdienst n.d.). The Second Chamber acts as a formal legislator with the right of amendment, while the First Chamber can only approve or reject new laws (Tweede Kamer n.d.). Moreover, the monarch and ministers form the executive branch (European Commission n.d. c).

To sum up, this subchapter has provided a short overview of the most important legislation and policy document in place at the moment. These policies and legislation are influenced by international law and EU law. However, legislation and policy documents as living instruments are subject to change. The parties who are part of the coalition and win the 4-year general elections have considerable power to influence asylum legislation and policies through their place in the government and the Second Chamber.

3.3. The politicization of immigration in the Netherlands

In this section, the politicization of immigration is discussed. Politicization refers to the intertwining of political interests and emotional connotations with political decision-making (Van Haren et al. 2019, 158). In the context of the Netherlands, while immigration was first a topic relatively free of such interests and connotations, it has turned into a topic very high on the political agenda and greatly influenced by interests and emotional discourses. This section describes this change and shows the normalization of the anti-immigration attitudes first arising in the 1990s.

Until 1998, successive governments denied the Netherlands had turned into a country of immigration – even though the numbers and *Figure 2* demonstrate otherwise. The idea dominating was that guest workers and refugees would return to their country of origin; therefore, immigration would be a temporary phenomenon (Van Meeteren et al. 2013, 114). This does not mean immigrants were ignored before 1998 but rather approached through a perspective of multiculturalism and ‘pillarization’ – a term referring to the Dutch tradition of separation of society into different groups by religion and associated political beliefs (2013, 118).

In line with this tradition, policies of the 1970s and 1980s were focused on taking away disadvantages, while maintaining group identity. Therefore, migrants were offered facilities, such as education, in their language and according to their traditions (Van der Woude 2014, 563; Van Meeteren et al. 2013, 118). These migration policies were not subject to public or political discussion, but simply a bureaucratic concern (Van der Woude 2014, 563).

In the 1990s, these policies were increasingly criticized: they would be the cause of segregation and unemployment in migrant communities, mostly affecting first and second-generation migrants from Türkiye and Morocco. This caused growing discontent among the Dutch population. To address this discontent, integration and migration policies started emphasizing reducing unemployment and welfare dependency by encouraging labor market participation. Equal participation became a synonym for integration (Van Meeteren et al. 2013, 118).

In this context of growing discontent, migration also became increasingly politicized. From 1989 until 1999, Frits Bolkestein was the first politician who uttered an anti-immigration discourse focused on Muslim immigration as an ideological threat to western civilization and Dutch values (Oudenampsen 2023, 7-12). He also blamed Dutch politicians for not recognizing the superiority of western values. Their cultural relativist approach would see Islam as an equal religion with equal morals and values, causing a lack of much-needed assimilation policies according to Bolkestein (Oudenampsen 2023, 8).

Bolkestein left the Dutch political scene to go work for the EU in 1999 – one year after the Dutch government recognized that the Netherlands had become a country of immigration, causing heated debates against ‘mass’ immigration in parliament (Van

Meeteren et al. 2013, 118). Continuing Bolkestein's discourse and representing the resistance against immigration, Pim Fortuyn entered the Dutch political scene. He radicalized Bolkestein's discourse by claiming Islam to be a backward culture, warning for the 'Islamization of Dutch culture', and reiterating that "modernity is in many respects superior to Islam" (Fortuyn 2001, 9). Like Bolkestein, he deemed Dutch politicians' cultural relativism to be the cause of the supposedly failed integration of Muslims in Dutch society (Pantti and Wieten 2005, 305).

These sentiments also resonate with the Dutch population, as proved in 2002. In the polls coming up for the general elections that year, Fortuyn was expected to have a landslide victory with his party *Lijst Pim Fortuyn*, meaning List Pim Fortuyn. However, shortly before election day, Fortuyn was assassinated by a radical left-wing activist, who perceived Fortuyn to be a threat to minorities in the Netherlands. His party still ran in the elections of 2002 and still got the victory they expected. However, the party imploded as it did not function without the leadership of Fortuyn (Oudenampsen 2023, 7).

Fortuyn's ideas were, however, not lost. In 2006, Geert Wilders founded the populist right-wing party PVV. While he first distinguished between fundamentalist Muslims and other Muslims, he, later on, let go of this distinction. He further radicalized Fortuyn's discourse, speaking about the Muslim conspiracy to create 'Eurabia', building on Egyptian historian Bat Ye'or's book *Eurabia: The Euro-Arab Axis*. In this discourse, it is not just a clash anymore between Islamist and Dutch values, but rather a carefully crafted plan to intentionally replace the European population through Muslim immigration. Dutch politicians are not only accused anymore of cultural relativism but Wilders accused them of actively contributing to this replacement and being disloyal to their population (Oudenampsen 2023, 11-12). The PVV continues to put forward these ideas until today.

As Bolkestein's, Fortuyn's and Wilders' discourses demonstrate, the dominant anti-immigration narrative in the Netherlands has its roots in anti-Islamic sentiments, nationalism, and xenophobia. To return to subchapter 1.3, in the EU, many member states emphasize their own shared culture and identity. Culture and identity are threatened by 'outsiders' entering the nation, meaning there is a cultural threat. This construction of a threat allows for the politicization of migration according to Van Haren et al. (2019, 158), but also directly relates to securitization as immigration is constructed as a cultural threat.

This politicization and securitization was not just present in Dutch anti-immigration parties in the early 2000s but was also translated to legislative and policy turns. In her description of the “Dutch dilemma of migration”, Brysk (2009, 136-138) highlights that the Netherlands adopted increasingly restrictive measures. In 2000, the Netherlands introduced a new Aliens Act, followed in 2002 by an accelerated asylum application process. Also in 2000, a new Ministry of Aliens Affairs was established, headed by Rita Verdonk, known for her stringent policies – she attempted to deport 26,000 asylum seekers who had overstayed their temporary residence permit in 2006. Also in 2006, Human Rights Watch published its first report on the Netherlands ever because of the increasingly restrictive asylum procedures violating asylum seekers’ human rights and refugee rights (2009, 136-138).

Also across political parties, the anti-immigration sentiments become more widespread over the years. While during Fortuyn’s rise, other political parties remained mostly concerned with the socioeconomic integration of immigration, focusing for example on the education levels of immigrants, the cultural concerns came higher on the political agenda after 2002. Mainstream political parties slowly adopted a monoculturalism approach, which focuses on compulsory integration paired with plans to limit the number of asylum seekers arriving and family reunification (Van Heerden et al. 2014, 133).

Van Haren et al. (2019, 163) demonstrate this by the stance of the Dutch liberal party *Volkspartij voor Vrijheid en Democratie* (VVD, i.e., the People’s Party for Freedom and Democracy) towards migration in 2015. The VVD, then the biggest party in the Second Chamber, argued for the closure of all borders of the EU and the accommodation of all refugees in their regions. While other parties rejected this, it shows how the VVD – for nationalist reasons or to win votes – reiterates anti-immigration sentiments, and how this rhetoric also finds its way to this conservative-liberal party.

More recently, asylum migration again proved to be a highly sensitive political issue. In July 2023, Cabinet Rutte IV – the fourth Cabinet under VVD prime minister Mark Rutte with the VVD as the biggest party in the Second Chamber – discussed new migration measures for months. A new plan was proposed to split refugees into two groups: group A which fears persecution in their country of origin, and group B which flees for a more general threat, such as war. Therefore, introducing a two-status

asylum system. The VVD wanted to give these groups different rights with group B having limited rights to family reunification and receiving a shorter residence permit.

However, the center-left parties and center parties in the coalition rejected this. After days of discussion in the summer of 2023, the problem was judged to be unbridgeable, which meant the end of the Cabinet and coalition between the governing parties on July 7, 2023 (NOS 2023a). Therefore, new general elections were organized. As the Cabinet fell because of disagreements on asylum measures, immigration proved to be one of the most important themes in the election period. On November 22, 2023, the PVV won the general elections with 37 seats in the Second Chamber, which means the party gained 20 seats in comparison to the 2021 elections (NOS 2023b).

During the elections, 10,457,203 eligible voters casted their votes, meaning that one seat in parliament was equal to almost 70.000 votes this year (Kiesraad 2023). Therefore, a little less than 2,6 million people voted for the PVV during these elections. For 80 percent of PVV voters, migration and asylum proved the most important theme (Ipsos 2023, 10).

As can be expected, the PVV's party program was heavily focused on migration and asylum. Anti-immigration and anti-Islamist statements⁶ represent the overall nationalist and anti-immigration tone of his party program. Furthermore, his plans include opting out of the UN Refugee Convention, a stop on asylum, more restrictive immigration policies, less Islam in the Netherlands, and the use of pushbacks to neighboring countries (PVV 2023, 8).

In April 2024, the formation of the new coalition was finalized, consisting of the PVV, VVD, *Nieuw Sociaal Contract* (i.e., New Social Contract), and *BoerBurgerBeweging* (i.e., Farmer-Citizen Movement). While these other winners of the general elections first said that they would not want to work with the PVV – because of unconstitutional standpoints of the party with regards to immigration and discrimination of Muslims – this concern has been thrown overboard and the formation of a new coalition continued. On May 16, 2024, the new coalition agreement was published under the name 'Hope, Courage and Pride'.

⁶ Examples include “[O]ur beautiful Netherlands has seriously deteriorated because of the continuing asylum tsunami and mass immigration”⁶ and “[O]ur culture and western manner of life are threatened by letting in big number of people, often from non-western, Islamist countries. Even Syrian terrorists are entering our country as part of the asylum influx” (PVV 2023, 6).

In summary, the trajectory of anti-immigration discourse in the Netherlands reflects a significant shift from a relatively apolitical bureaucratic concern to a highly politicized issue deeply intertwined with nationalism, anti-Islamic discourse, and electoral politics. The transformation began in the 1990s, marked by growing discontent over multicultural policies. Political figures such as Frits Bolkestein, Pim Fortuyn, and Geert Wilders framed and frame immigration, particularly from Muslim-majority countries, as a threat to Dutch culture and values, fueling nationalist and xenophobic narratives. This politicization has found its place in mainstream political discourse and therefore has been normalized, as evidenced by shifts in the stance of parties like the VVD and the willingness of other political parties to form a coalition with the PVV.

3.4. Human rights violations and the Netherlands

Despite the Netherlands' international identity as a Global Good Samaritan, the human rights of immigrants, asylum seekers, and refugees have been repeatedly violated in the Netherlands or through the state's involvement abroad. These violations have gained both national and international attention. To provide a comprehensive overview of concerns for and violations of asylum seekers' rights, recent and relevant findings by UN Treaty Bodies are discussed. Reports from NGOs and news sources further complement these findings. The domestic level is discussed in section 3.4.1, followed by the Netherlands' role in human rights violations at the international level in section 3.4.2.

3.4.1. Human rights concerns and violations in the Netherlands

To start with, UN treaty bodies and officials have continuously reported on the situation of refugees and asylum seekers in the Netherlands from 2018 until 2022 with the last report issued by the Committee on the Rights of the Child (CRC). By analyzing the findings from different reports, human rights concerns address five main themes: racist and xenophobic discourses, family reunification, waiting times, the non-refoulement principle, and detention. If possible, the concerns presented by UN institutions and officials are complemented by more recent information available through NGO reports or news sources.

In 2020, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance (2020, 2-3), E. Tendayi Achiume, praised the Dutch State's formal commitments to equality, non-discrimination, and related intolerance, but also reported that national identity and national belonging are highly dependent on ethnicity and religion, and are highly racialized. Whereas the legislation and policies on asylum largely fulfill human rights obligations, racist and xenophobic discourses are mainstreamed, also at the highest level, with officials emphasizing the need to deter asylum seekers and refugees instead of protecting them (2020, 17).

The Human Rights Committee (HRC 2019, 3) reported a similar concern, not only noting hate speech by high-level officials but also by politicians, through social media and during public events. The Independent Expert on human rights and international solidarity (2019, 16), Obiora Chinedu Okafor, reported that xenophobic populist discourses in the 2017 general elections threaten human-rights-based international solidarity. Subchapter 3.3 already has shown a deepening of xenophobic, especially Islamophobic, and anti-immigrant discourses in politics, also present in the most recent elections.

In addition to these anti-immigrant and human rights adverse discourses, problems regarding family reunification are reported. The Netherlands provides avenues for family reunification for both refugees and persons with subsidiary protection. For unaccompanied minors, the CRC (2022, 12) recommends that family reunification should be extended to family members or legal guardians if parents prove to be untraceable. Furthermore, decisions on family reunification exceed a reasonable decision time, which was already reported in 2019 by the HRC (2019, 4).

The HRC (2019, 4) and Special Rapporteur (2020, 17) reported that not only decisions on family reunifications are not taken promptly, but also decisions on normal asylum applications exceed the desired time. Both are detrimental to the well-being of refugees and asylum seekers (2020, 17). Data published by the IND (2024) confirm that the waiting time is still increased. While legislation stipulates six months for the decision on asylum applications, the period has been extended to nine months if applying for asylum between September 27, 2022, and January 1, 2025. Generally, an asylum seeker waits 19 weeks for the registration hearing, and then 48 weeks for the follow-up hearing.

For family reunification, it takes on average 87 weeks before the IND considers the application (IND 2024).

Over time, proposals within the Dutch parliament have raised concerns about potential human rights violations in family reunification. In 2022, the then-Secretary of State for Asylum and Migration, Eric van der Burg, advocated for restrictions on family reunification for beneficiaries of international protection without adequate housing (NOS 2022b). The parliament agreed to this, while experts in migration law argue this conflicts with the EU directive on the right to family reunification (Doornbos 2022). According to Doornbos (2022), this demonstrates how the Dutch government willingly ignores the law.

Additionally, UN Treaty Bodies show concern for violation of the principle of non-refoulement. The HRC (2019, 4) reports on forced returns to Sudan, Bahrain, and Afghanistan, whereas the Committee against Torture (CAT 2018, 3) found a violation of this principle in the case of *F.B. v. The Netherlands*⁷. While there are no indications of further breaches of non-refoulement after this 2015 case in the European part of the Kingdom of the Netherlands, both the Special Rapporteur (2020, 18) and the CAT (2018, 3) reported on forced returns of Venezuelans from Curaçao. The CRC (2022, 11) reports that also children have been deported without reviews of their cases.

Furthermore, the CAT (2018, 3) sees fast-track procedures as a threat to the non-refoulement principle, just as the undifferentiated application of the exclusion clauses under Geneva 1(F). When it comes to the first, the IND (2024) has announced to speed up applications with low chances of asylum to shorten the waiting times. Processes of asylum seekers who applied for asylum in another EU country or coming from a so-called ‘safe country’ will be sped up.

The CAT (2018, 4) expressed its concerns about the continued practice of detaining asylum seekers and undocumented migrants in closed facilities and detention centers not meeting international standards, especially as detention centers regularly resemble criminal detention centers. Whereas the Special Rapporteur (2020, 13) reports that detention numbers in immigration centers are relatively low in the European

⁷ This case concerns the complainant F.B., a Guinea national, living in the Netherlands. She claimed that her deportation to Guinea by the Netherlands would constitute a violation of her rights under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She feared to be forced to undergo female genital mutilation upon return to Guinea.

Netherlands, she shares her concerns about the criminal treatment of immigrants in these centers.

The Special Rapporteur (2020) and the CRC (2022) address children in specific. Some concerns include the separation of children from their parents, which in some cases can be influenced by ethnic and cultural stereotypes (Special Rapporteur 2020, 17). The CRC (2022, 11) reports concerns about similar assessment criteria being used for children over 15 as for adults. Additionally, the CRC (2022, 9) asks for measures ensuring the prenatal and postnatal care for pregnant women in asylum centers. Concerns for access to healthcare in general have also been addressed by the CAT and the Committee on the Elimination of Racial Discrimination (2021, 7).

An issue the UN treaty bodies and special UN officials do not address, is the conditions in reception centers. Despite this, this topic, especially the situation in the largest asylum and registration center in the Netherlands, Ter Apel, deserves considerable attention, and therefore other sources will be used to fill this gap, mainly government information, NGO reports, and news sources.

In the summer of 2022, the problems in the center in Ter Apel gained national and international attention. Asylum seekers waited and slept outside of this center for days, while they did not have access to shelter, water, sanitary facilities, and health care. At the high point, 700 people were sleeping outside. As Ter Apel is the primary entry point for asylum seekers, it is unavoidable for most. Consequently, many asylum seekers were forced to endure inhumane conditions (Keultjes 2023; NOS 2022a). The Dutch Cabinet declared a situation of national crisis on June 17, 2022 (Rijksoverheid 2022.)

The Dutch branches of Amnesty International (2022b) and Doctors without Borders (2022) condemned the situation in Ter Apel. On the international playing field, Dunja Mijatović, the Commissioner of Human Rights of the Council of Europe, criticized the Netherlands for breaching Article 3 of the ECHR, the prohibition of torture and degrading treatment. She also expressed her concern for vulnerable groups. Additionally, she suggested the breach of the principle of non-discrimination by questioning the differential treatment of Ukrainian refugees and asylum seekers from other nationalities (Nederlands Juristenblad 2022).

More recently, the Dutch National Ombudsman published a report with the name “*Verboden hulp te bieden?*”, meaning ‘Is it illegal to help?’ (Van Dorst et al. 2024).

This report concluded that civilians trying to help asylum seekers in the summer of 2022, for example by providing tents, trash bags, tea, and more camping gear, were unjustly obstructed (2024, 3). Police and security personnel confiscated supplies, warned civilians to stop the distribution, and threatened with criminal procedures, citing the prohibition on wild camping and later the maintenance of public order (2024, 4).

While 2022 presented the high point of the crisis at Ter Apel, overcrowding remains a significant challenge. In March 2024, the COA responsible for Ter Apel owed the municipality where the center is located more than €1,000,000 in fines. The main reason for the overcrowding is the closure of other locations for shelter rather than a heightened influx of asylum seekers (NOS 2024a).

In 2022, human rights violations were also reported at a different center, namely the enforcement and supervision center in Hoozeveld (Inspectie Justitie en Veiligheid 2022), a special center for asylum seekers who have severely breached the rules in other reception centers (COA n.d.). Residential counselors were reported to use unnecessary force and disproportional physical violence. Other forms of abuse were reported, such as name-calling or laughing at asylum seekers. Additionally, access to lawyers and medical care was restricted (Inspectie Justitie en Veiligheid 2022).

In summary, treaty bodies and UN officials have raised concerns about the treatment of asylum seekers in the Netherlands. While these reports date back some years, more recent information demonstrates that certain concerns are still relevant. Additionally, the places available in reception centers are continuously under pressure, and in recent years, it has been proven they do not always meet international standards.

3.4.2. The role of the Netherlands in human rights violations abroad

As migration is a transnational phenomenon and the Netherlands is part of a border-free zone, the Dutch state does not only concern itself with immigration and asylum seekers on the national level but also with the EU and international level. The Netherlands proves to be a driving force behind externalization practices addressed in subchapter 2.3. Additionally, the Netherlands does not seem to follow the EU's solidarity-sharing principle. As the UN treaty bodies and officials do not report on the State's efforts abroad, this analysis is based on NGO reports, news, and government documents.

First, the Netherlands was one of the driving forces behind the EU-Türkiye Statement and the EU-Tunisia Deal, which demonstrates the support for externalization and informal agreements. During the EU-Türkiye Statement, the Netherlands was the chair of the EU Council. The NGO Boat Refugee Defense (n.d., 1-2) states that the Netherlands played a significant role in devising and executing the deal. In April 2024, this NGO together with Amnesty International and Defence for Children sued the state of the Netherlands to hold it responsible for the human rights violations arising in Greek reception centers after the implementation of the EU-Türkiye Statement (Boat Refugee Defence n.d., 1-2).

Despite the consequences of the EU-Türkiye Statement, ex-prime minister Mark Rutte together with the Italian Prime Minister, Giorgia Meloni, and the chair of the European Commission, Ursula von der Leyen, made a deal with Tunisian president Kais Saied, which closely resembled this Statement. This new so-called Memorandum of Understanding between Tunisia and the EU does not include any human rights guarantees nor a mechanism to stop the deal in case of human rights violations. Furthermore, the deal was agreed to despite the worrying human rights situation in Tunisia (n.d., 2).

While section 2.3.5 has highlighted the human rights concerns of the PMA, Van der Burg expressed optimism after the acceptance, foreseeing benefits for the Netherlands. He stated: "In the long term, this will help the Netherlands substantially. It causes less inflow, fewer moves within Europe, less chaos. We are really going to get a better distribution across Europe" (NOS 2024b). While the Pact indeed aims to curb inflows and internal movements within the EU, it falls short of providing the solidarity Van der Burg refers to.

That solidarity sharing is unlikely to improve, seems to be in line with the Dutch state's wishes – despite Van der Burg's message. Oxfam Novib (2022) reports that the Netherlands has been unwilling to increase solidarity sharing at the EU level as the Netherlands is not a first-arrival country. Solidarity sharing would only increase immigration levels and as subchapter 3.3 has shown, the political stance towards this is rather reluctant. Through this stance, however, the Netherlands fails to abide by the principle of EU solidarity when it comes to immigration.

Moreover, the Netherlands fails to take responsibility for the situation at the EU borders (ACVZ 2022). The Advisory Council on Migration (ACVZ) – an independent

council advising the Dutch government and Parliament on migration and asylum – asserts that the external borders of the EU are also a Dutch responsibility. Therefore, the Netherlands is responsible for the human rights of asylum seekers and should promote and fulfill human rights (ACVZ 2022, 4). While the Cabinet responded positively to certain recommendations, the ACVZ (n.d.) reports that it does not react to the concrete action points and continues to consider the human rights violations an EU concern, not a concern of the Netherlands.

In conclusion, the Netherlands actively orchestrates and supports externalization practices connected to human rights violations. In other instances, the state does not take responsibility for human rights violations or solidarity sharing. Together with the concerns outlined under section 3.4.1, it can be concluded that the Netherlands continues to face significant challenges in fulfilling asylum seekers' human rights. The racist and xenophobic discourses reported by UN treaty bodies and officials do not inspire expectations for improvement on the domestic or international level.

3.5. Conclusion

This chapter aimed to provide the context for the political discourse analysis of debates, policy documents, and legislation presented in Chapter 4, and to answer the following sub-question: How have immigration patterns, discourses, and practices addressing asylum migration evolved in the Netherlands?

Throughout the Chapter, the different subchapters have provided crucial information to answer the research question. Descriptive statistics have shown us that immigration has been the trend since the 1960s. Figure 3 shows us asylum immigration started later around the 1980s, while Figure 4 shows us that this form of immigration always presents a relatively small part of total immigration. On top of that, not all asylum requests are granted.

Subchapter 3.3 showed that the politicization of asylum immigration deepened since the 1980s. The anti-asylum discourse is based on nationalist, xenophobic, and anti-Islam attitudes rather than an objectively high number of asylum seekers entering the Netherlands. This anti-Islam discourse deepened over the years, sometimes taking the form of a conspiracy theory with Wilders' use of the term 'Eurabia'. Anti-asylum

sentiments became normalized by center and right-wing parties, represented by the recent formation of a coalition with the PVV as the biggest party.

Approaching this through the lens of securitization theory, the anti-asylum discourse constitutes asylum immigration as a threat. Through a continuance of this discourse and acceptance beyond far-right wing parties, asylum immigration as a threat has been accepted. It can be argued that the acceptance of securitizing moves by other politicians but also the public paved the way for the victory of the PVV. Subchapter 3.2 shows us that the PVV and its coalition will have the ability to influence legislation and policies regarding asylum immigration, but remain bound to international standards and EU law.

Subchapter 3.4 shows us that despite the Netherlands' perception of Global Good Samaritan, it can be concluded that asylum seekers still face obstacles to the fulfillment of their rights. Anti-immigration, xenophobic, and racist discourses are reported to be a source of this. Also abroad, the Dutch state does not fulfill its human rights obligations and is a motor behind externalization practices.

Taking into consideration that the UN treaty bodies also praise initiatives of the Dutch state and that control mechanisms in the Dutch state report on human rights violations, the securitization within the practice cannot be deemed complete. However, as asylum immigration becomes increasingly politicized and arguably securitized, practices can become increasingly securitized, especially after the elections of 2023. Human rights violations as presented in subchapter 3.4 can become the effect of the exceptional measures deemed so necessary in the securitization frame.

4. Empirical analysis of Dutch political discourse on asylum migration

Chapter 4 presents the empirical analysis of political discourse addressing asylum immigration and asylum seekers in the Netherlands. Through a political discourse analysis of debates, coalition agreements, and legislation, this chapter aims to discover in what manners the EU is addressed in Dutch political discourse and in what manners the EU has influenced the possible securitization of immigration. Eventually, the chapter aims to answer the final sub-question of this thesis: How is the European Union incorporated in securitizing or desecuritizing moves in the political discourse of the Netherlands?

To ensure a transparent and reliable answer to this sub-question, this chapter first presents the methodology, political discourse analysis (PDA). Subchapter 4.1 explains the critical approach of PDA. The second subchapter further outlines the method to ensure transparency and increase the reliability and trustworthiness of this thesis' findings.

The majority of this chapter revolves around the findings presented in subchapters 4.3, 4.4, and 4.5. The political discourse analysis of debates, coalition agreements, and legislation has led to relevant findings regarding the general tendency towards securitization in legislation and policy-making, as well as insight into securitizing moves and desecuritizing moves of different politicians during debates. Particular importance is attributed to the incorporation of the EU into securitizing and desecuritizing narratives.

Finally, this chapter presents the following answer to the sub-question and main argument: speech acts and text fragments referring to the EU most often take a securitizing approach by blaming the EU for asylum immigration, speaking of the attractive effect of Dutch regulations or a need for restrictive Dutch regulations. Within these discourses, the consequences for asylum seekers are not taken into account, opening the door for human rights violations at the national and EU levels, but also abroad as externalization is approached as a legitimate response to asylum migration.

4.1. Methodology

The methodology of this thesis relies on PDA. This subchapter briefly explains PDA and places it in the broader domain of critical analysis. Additionally, it addresses the specifics

of PDA and political discourse, presenting focus points for the further empirical analysis in this chapter. Finally, the relevance of PDA for this thesis is explained in more detail.

To start with, PDA is part of the broader domain of critical discourse analysis (CDA). Within CDA, discourse is conceptualized as language use as social practice. These ways of language use are based on structures of knowledge, beliefs, values, goals, and emotions, which thus lead to particular behaviors, attitudes, and hence language use (Koller 2014, 163). This language use creates structures or reproduces the structures on which it is based.

CDA as a method highlights how dominant discourses create and reproduce the structures of meaning and explains which role power plays in this construction (Koller 2014, 163; Van Dijk 1997b, 12). Norman Fairclough (2012, 10), the pioneer of CDA, positions this approach within the broader realm of critical social analysis, which is concerned with a critique of social realities that reduce human flourishing and increase human suffering. Critical social analysis is not only normative but also explanatory, meaning it aims to explain how social realities have come into being (2012, 10).

Within the domain of CDA, PDA concerns itself with political discourse. It adopts a similar critical stance and focuses on power, but considers political discourse because it “is concerned with the reproduction of political power, power abuse or domination through political discourse” (Van Dijk 1997b, 11). Van Dijk (1997b, 12) positions PDA between discourse analysis and political science, which shows his recognition that 'doing politics' involves engaging in discursive practices (1997b, 37).

Therefore, political discourse comprises all manners of ‘doing politics’ through language use (1997b, 18). Examples include laws, passing bills, campaigning, debates, and other forms of communication within political institutions. Van Dijk (1997b) emphasizes that while political discourse is a broad category, it must involve utterances on relevant political topics presented by individuals or institutions in their political roles. Thus, personal communications from political figures are excluded from political discourse (1997b, 21).

Furthermore, PDA attributes great importance to the context, because political discourse is part of a broader system of politics. Therefore, it is important to note which system is applicable, which institution is involved, the values and ideologies present, the actors involved, the political process, and more. More simply put, we have to know under

which circumstances specific utterances were made or the analyzed texts were created (1997b, 18-19).

In addition to context, PDA takes the pre-existing discourse structures into account in its analysis. These structures refer to preferred structures and strategies in politics (1997b, 24-25). Van Dijk (1997b) addresses different aspects of these pre-existing structures, offering guidance for analyzing and interpreting topics, lexicon, syntax, rhetorical devices, textual schemata, and expression structures. For example, with regard to topics, Van Dijk (1997b, 33) notes that political discourse tends to focus on politics itself and related social domains, often emphasizing future actions while negatively assessing past events. This causes political discourse to often be reflexive. Immigration debates, for example, will mainly address government policies on immigration (1997b, 33).

Also, the lexicon is important in political discourse and refers to the words used. The meaning of words, the lexical choice, and variation influence the discourse and the ideas conveyed. In politics, a common lexical choice is the use of ‘us’ vs. ‘them’. While words relating to ‘us’ are often positively loaded or euphemisms, words related to ‘them’ are more negative and stronger (1997b, 33). ‘Us’ vs. ‘them’ also is a well-known example of syntax. Syntax plays a role through pronouns, word order, and active versus passive constructions (1997b, 34). Rhetorical devices, such as metaphors and repetition, are also essential in political communication (1997b, 35).

Van Dijk (1997b, 29) also addresses the importance of the order of the text, i.e., textual schemata. Politicians attribute importance to certain topics through the order of their words or arguments. Expression structures in speech and writing relate to this – they emphasize topics or words through headings, intonation, and volume (1997b, 36).

Whereas Van Dijk (1997b) focuses on the generally preferred structures and strategies in politics, he emphasizes every local form of politics has its own preferred local semantics, meaning that “every local political context will have its own topics they discuss, language they use and [...] ideas and norms [...] presented through this” (31). Therefore, the political discourse from the Netherlands will also express specificities. This is incorporated through a directed mode of analysis, addressed under section 4.2.3.

Van Dijk (1997b, 12) emphasizes the importance of explaining the relevance of PDA for research topics within political science. In this thesis, the choice for PDA is based

on the constructivist nature of securitization theory and the theory's consideration of power. PDA as methodology allows us to address these important aspects through its critical approach, focus on discourse, and incorporation of context.

Additionally, whereas there are criteria for what is considered political discourse, it encompasses a wide range of political and communicative events, texts, practices, and actors. This flexibility is crucial for addressing the complexities of securitization. Therefore, this thesis includes the analysis of debates, coalition agreements, and legislation, further specified under section 4.2.2.

To sum up, the methodology of this thesis employs PDA from the broader field of CDA. PDA focuses specifically on how political discourse reproduces power and domination. By examining the language used in political discourse – such as the structure of arguments, word choices, and rhetorical devices – PDA highlights how political actors shape narratives and exercise power. This methodology allows for the unpacking of power and securitization practices within Dutch politics through the analysis of several sources of political discourse.

4.2. Method

This section outlines how the methodology of PDA, explained in the previous subchapter, will be applied and ensures transparency for the method used to generate the findings. First, the subchapter explains the selection of sources for analysis and the rationale behind this selection. Next, the development of the coding scheme is addressed. Finally, some attention is devoted to the reliability and trustworthiness of the PDA and its findings.

4.2.1. Data collection

This thesis addresses different forms of political discourse – as explained in subchapter 4.1. The focus is on debates, coalition agreements, and legislation. In the selection of the exact speech acts and text fragments to analyze, Chapters 2 and 3 were crucial. They helped to identify key moments during which asylum immigration was high on the Dutch political agenda. Additionally, they indicated which policy documents and legislation would be relevant to come to an answer to the main research question. The following paragraphs present the selected sources.

The first selected debate is the plenary debate⁸ of September 8, 2022, titled “Asylum reception”. The debate addresses the conditions in the reception center Ter Apel, discussed under section 3.4.1, and new policy proposals to prevent the repetition of a similar scenario. The second selected debate is the plenary debate taking place on July 10, 2023, titled “Emerged political situation”. This debate took place three days after the fall of the then-Cabinet over restrictive asylum immigration measures – discussed under subchapter 3.3. Both debates have been selected because of the influential events they followed and the public attention they received.

The third selected debate is the most watched television debate, called “The Netherlands chooses, before the general elections on November 22, 2023. The debate took place on November 21, 2023, the day before the general elections. As this is the most watched election debate, both securitizing and desecuritizing moves have reached different audiences and are likely to have played a role in the securitization process. All three debates present both securitizing actors and rival voices, meaning to take into account the complexities of securitization processes.

To include policy documents, this thesis focuses on two coalition agreements. The coalition agreement of Cabinet Rutte IV between the VVD, *Christen-Democratisch Appèl*, *ChristenUnie* (CU), and *Democraten 66* – published on December 15, 2021 – will be analyzed. This coalition agreement was published under the title: “Looking out for each other, looking forward to the future”. The second coalition agreement is “Hope, Courage, and Pride” – published on May 16, 2024, and presents the policy directions of Cabinet Wilders.

Coalition agreements are relevant for this part of the analysis as they set out the joint principles and objectives for the coming years of a new coalition. Analysis of the 2021-2025 and 2024-2028 agreements will uncover the previous coalition’s and the new right-wing coalition’s stance toward immigration, asylum seekers, and the EU. Additionally, a comparison between both will illuminate significant changes in political discourse between the two coalitions.

Lastly, the transposition of the Recast Qualification Directive (2011/95/EU), Asylum Procedures Directive (2013/32/EU), and the Reception Conditions Directive (2013/33/EU) into national law will be analyzed. The Qualification Directive was

⁸ I.e., a debate in which all 150 members of the Second Chamber can participate.

transposed into national law, the Aliens Regulation 2000, on October 10, 2013. As a result, the Aliens Regulation 2000 as of October 10, 2013, is compared with the version in effect before that date.

The Recast Reception Conditions Directive and the Asylum Procedures Directive were both transposed into national law, the Aliens Act 2000, on July 20, 2015. Therefore, the comparison will focus on the Aliens Act before and after this transposition, examining the changes implemented on July 20, 2015. The articles will be analyzed to assess whether they have become more restrictive for asylum seekers, with a particular focus on the role of language in these changes. In the findings, the content of new articles will be indicated, if relevant, alongside the previous content.

4.2.2. Directed mode of analysis and the coding scheme

For the analysis of selected data, this thesis adheres to a directed mode of political discourse analysis. Hiesh and Shannon (2005) introduce this form of qualitative textual analysis: instead of open coding, the researcher relies on existing theory and prior research. From these foundations, key codes are identified, forming a structured coding scheme used to assess the documents. In the first review, these pre-determined codes are applied to code-specific passages. Any contradictory evidence is recorded, meaning passages that do not align with the expected codes are assigned new, appropriate codes. Based on this initial analysis, the pre-determined and new codes are then revised, removed, or expanded, allowing for further refinement (Wesley 2014, 150).

The initial coding scheme was based on an in-depth review of Chapters 1, 2, and 3. The final coding scheme, presented in Appendix I, includes all codes and detailed definitions for each code. The scheme is the product of the first round of review and further analysis of the selected data. Revisiting the scheme after analyzing the data, ensures the scheme reflects the nuances of Dutch political discourse – i.e., Van Dijk's (1997b) local semantics – incorporating themes and codes not present yet in theory or context. Codes in the final coding scheme also present in the initial coding scheme are marked with an asterisk.

Additionally, the final coding scheme takes the research question into account. To ensure the findings are comprehensive, the codes are split into three categories. The first category is 'EU', meaning these codes are applied to text fragments or speech acts that

reference EU processes, policy-making, or legislation, and the need for or rejection of this. Second, codes under ‘NL’ are applied to text fragments or speech acts referring to the local context, meaning Dutch political processes, policy-making, legislation, and the need for or rejection of this.

Some of the codes within these two categories exhibit a strong reflexive nature, meaning they are not used to code text fragments or speech acts that directly address asylum migration. Instead, these codes are applied to sections that reflect on how politics has addressed and managed asylum migration. This includes for example the codes ‘Blame game’ (NL) and ‘EU Blame game’ (EU). Other codes directly reference calls for either restrictive or protective measures, making them reflexive but also giving them a securitizing or desecuritizing dimension. There are also codes that by definition do not specifically lean toward either securitization or desecuritization. If relevant, it is specified in which context they are applied in the findings.

Unlike the ‘EU’ and ‘NL’ categories, the third category, ‘(de)securitizing strategies’, is not tied to a specific context. It encompasses codes that frame the need for restrictive or protective measures or represent a certain stance on asylum migration or asylum seekers. The analysis will reveal whether particular securitizing and desecuritizing are more prominent in references to either the Dutch or EU context, shedding light on the Dutch perspective on asylum migration, both in the Netherlands and the EU.

4.2.3. Reliability and trustworthiness

To end this subchapter and move to the findings, it is important to address how this thesis ensures the reliability and trustworthiness of PDA, its interpretative nature, and the findings. First, qualitative analysis of discourse lacks a commonly agreed manner to approach such analysis, meaning qualitative analysis of discourse – also PDA – requires a transparent method to increase trustworthiness (Wesley 2014, 144). Through this subchapter on the method and the provision of the coding scheme in Appendix I, this thesis is explicit about the process. The following subchapters on the findings will also incorporate transparency by providing quotes and references to the original sources, meaning speech acts and text fragments used to build the arguments can be tracked.

Second, to ensure the quality and guard the trustworthiness of the interpretative nature of political discourse analysis, this thesis will apply the theory of thick description, meaning every major interpretation is supported by at least three pieces of evidence (Wesley 2014, 152). This is most important for claims regarding political discourse on asylum immigration and the EU, as this is the focus of the main research question.

Third, it is important to mention that the selected data are in Dutch. The text fragments and speech acts included in this thesis have been translated by the author, a native Dutch speaker. Every effort has been made to translate these as accurately as possible, preserving the original meaning and intent expressed by politicians, policymakers, and legislators.

Fourth, discrepant evidence will be reported to ensure the empirical analysis will not fall into the trap of confirming the hypothesis or theory (Wesley 2014, 158). By not only focusing on political discourse addressing asylum immigration and the EU but also focusing on speech acts and text fragments addressing asylum immigration and the Netherlands, this thesis wants to ensure the influence of the EU internal security project on asylum migration is contextualized and its importance is not overstated.

4.3. Findings: debates

This subchapter focuses on the debates presented under 4.2.1. Within these debates, the subchapter centers on speech acts related to asylum migration and the EU. Four relevant and recurring topics regarding the EU have been identified in these speech acts: the attractive effect of Dutch regulations, blaming the EU, the need for EU-level restrictive measures, and EU protection of asylum seekers. Each section highlights the various (de)securitizing strategies used regarding these topics. Finally, the last section explores these (de)securitizing strategies in more detail.

One notable finding is that references to asylum migration in relation to the EU are relatively scarce within the debates analyzed. Codes categorized under 'EU' have been applied 58 times, whereas codes under the category 'NL' were applied 292 times. This disparity is explainable given that these debates occur within a national context – focused on national elections, the fall of the Cabinet, or the Dutch situation concerning asylum seekers.

Additionally, the codes falling under ‘NL’ provide the opportunity to meaningfully compare securitizing and desecuritizing efforts in speech acts addressing both national and EU contexts. The larger volume of ‘NL’ codes further enables the examination of desecuritizing and securitizing strategies in greater detail. Therefore, after the initial focus of each section on the EU, the sections address speech acts focused on the Dutch context and employed securitizing and desecuritizing strategies.

4.3.1. The attractive effect of Dutch regulations

“For the VVD, the current situation, in terms of influx, in terms of the numbers of people coming to our country, is a problem. We found that there are many elements in our asylum system – I already mentioned the single status system, the way we now issue permanent permits, the fact that we move quickly to naturalization, the way we have arranged our legal aid, our high acceptance rate – that make our country relatively attractive. We wanted to do something about that now. These are all elements that make people come here and take advantage of it, including people who are not entitled to that refugee status.

Do you know what the point is? I think it's humane to do something about that. I think it's decent to do something about it because I want us to have the capacity and the support in this country to always keep a place here for the people who are truly fleeing war and violence.”

(Hermans 2023, 3-4)

This section focuses on the supposed attractive effect of Dutch regulations⁹. This narrative has been coded with the ‘attractive effect of Dutch regulations’¹⁰. The coming paragraphs revolve around this code, which has been identified nine times – all debates combined.

⁹ Concerning chapter, it is important to note that researchers of the Dutch research institute Verwey Jonker concluded that the Dutch asylum policy does not have an attractive effect. Asylum policy is not the deciding factor for asylum seekers when deciding which country to come to. Additionally, Dutch asylum legislation and policies would not differ significantly from asylum legislation and policies of other EU member states (Kahman et al. 2023, 45-46).

¹⁰ Defined in Appendix I Table 2 as: expressions of the Netherlands as a relatively attractive destination country for asylum seekers in comparison to other EU member states.

The code has been most prominent in the debate of July 10, 2023. In the debate on September 8, 2022, no text fragments have been coded as ‘attractive effect of Dutch regulations’. Additionally, this section analyzes which strategies are used to support this form of securitization.

In the excerpt above from the debate on July 10, 2023, then-party leader of the VVD, Sophie Hermans (2023), argues that the Netherlands is an attractive country for asylum seekers compared to the rest of the EU. Later on, she states, “We will never close our doors for people fleeing for war and violence, but we have to do this with a number that our society is able to carry” (3), indicating the Netherlands is unable to carry this perceived burden of its relative attractiveness.

In the same debate, the then-prime minister Mark Rutte (2023) continues the discourse of the attractive effect of Dutch regulations. When summarizing the content of coalition debates, he states, “The discussion was really about the question: how can you prevent that, when refugees are in Europe, where there is protection, people come to the Netherlands because we are maybe more attractive than another country? Can you prove this? That’s very difficult” (31). Whereas he thus mentions it is difficult to prove this attractive effect, he then presents the argument that the Netherlands takes a relatively high number of asylum seekers in comparison to Germany, which would prove this relative attractiveness of the Netherlands. According to Rutte (2023), the high number is to blame for the failure of the asylum system, and “also makes it very difficult to give refugees a good start here” (31).

What is rather striking in Hermans’ (2023) and Rutte’s (2023) speech acts is that both employ a rights discourse¹¹ to justify restrictive measures. By arguing that the relative attractiveness of Dutch regulations causes a high number of asylum seekers to come to the Netherlands, which would hinder the fulfillment of their rights, it is argued it is the “humane” course of action to restrict the number of asylum seekers entering the Netherlands (Hermans 2023, 3-4). Additionally, Hermans’ (2023) speech acts include clear examples of the denomination of asylum seekers¹² as she differentiates between

¹¹ References to the rights of asylum seekers are coded under ‘rights discourse’. Defined in Appendix I Table 3 as: references to the protection of asylum seekers, their rights, and the fulfillment of these rights, adding to a securitizing or desecuritizing agenda.

¹² Denomination is coded under the ‘denomination of asylum seekers’. Defined in Appendix I Table 3 as: references to asylum seekers which negatively portray asylum seekers, including the real vs. fake refugee narrative and crimmigration narratives.

asylum seekers deserving of protection and those underserving, meaning, applying a real refugee vs. fake refugee narrative. The code ‘denomination of asylum seekers’ has also been applied to part of Rutte’s (2023) speech acts.

“You know what [...] if only they were refugees. But what is not discussed, what no one says is that 95 percent of the people who apply for asylum in the Netherlands travel over land. They come through Germany. Come through Belgium. We don’t have more neighbors than this. And those entering are people who – after they paid six, seven, eight, nine, ten thousand euros to human traffickers – already traveled through three, four, five, six safe countries. When they enter the Netherlands, they are not helpless refugees. They are migrants that according to the Dublin regulation should have applied for asylum in the first country they entered. But they go to the Netherlands or Germany or Denmark because we ... because they get a free house here, get a free benefits. So, they are not helpless refugees. To these 95 percent, we can say: you can’t enter.”

(Wilders 2023)

Whereas the previous quotes come from the debate on July 10, 2023, PVV party leader Geert Wilders (2023) reiterates the attractiveness of Dutch regulations in the election debate on November 21, 2023. In the excerpt above, Wilders (2023) lists benefits that asylum seekers would receive in the Netherlands, causing asylum seekers to pass by other safe countries as they do not offer similar benefits. Simultaneously, the excerpt presents instances of denomination: Wilders (2023) argues that the refugees entering the Netherlands are not refugees nor helpless but are only migrants as they should have applied in other countries.

Furthermore, by connecting refugees to human trafficking, he further challenges the legitimate grounds on which asylum seekers might be able to receive refugee status. Refugees are portrayed as criminals, while also perceived as rich by emphasizing the amount of money they supposedly pay. Wilders (2023) continues his speech by emphasizing refugees – or “migrants” – come to the Netherlands to benefit from the welfare state. Continuously, Wilders (2023) presents the narrative the majority of asylum seekers do not apply for refugee status on legitimate grounds.

In sum, politicians who highlight the supposed attractiveness of the Netherlands for asylum seekers, compared to other EU member states, advocate for restrictive measures. They use the strategy of denomination to argue that not all individuals coming to the Netherlands are genuine refugees. Furthermore, the argument for making the Netherlands less attractive – and thereby implementing restrictive measures – is tied to a rights discourse, suggesting that a high influx of people hinders the ability to fulfill the rights of 'real' refugees. In contrast, Wilders (2023) focuses solely on the need for restrictive measures to reduce the overall number of asylum seekers, supported by strong forms of denomination.

4.3.2. Blaming the European Union and previous Dutch Cabinets

“[...] we need to make different arrangements in Europe. We are working on that. The pact has been discussed here a number of times. Only in Europe it is not so much about agreements but also about how we then deal with those agreements. I note that we have agreements on Dublin, but Italy simply says that until the summer, the other 26 countries collectively may only send back 15 people a day, while at the moment most people are moving from Italy to the rest of Europe.

I note that we have an agreement that people will be identified and registered at the border where they enter the country. Just to be clear: if we have 35,000 asylum seekers in the Netherlands and 3,500 of them are official Dubliners, then the other 90% would all have landed at Schiphol so we would be the first country of arrival. There is no one here who believes that. We all know that the vast majority of that 90% also entered via another Dublin country but were not registered by the country in question. We have to make arrangements for that.”

(Van der Burg 2022, 5)

The excerpt above is part of the plenary debate of September 8, 2022, addressing asylum reception. In this debate, State Secretary of Asylum and Migration Eric van der Burg (2022) explains the lack of reception facilities in the summer of 2022. Van der Burg (2022, 5) blames the EU and EU member states for not registering asylum seekers, who therefore

can register in the Netherlands. Within the coding scheme, this is coded as ‘EU blame game’¹³ under the category ‘EU’. The code has been applied nine times to the debate of September 8, 2022. In other debates, this code has not been applied.

In this debate, Van der Burg (2022) frequently reiterates the argument of the EU blame game, stating, “I see in a European context that Greece is in no way adhering to the agreements we have made and is simply allowing everyone to continue traveling” (16-17). He further stresses that in talks with EU member states, “we cannot deal with the problems of the whole of Europe, so the rest of Europe must also step up” (17). VVD politician Ruben Brekelmans (2022) echoes Van der Burg’s sentiment regarding the Dublin Regulation: “If the State Secretary or anyone else brings this up in Brussels on behalf of the Cabinet, other countries will shrug their shoulders and say: those Western European countries, all fine but we don’t care” (35).

In no cases during the debate on September 8, 2022, the narrative of the EU blame game is rejected, meaning no politicians directly rejected the idea that the EU and its member states are at least partially responsible for the situation in reception centers and overall asylum migration numbers in the Netherlands. The EU blame game is used to argue for EU cooperation and solidarity¹⁴ on asylum immigration as can be uncovered from the first excerpt: “we need to make different arrangements in Europe. We are working on that” (Van der Burg 2022, 5).

The EU blame game is also employed to argue against EU cooperation¹⁵. Wybren van Haga (2022), party leader of *Belang Van Nederland*¹⁶, (BVNL), questions both the feasibility of EU cooperation and the willingness of other member states to amend the Dublin Regulation, stating, “[other EU member states] are not going to cooperate” (8). Consequently, Van Haga (2022) connects this blame to calls for restrictive national measures.

¹³ Defined in Appendix I Table 2 as: blaming the EU for asylum immigration to the Netherlands.

¹⁴ The need for EU cooperation is coded under ‘need for EU cooperation and solidarity’. Defined in Appendix I Table 2 as: expression of a need for EU cooperation and solidarity to address asylum immigration.

¹⁵ The rejection of EU cooperation is coded under ‘rejection of EU cooperation and solidarity’. Defined in Appendix I Table 2 as: expression of a rejection of EU cooperation and solidarity and of a need to address asylum migration in a joint effort.

¹⁶ *Belang van Nederland*, i.e., Interest of the Netherlands, is a conservative-liberal political party (Parlement, n.d. a). Regarding immigration, the party’s website states: “We oppose [...] mass immigration” (BVNL, n.d.).

In most instances of the EU blame game, a link is drawn between the need for EU cooperation and solidarity to restrict asylum migration to the Netherlands, or the rejection of such cooperation, calling for restrictive measures at the national level. One notable exception is Farid Azarkan (2022) of the party *DENK*¹⁷. Azarkan (2022) rejects the notion of using restrictive measures that would compensate for EU failures. He argues that these measures disproportionately affect asylum seekers, whom he describes as "the most vulnerable" and victims of the shortcomings in European cooperation, using a rights discourse in a desecuritizing manner, while confirming that some EU member states are "dropping the ball" (17).

"Much has gone right under [Rutte's] Cabinets, but much also has gone wrong. [...] they absolutely failed to solve the asylum crisis. In fact, that policy has actually gone completely haywire. Rutte's legacy will be analyzed and reviewed extensively, but we think the balance sheet is not great. Now, if this administration was going to stumble over anything, it was indeed, predictably, asylum policy, plus all the consequences of increasing migratory pressures. [...] All suggestions and proposals from our party, whether it was about restricting family reunification, agreements with third countries, border controls, putting pressure on safe countries and criminalizing illegality, and whether we did them in the committees or here in plenary debates: they were not possible, they were not allowed."

(Eerdmans 2023, 19-20)

Whereas the tendency to blame the EU is only found in the debate of September 8, 2022, politicians most often blame the previous Cabinets under Rutte for the failure of asylum policies. The code applied to these speech acts is 'blame game'¹⁸ and has been applied 113 times within all debates combined. The excerpt above shows one of these instances. On July 10, 2023, Eerdmans (2023, 19-20), the party leader of *Het Juiste*

¹⁷ *DENK*, i.e., THINK, is a political party, profiling itself as a party focused on respect for all Dutch citizens (Parlement n.d. b). According to the party program 2023-2027, DENK is focused on equality and inclusion (DENK 2023, 14). Regarding immigration, the party does not speak of an asylum crisis but a reception crisis because of the failing policy of the previous Cabinets (2023, 82).

¹⁸ Defined in Appendix I Table 1 as: blaming previous governments and Cabinets - meaning Rutte I, Rutte II, Rutte III, and Rutte IV - for supposed failures of the asylum system, asylum immigration, and the fall of Cabinet over asylum immigration.

*Antwoord 21*¹⁹, argues the previous Cabinets are responsible for his perception of the supposed failure of the asylum system, and argues his restrictive measures would have solved or prevented this.

In the election debate on November 21, 2023, Van Haga (2023) also uses the blame game in the election debate to substantiate his support for restrictive measures: “It’s a numerical problem. 228,000 people coming in. That doesn’t work and will continue if that migration is not stopped [...]. And that is the consequence of previous public policy.” In the same debate, Wilders (2023) blames the VVD in response to VVD party leader’s Yesilgöz’ earlier argument framing immigration as a problem: “Yes, the only problem is that Yesilgöz’ VVD has continuously let those very people in. So, she’s crying crocodile tears.”

“The VVD is responsible for cutting back on asylum reception shelters ... Despite Rutte quitting right now, the VVD has managed to create a profile they have desired for twenty or ten years – which apparently has been the most important goal. They did not solve it. They felt the threat from the right. “We should profile ourselves on asylum and immigration.” It’s just been spiteful politics.”

(Esther Ouwehand 2023, 3)

Whereas Eerdmans’ (2023), Van Haga’s (2023), and Wilders’ (2023) speech acts show how the blame game is employed in their broader argument for restrictive measures, the blame game is also used to argue against restrictive measures. In the excerpt above derived from the debate on July 10, 2023, the *Partij voor de Dieren*²⁰ (PvdD) party leader Esther Ouwehand (2023) states the VVD is responsible for cutting back on reception places, while also accusing the VVD of using asylum immigration as a political strategy.

According to Ouwehand (2023), asylum immigration is therefore not the threat: the “ [VVD] who has had a big responsibility in the creation of current problems, created

¹⁹ *Het Juiste Antwoord 21* (JA21), i.e., The Right Answer 21, is a conservative-liberal and nationalist party. *JA21* promises to fulfill the desires of rightwing voters, is against EU integration and wants to lower immigration (Parlement n.d. e).

²⁰ *Partij voor de Dieren*, i.e., Party for the Animals, considers animals to be the most vulnerable in society and wants to put animal welfare back on the political agenda (Parlement n.d. g). Regarding immigration, the PvdD emphasizes a humane asylum immigration framework in line with human rights documents (Partij voor de Dieren 2023, 116-117).

another but fictitious problem for its own political benefit” (4). In the debate on September 8, 2022, Azarkan (2022, 4) takes a similar stance. He blames right-wing parties for the situation regarding asylum reception and implies that previous Cabinets knowingly made poor decisions, while they now pretend they have to deal with a sudden crisis. He rejects proposed restrictive measures by calling them “nasty” (2022, 4).

Therefore, in the debate on September 8, 2022, there are two main responses to the EU blame game: intensifying EU cooperation to hinder immigration, or stopping EU cooperation and restricting immigration via national measures. In both responses, however, there is a need for restrictive measures present. The difference in opinion is just whether these measures should be shaped at the EU level or the national level. Whereas the EU blame game is continuously coming back in the debate of September 8, 2022, blaming previous governments for the failure of the asylum system and the fall of Cabinet is more persistent and widespread. Blaming national politics is used in arguments for restrictive measures and arguments condemning the circumstances of asylum seekers and restrictive measures.

4.3.3. Need for European Union-wide and national restrictive measures

“Two appeals to the Cabinet. First: really work on border control, not only by intensifying it, but also by making agreements with Belgium and Germany about what happens to asylum seekers encountered there. If we don't manage to reach an agreement at the European level, let's at least try with the countries surrounding us. They are more and more in the same situation as the Netherlands.

The second: together with these countries, put pressure on European countries that do not keep to the agreements and on countries around Europe that structurally refuse to make migration agreements. As far as I am concerned, we use all the means of pressure we have, both positive and negative.”

(Brekelmans 2022, 48)

This section addresses the codes ‘need for European cooperation and solidarity’, and ‘restriction of asylum immigration via the EU’²¹. Whereas the first code is already discussed under section 4.3.2 in response to the ‘EU Blame Game’, this section highlights the earlier finding that EU cooperation and solidarity are most often proposed to restrict immigration to the Netherlands.

The excerpt above confirms the argument made under section 4.3.2 and represents the expression of the need for European cooperation. In the debate of September 8, 2022, Brekelmans (2022) calls for action to increase cooperation with neighboring EU member states and put pressure on other EU member states. Brekelmans (2022) deems this a solution to the asylum migration coming to the Netherlands, which he earlier calls an “asylum crisis”, indicating a crisis narrative²². In 11 out of 15 times the code ‘need for European cooperation and solidarity’ is applied, European cooperation and solidarity has been used to argue for restrictive measures.

The code ‘restriction of asylum immigration via the EU’ has been applied ten times. In all instances in which externalization measures are addressed, they are evaluated positively. For example, in the debate on July 10, 2023, Hermans (2023) approaches the EU-Türkiye Statement as an achievement: “In the past 12 years that we have taken responsibility, the VVD has indeed taken responsibility for this complicated [asylum] dossier. [...] You don't always get your way, so you can't always do everything you would like. But to say that nothing has happened in twelve years does not do justice to what has happened. I have already mentioned the Türkiye deal, the stricter approach to asylum seekers [...]” (8).

Whereas Hermans (2023) notes the EU-Türkiye Statement to be one of the accomplishments of 12 years VVD, State Secretary Van der Burg (2022) mentions more similar measures are needed in the September 8, 2022 debate: “The Netherlands has very loyally implemented the Türkiye deal. We are number two in absolute terms in the implementation of the Türkiye deal. In relative terms, we are even number one. So I see that we have made agreements with each other. I have to say: we need more agreements like this at the international level” (17).

²¹ Defined in Appendix I Table 2 as: the need for EU legislation that in effect restricts the number of asylum seekers applying for asylum in the Netherlands, including externalization measures.

²² References to asylum migration as a crisis are coded under ‘crisis narrative’, defined in Appendix I Table 3 as: references to asylum immigration to the Netherlands as a crisis, or using crisis lexicon.

In the election debate on November 21, 2023, Wilders (2023) is asked whether he supports agreements with states outside of the EU. His response: “There is one deal to talk to me about and that is a very big 0. It has been enough. The Netherlands can't take it anymore. We have to think of our own people now. Close the borders. 0 asylum seekers.” His response to externalization is conditional, but he expresses a clear crisis narrative arguing for a full asylum stop.

“Too many people are coming and if politicians continue to ignore that this is a fact, if politicians continue to ignore that the Dutch have legitimate concerns about this, that indeed we cannot compensate by building houses if 223,000 people are coming, that people indeed wonder: is the Netherlands still the Netherlands? Can I still walk around safely in my neighborhood? If you keep ignoring that, at some point people are going to think: it doesn't matter what happens anymore because [the politicians] will continue to look away anyways. I refuse that and that's why the Cabinet fell. Because this country needs real solutions and not dreams.”

(Yesilgöz 2023)

For comparison, expressions of a need for and proposals of restrictive measures on the national level have been coded under ‘need for restrictive measures’²³. This code has been applied 67 times across the three debates. In the excerpt above retrieved from the debate on November 21, 2023, the VVD party leader Dilan Yesilgöz (2023) states politicians need to take restrictive actions by stating “real solutions and not dreams”. In this excerpt, migration is presented as a threat²⁴ by connecting it to a housing crisis, safety in the neighborhood, and national identity. Furthermore, a top-down transfer strategy²⁵ is used, through which Yesilgöz (2023) presents the concerns listed as the concerns of all Dutch people.

²³ Defined in Appendix I Table 1 as: expression of a need for restrictive legislation and policies regarding asylum immigration/seekers on the national level.

²⁴ The expression of asylum migration or asylum seekers as a threat is coded under ‘asylum immigration/seekers as a threat’. Defined in Appendix I Table 3 as: references to asylum immigration and asylum seekers as a threat, including threats to national identity, culture, security, etc. (beyond the implication of asylum immigration/seekers as a threat through restrictive measures).

²⁵ Speech acts and text fragments expressing a top-down transfer are coded under ‘top-down transfer’. Defined in Appendix I Table 3 as: use of the Dutch population as a legitimation for restrictive or protective measures because the Dutch population would desire to restrict asylum migration/protect asylum seekers.

In the debate of September 8, 2022, Van Haga (2022) proposes strong restrictive measures: “Why can't we cancel the Refugee Convention? Why can't we introduce an asylum stop? Why can't we, like the United Kingdom, agree with Rwanda that asylum seekers will be received there and make their applications there? Why can't all that be done?” (8). Through this need for restrictive measures, he blames the previous Cabinets for not implementing it earlier.

“Two, three weeks ago, I was in Ter Apel [...] Of course when I look around and think about the fact that we have to make choices because we can't admit everyone, it feels sad and it hurts [...] But [...] I do see a big problem for the Netherlands, namely the number of people who come here and the pressure that that puts on our society, on our health care, on our housing market, on education, on all those people at COA and IND, and all those reception places that we have to arrange and that we simply cannot arrange in this country. Therefore, I also think that ... It's not fun. It is inconvenient and it is difficult, but it is the limited space that we also have here that I want to arrange in such a way that we offer protection to people who really need it.”

(Hermans 2023, 7)

Whereas Van Haga (2022) and Yesilgöz (2023) word their wish for restrictive measures rather strongly, Hermans (2023) also emphasizes the need for restrictive measures by noting the number of asylum seekers is a threat, but she also uses a rights discourse to soften this. While Hermans (2023) speaks of her empathy for asylum seekers in Ter Apel and therefore shows concern for the well-being of asylum seekers, she contrasts this with the threat asylum seekers pose to society. Then, she more covertly proposes the need for restrictive measures in the last sentence of this speech act.

To sum up, by proposing EU cooperation, politicians within the three debates generally argue for restrictive measures at the EU level. In 10 more instances, the need or support of EU restrictive measures is expressed. On the national level, the need for restrictive measures is more strongly articulated with 67 instances. Within these instances, different securitizing and desecuritizing strategies are used to support these measures.

4.3.4. European Union’s protection of asylum seekers and the rights discourse

“That measure tears families apart. People in Afghanistan, people in unsafe situations cannot come here. Unaccompanied minors can be left here alone for up to 15 months, without parents or without any family members. This is tremendously harmful. Therefore, it is absolutely right for everyone to say that this measure violates European law.”

(Teunissen 2022, 15)

The excerpt above, taken from the debate on September 8, 2022, exemplifies a rights discourse by explicitly citing EU legislation to counter restrictive measures. In this context, “that measure” refers to the State Secretary Van der Burg’s proposal to temporarily limit family reunification, which PvdD politician Christine Teunissen (2022) argues would violate European law and negatively impact asylum seekers. Therefore, the code ‘EU protection’²⁶ has been applied to this speech act together with the code ‘rights discourse’.

This section starts by focusing on the code ‘EU protection’, which has been applied six times. While this is a relatively low number, it is important to note that this code has been used five times in a desecuritizing manner in the debate of September 8, 2022, mostly to argue against proposed restrictions on family reunification, including Teunissen’s speech act. For example, GroenLinks²⁷ politician Suzanne Kröger (2022) states, “After everything that has happened, [...] surely there should just be sound policies and not policies that violate European regulations and human rights?” (13).

However, despite these desecuritizing efforts, in the debate of July 10, 2023, Rutte (2023) refers to EU legislation in support of restrictive measures when describing topics of discussion before the fall of the Cabinet: “What we discussed then was the so-called dual status system: that you distinguish between war refugees and treaty refugees. A lot of countries do that. In itself, it was not even terribly complicated to get out of that. That

²⁶ Defined in Appendix I Table 2 as: references to EU protective legislation.

²⁷ *GroenLinks*, i.e., GreenLeft, is a progressive Green political party, focusing on sustainability. Idealistic principles of the party comprise a just distribution of power, the right of every human being to live a decent life, and the opposition to exploitation and oppression (Parlement n.d. d).

also fits completely into the European system with all the guarantees and also the right to family life” (31).

Whereas one instance of referring to EU legislation in support of restrictive measures is rather insignificant, it is important to note because it can be identified as a broader securitizing strategy: referencing EU legislation in a securitizing or desecuritizing manner can be compared to the use of a rights discourse in a securitizing or desecuritizing manner. As already presented in section 4.4.1, rights language is used to argue for restrictive measures. In total, a rights discourse in support of securitizing measures has been used 24 times in all debates combined.

However, similarly to the fact that EU legislation has mostly been used in a desecuritizing context, the rights discourse also has been most often applied in support of the rights of asylum seekers, namely 63 times. In the debate on September 8, 2022, *Partij van de Arbeid*²⁸ (PvdA) politician Kati Piri (2022) refers to asylum seekers affected by limitations on family reunification and states, “This is about people. These are people's lives that may be traumatically destroyed by this decision by the Cabinet. This is about the most vulnerable people, the most vulnerable for whom a government should be there” (15). In the same debate, Kröger (2022) emphasizes the deplorable circumstances of asylum seekers in the summer of 2022 – “700 people were literally lying in the muck with mange” (25). In the debate on July 10, 2023, asylum seekers are continuously referred to as “vulnerable” or “innocent”.

In summary, the discourse on the protection of asylum seekers plays a key role in the debates. Most notably, EU laws are invoked to challenge restrictive policies, as seen in arguments against family reunification limits. References to EU legislation predominantly support desecuritization efforts. Similarly, the rights discourse mostly advocates for asylum seekers' protection, emphasizing their vulnerability and the government's duty to safeguard their rights. Despite some securitizing usage, both EU law and rights language are primarily used to defend asylum seekers.

²⁸ *Partij van de Arbeid*, i.e., the Labor Party, is a progressive, social democratic party. The party strives for equal opportunities, distribution of power, sustainable development, international solidarity, and a democratic, strong Europe (Parlement n.d. f).

4.3.5. Securitizing and desecuritizing strategies

Whereas most securitizing and desecuritizing strategies have been addressed shortly, some elaboration is in place to highlight the most common strategies. Therefore, this section addresses the following codes: ‘crisis narrative’, ‘asylum immigration/seekers as threat’, ‘challenge to the frame of asylum seekers as threat’, ‘numbers game’²⁹, ‘denomination’, ‘us vs. them’³⁰, and ‘top-down transfer’. The code ‘rights discourse’ will not be addressed as this code has been discussed extensively under 4.3.4. For all included codes, it is clarified how prevalent they are and whether they can be characterized as a securitizing or desecuritizing strategy.

First, the code ‘crisis narrative’ has been applied 51 times. Within the quotes already used, Eerdmans (2023, 19-20) and Brekelmans (2022, 48) both speak of an “asylum crisis”, whereas Wilders (2023) states, “The Netherlands can’t take it anymore.” In the debate of July 10, 2023, Wilders (2023) refers to asylum migration as the “unaffordable asylum tsunami” (1). Therefore, the code crisis narrative has been applied to speech acts that support the argument for restrictive measures and is therefore categorized as a securitizing strategy.

Also associated with securitizing moves, is the code ‘asylum immigration/seekers as threat’. Asylum immigration and seekers are framed as a threat to the interests of the national population. In excerpts in section 4.3.4., Yesilgöz (2023) states asylum seekers are a threat to the housing market, while Hermans (2023, 7) mentions they increase pressure on all social services. This approach to asylum seekers as a threat is often combined with a numbers game. Van Haga (2023) quite literally states this and connects it to a threat to the housing market: “It is a numerical problem. 228,000 more people.” This numbers game has been applied 50 times to speech acts with securitizing tendencies.

However, the frame of asylum seekers as a threat is also challenged. These speech acts have been coded with ‘challenge to the frame of asylum seekers as threat’³¹. This desecuritizing move has not been addressed yet within the previous sections, but is

²⁹ Defined in Appendix I Table 3 as: using numbers - both high and low - to substantiate an argument regarding asylum immigration being too high or being acceptable.

³⁰ Defined in Appendix I Table 3 as: differentiating between Dutch citizens and asylum seekers through the creation of a dichotomy or nationalist discourses.

³¹ Defined in Appendix I Table 3 as: the frame of asylum seekers/immigration as threat to the Netherlands is challenged by directly rejecting it, arguing the previous government policies have caused a crisis, proposing a different threat, and broadening asylum migration to other forms of immigration.

applied rather frequently: 64 instances. As can be noted from the definition of this code, the application is rather broad. State Secretary Van der Burg (2022) challenges the threat of asylum migration by stating it is not the influx of asylum seekers causing the situation in Ter Apel in the summer of 2022 but rather policy decisions: “If you start looking, you see that there are a number of causes that caused [the situation in Ter Apel] to occur. But let's also be clear: it's not comparable to an earthquake, it's not comparable to a hurricane, wind force 12. There are elements in there as well that we decided to” (1).

Additionally, during the debate of July 10, 2023, party leader Lilian Marijnissen (2023) of the *Socialistische Partij*³² challenges the frame of asylum migration as a threat by emphasizing labor migration is the real source of migration: “The largest influx of people coming to live and work here is labor migration” (8). In the election debate, party leader Mirjam Bikker (2023) of the CU³³ also emphasizes this: “[...] only 13 percent of migration is asylum migration and regarding all the other forms of migration we can really take more steps.” What can be noted in this last quote is that the numbers game has also been used in a desecuritizing context, in total 11 times.

Because of its negative portrayal of asylum seekers, denomination is inherently securitizing. Overall, the code ‘denomination’ has been applied twenty times. The real vs. fake refugees narrative is persistent as also shown in the previous sections. This rather subtle denomination differentiates between asylum seekers, for example between asylum seekers fleeing war and those feeling persecution. However, stronger instances have also been identified: in the debate of July 10, 2023, Wilders (2023) denominates asylum seekers by naming them “tribes of fortune seekers” (1).

Moreover, the strategy of us vs. them has been identified seven times, mostly in Wilders’ speech acts. In the election debate, Wilders (2023) states, “We need to stand up for our own people and start putting our own people first again” after discussing the number of asylum seekers entering the past ten years. Van Haga (2023) also differentiates between the national population and asylum seekers in the debate of July 10, 2023: “No more billions of tax money to the environment and asylum seekers, while 200,000 Dutch

³² The *Socialistische Partij* (SP), i.e., Socialist Party, is a Eurosceptic, socialist political party. It is focused on the local level while striving for a society in which equality, human dignity, and solidarity are of primary concern (Parlement n.d. b).

³³ The *ChristenUnie*, i.e., the ChristianUnion, is a Christian party with socially and environmentally progressive standpoints and a deep concern for ethics (Parlement n.d. h).

people have to go to the food bank” (25). As can be noted, this us vs. them code has clear nationalist tendencies.

Finally, the top-down transfer has been used in a securitizing context, but it has been identified only a few times, including in Yesilgöz’ (2023) speech act under section 4.3.3. The following statement of Wilders (2023) forms another strong example: “A lot of people in the Netherlands no longer recognize themselves in their own country because of those open borders, because of those years of mass migration. And that's what's happening in the streets of the Netherlands. People are thinking: what have I gotten myself into here?” However, because of the limited application, it is further left out of consideration.

In sum, this section has demonstrated the key securitizing and desecuritizing strategies present in the political discourse surrounding asylum migration. The most prominent securitizing codes include the ‘crisis narrative’, ‘asylum immigration/ seekers as threat’, ‘numbers game’, ‘denomination’, and ‘us vs. them’. These strategies work collectively to frame asylum seekers as a burden or threat to national resources and identity. In contrast, desecuritizing strategies, such as challenging the asylum-seeker-as-threat narrative, show that not all political actors align with securitizing rhetoric.

4.4. Findings: coalition agreements

This subchapter presents the findings of the analysis of the coalition agreements introduced in section 4.2.1. Similar to subchapter 4.3, the focus is on paragraphs of the coalition agreement dedicated to asylum migration, aiming to uncover securitizing and desecuritizing moves and if and in what manner asylum migration is connected to the EU. Different than the previous subchapter, a comparison will be made between the two coalition agreements. In addition to the codes from the coding scheme, this subchapter also incorporates expression structures and textual schemata, starting with the latter.

The 2021-2025 coalition agreement of Cabinet Rutte IV addresses immigration in the final pages of the document. Asylum immigration is discussed in the seventh - and last - chapter, titled “International” under the subchapter “Migration”, which follows the subchapter “International policy”. In the subchapter “Migration”, labor migration is addressed first, followed by asylum, the execution of migration policy, and reception and returns. The introduction of the coalition agreement does not refer to asylum migration –

or immigration in general. In total, approximately 1,5 pages of the 50-page-long coalition agreement are dedicated to asylum migration.

In comparison, the 2024-2028 coalition agreement addresses asylum immigration in the second chapter under the title “Control over asylum and migration”. This chapter focuses first on asylum and asylum immigration, then on other forms of immigration. In total, 3,5 pages of the 26-page-long coalition agreement are dedicated to immigration, with approximately 2,5 of these pages specifically addressing asylum. In the introduction, the topic of asylum immigration is already mentioned in the following wording: “We [...] want to reverse the far too high influx of asylum seekers and immigrants” (PVV et al. 2024, 1).

Regarding expression structures in both coalition agreements, the design is simple. The 2021-2025 agreement uses only the colors blue and black for text, and no photographs or illustrations are included. While headings are used and introductions are in bold, this is consistent throughout the whole document. Hence, the topic of asylum migration does not attract specific attention through design. The same is true for the 2024-2028 coalition agreement: the text is in black, headings are only slightly larger than the body text, and no photographs or illustrations are included. Similarly, no specific attention is given to asylum migration in the design.

Moving from the overall structure and design choices to the codes, the coalition agreements present the policy directions of the incoming Cabinet, and both coalition agreements outline measures regarding asylum. The code ‘restrictive measures’³⁴ falling under the category ‘NL’ is used to identify actions that restrict protection or limit the possibilities for receiving protection for asylum seekers. In the 2024-2028 agreement, the code has been applied 25 times, whereas in the 2021-2025 coalition agreement, it has been applied three times.

The 2024-2028 agreement announces the restrictive measures in the introduction with the words: “the strictest admissions regime for asylum and the most extensive policy package for control over migration ever” (2024, 1). Examples of such restrictive measures include “stricter admission procedure (adjustment of burden of proof, no reward for deliberate failure to prove identity, adjustment, and enforcement of safe country criteria

³⁴ Defined in Appendix I Table 1 as: Dutch legislation or policies that restrict the rights of asylum seekers, the right to asylum, access to the asylum procedure or asylum immigration.

and enforcement of Dublin Regulation, cell phone scanning, limitation of legal aid)” and “indefinite asylum permit abolished, those for temporary stay modified” (2024, 4).

16 of the restrictive measures on the national level – including the two listed above – are presented after the sentence: “[...] in order to limit the asylum influx, the Netherlands must structurally fall into the category of member states with the strictest admission rules in Europe” (2024, 4). This indicates a perception of Dutch regulations as relatively attractive within the EU, which is reinforced by the following statement: “The Netherlands is currently too attractive for asylum seekers; acceptance rates must go from above to below the European average, in part through the reversal of the burden of proof” (2024, 4). The relative attractiveness of Dutch regulations also implies that the proposed measures are legitimate and necessary.

Regarding the content of restrictive measures, most propose changes to national legislation, policy frameworks, and context. However, the code ‘restriction of asylum immigration via the EU’ has been applied six times. These measures advocate for externalization, proposing “agreements for return to third countries” or “migration deals” for shelter in the region (2024, 5). Another measure states that “the EU Migration Pact with sharpened asylum rules and acceptance procedures will [...] be implemented as soon as possible, including by choosing to buy off rather than accommodate asylum seekers when redistributing them” (2024, 5).

Additionally, the (need for) restrictive – or exceptional – measures in both the national and EU contexts is supported by a crisis narrative. The agreement speaks of a “temporary asylum crisis law with crisis measures to fight the acute asylum influx and reception crisis for the coming time” (2024, 3). Lexicon such as “crisis,” “acute,” and “fight” supports the idea of a crisis and the threat posed by asylum seekers. The code ‘crisis narrative’ has been applied six times.

The coalition agreement of 2021-2025 is less restrictive. As stated in the introduction under the subheading “Migration”, “Migration policy is based on two pillars [...]: improving and strengthening legal migration and, in parallel, limiting irregular migration, combating nuisance and abuse, and promoting return in cases of illegal residence” (VVD et al. 2021, 41).

Additionally, codes linked to securitization are balanced with those indicating the consideration of asylum seekers as in need of protection. The code ‘restrictive measures’

has been applied three times and ‘restriction of asylum immigration via the EU’ six times, whereas the code ‘protective measures’³⁵ has been applied seven times, the code ‘rights discourse’ two times, and the code ‘EU protection’ two times as well. The text fragments coded with ‘rights discourse’ and ‘EU protection’ express desecuritizing tendencies – which has not always been the case in the debates.

Furthermore, as the subheading “Migration” is part of the chapter “International”, the EU is present in the policy proposals. According to the introduction under this subheading, to “make migration as structured as possible, reduce unwanted migration flows as much as possible, and maintain and strengthen support for migration in our society,” “more effective cooperation and smarter cooperation within the EU” is necessary (2021, 41). Therefore, the discussion of asylum immigration within this document emphasizes EU cooperation and announces that the Netherlands will take a leading role if discussions of EU regulation at the EU level proceed too slowly. Additionally, the agreement stresses reducing immigration through externalization measures.

Regarding protection, the code “EU protection” has only been applied twice. In the last sentence of the following excerpt, one instance can be noted: “In the Netherlands, there is always room to accommodate people fleeing war, violence and persecution. In doing so, we also take our responsibility internationally. Together with other European countries, we continue to contribute to humanitarian aid for refugees on the Greek islands, among others. We are committed to an effective and humane European asylum policy” (2021, 42-43). In this paragraph, a broader rights discourse and emphasis on EU solidarity can be uncovered. The emphasis on protection through the EU is supported by this broader rights discourse and proposals for protective measures, presented in other parts of the agreement.

In conclusion, whereas the language in the 2021-2025 coalition agreement is milder and the measures proposed incorporate both protection and restrictions, the 2024-2028 coalition agreement is much more explicit about its ambitions to restrict immigration. Therefore, the 2024-2028 agreement is more likely to reinforce securitization through both language and practice. One of the main arguments presented

³⁵ Defined in Appendix I Table 1 as: Dutch legislation or policies that protect or broaden the rights of asylum seekers, the right to asylum, or access to the asylum procedure.

in this coalition agreement is the relative attractiveness of the Netherlands in comparison to other EU countries, which was not identified in the 2021-2025 agreement.

4.5. Findings: legislation

In this subchapter, the findings from the analysis of the transposition of the Recast Qualification Directive (2011/95/EU), Asylum Procedures Directive (2013/32/EU), and Reception Conditions Directive (2013/33/EU) into Dutch national law are presented. Similar to 4.4, this subchapter presents a comparison, focusing on the changes introduced by the transpositions of the directives.

With the transposition of the Qualification Directive, several articles of the Aliens Regulation 2000 were affected. In the case of three articles, changes were significant, meaning that the content of articles or sub-articles changed towards protection or restriction. To these changes, the codes ‘protection measures’ or ‘restrictive measures’ have been applied. Most changes have presented a move towards more protection for refugees and asylum seekers.

This move towards protection can mostly be attributed to the introduction of the term “serious harm”, which replaced the more restrictive “torture or inhuman or degrading treatment or punishment” in two articles, adding up to seven changes and broadening protection in these instances. According to Article 1(1^o), “serious harm” is defined as in Article 15 of the Recast Qualification Directive³⁶.

In three other instances, protection also increased. For example, Article 3.37(1d) adds sexual orientation as a possible common characteristic: “[...] a specific social group may be one that has sexual orientation as a common characteristic. [...] When it is necessary to determine whether a person belongs to a particular social group or to identify a characteristic of such a group, gender identity, shall be duly taken into account.”

However, in two articles and their sub-articles, the Aliens Regulation 2000 became more restrictive. For example, whereas Article 3.37 overall became more protective because of the addition of “serious harm”, two sub-articles show restrictions. In Article

³⁶ Article 15 (2011/95/EU): Serious harm consists of: (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

3.37b, “if plausible” is replaced with “if can be demonstrated”, meaning that it has to be demonstrated that actors – the state, or other parties controlling a significant share of the territory – cannot provide protection. The wording thus became stronger. Article 3.37d(1) also became more restrictive. Before, it was mentioned the asylum seeker is not in need of protection in the Netherlands if he can receive protection in a safe part of his country. After transposition, the article includes that the asylum seekers need to try to reach that place: “he can safely and lawfully travel to and gain access to that part of the country, and can reasonably be expected to settle there.”

With the transposition of the Recast Reception Conditions Directive and the Asylum Procedures Directive, 25 articles of the Aliens Act 2000 changed. In the case of 16 articles, the transposition causes significant changes. In the cases of eight articles, the legislation becomes more restrictive. The code used here is ‘restrictive measures’ in a similar fashion to the earlier subchapters.

For example, before transposition, Article 3(3) states that “officials responsible for border control shall not refuse entry to a foreign national who indicates that he wishes asylum except pursuant to a special instruction from our Minister.” After the transposition of the directives, the article states several reasons for a foreign national to be denied access. Second, Article 42 addresses decisions on asylum applications. After transposition, new time limits for decisions are introduced, allowing the decision period to be increased by 9 months after the initial period of 6 months under Article 42(4). The new Article 42(5) allows for another extension of three months. Article 43 limits the total period to 21 months – however, before transposition, an extension could only reach 12 months.

As can be noted in the previous paragraph, restrictions after transposition become apparent through comparison. However, the wording of new restrictive measures is rather vague. The addition of Article 5(3) after transposition is an important example: “The alien whose application is processed in the border procedure pursuant to Article 3, paragraph 3, may also be required to remain in an area or place designated by the officer in charge of border control, which may be secured against unauthorized departure.” Whereas the wording does not refer to detention, *de facto* this article allows for the detention of asylum seekers when entering the Netherlands, which shows a restrictive turn.

In the case of five articles, changes made were coded with ‘protection measures’. In two cases, the overall article became more protective. For example, Article 31(6) was added: “If the alien is unable to document his statements or any part of his statements with supporting documents, these statements are deemed credible and the alien is given the benefit of the doubt [...]” Whereas there are grounds the asylum seeker has to fulfill, a similar paragraph was absent before transposition.

Additionally, Article 38 addresses the language of procedure for the asylum seeker. The article before transposition states, “The foreign national will be heard in a language which can reasonably be assumed to be understood.” After transposition, the article states: “The foreign national shall be heard in a language preferred by the foreign national unless another language can be used which he understands and in which he can communicate clearly.” Article 38 therefore shows a switch to the protection of the asylum seeker, and more strongly incorporates the right to a fair asylum procedure.

In the three other cases, protective paragraphs are introduced after more restrictive paragraphs. For example, Article 59b introduces grounds for detention for asylum seekers waiting for the decision. Article 59c then introduces that asylum seekers should not be exposed to detention if there are less restrictive and coercive measures available. Whereas this can be seen as protective, because it shows concern for the freedom of movement and the principle of non-penalization, it is only implemented after new paragraphs introducing additional grounds for detention.

For both legislative documents, the restrictive or protective measures introduced do not reflect either securitizing or desecuritizing narratives. For example, there is no prominent use of crisis lexicon, nor are there explicit commitments to a desecuritizing rights-based discourse – tendencies that are evident in both the debates and coalition agreements. As a result, the impact of the transposition can only be discerned through a detailed comparison of the laws before and after the process. This highlights that securitizing and desecuritizing tendencies are often embedded in the finer details of the legislation’s content.

When comparing the transpositions, the Recast Qualification Directive appears to result in a more protective Aliens Regulation 2000, due to the fundamental change in Article 15 of 2011/95/EU. In contrast, the transpositions of the Recast Reception Conditions Directive and Asylum Procedures Directive exhibit more securitizing

tendencies, particularly as some protection measures are introduced primarily as safeguards for securitizing provisions.

4.6. Conclusion

This chapter addressed the final sub-question of this thesis: How is the European Union incorporated in securitizing or desecuritizing moves in the political discourse of the Netherlands? The methodology employed to uncover this was PDA. Through PDA's focus on power dynamics within politics and its critical stance towards power relations, it is a suitable choice for topics related to securitization. Additionally, it presents a broad conceptualization of political discourse, which allows for the inclusion of different sources for analysis. During the analysis, several shortcomings of PDA and the method became apparent, which will be elaborated on in the following chapter.

To start with the first source for analysis, the debates uncovered four main manners in which the EU and its member states were incorporated in the Dutch national debates of September 8, 2022, July 10, 2023, and November 21, 2023. Dutch politicians spoke about the attractive effect of Dutch regulations, blamed the EU for asylum immigration to the Netherlands, expressed the need for restrictive measures at the EU level, and referred to EU legislation to argue for the protection of asylum seekers.

When addressing the EU and especially its member states, politicians tend to compare the measures of the Netherlands to EU member states, implying or stating that Dutch legislation and policies are relatively attractive and therefore attract asylum seekers. As pointed out in section 4.3.1, researchers of the Dutch research institute Verwey Jonker reject this reasoning. Despite this, it is an argument made several times in the debate of July 10, 2023, and used to argue for restrictive measures. Also within the coalition agreement of 2024-2028, restrictive measures are proposed to compensate for such attractiveness.

Furthermore, politicians show a tendency to place responsibility on the Union and member states for failing to enforce agreements, which would cause a higher influx to the Netherlands than agreed to. More and stricter EU cooperation and measures are often proposed solutions to this, just like the rejection of EU cooperation followed by a call for restrictive measures at the national level.

In addition, new restrictive measures at the EU level are proposed to lower the levels of immigration to the Netherlands. Measures of externalization – described as harmful in Chapter 2 – are positively evaluated in the analyzed debates. Calls for stricter measures at the EU level are met with no resistance from rival voices. This contrasts with the response to restrictive calls on the national level, as these measures are persistently challenged by rival voices, employing desecuritizing strategies. Together with a broader rights discourse, references to EU legislation are one of these manners to reject restrictive measures on the national level.

In the 2021-2025 and the 2024-2028 coalition agreements, a perceived need for restrictive measures at the EU level is visible. In both coalition agreements, these restrictive measures, including externalization measures, are positively evaluated and approached as a solution. While the 2021-2025 coalition agreement notes the commitment “to an effective and humane European asylum policy”, externalization measures are supported.

In the 2024-2028 agreement, the frequency of restrictive measures at the EU level is the same as in the 2021-2025 agreement. However, the context differs as the 2024-2028 agreement paints a crisis, also in need of extensive national restrictive measures. The 2024-2028 agreement regularly uses crisis lexicon and proposes crisis measures, while this is absent in the 2021-2025 agreement. Therefore, the comparison between the coalition agreements shows a move towards securitization on the policy level.

Beyond the incorporation of the EU within desecuritizing or securitizing narratives, awareness of further securitizing and desecuritizing strategies is valuable. Especially concerning rights discourses, it is important to note the rights of refugees are addressed to argue for the rejection of restrictive measures but also to argue for restrictive measures. Also, a numbers game has been used by both securitizing and rival voices. Other strategies – while important to recognize as they uncover securitizing and desecuritizing moves – are less ambiguous.

With regards to the legislation, the transpositions of the Recast Qualification Directive, Asylum Procedures Directive, and Reception Conditions Directive uncover the influence of EU legislation on Dutch legislation. Whereas the Qualification Directive caused the Aliens Regulation 2000 to become more protective, the Asylum Procedures Directive and Reception Conditions Directive overall had a more restrictive effect on the

Aliens Act 2000. Whereas both the debates and coalition agreements contained clear expressions of stances toward asylum migration, the Alien Regulations 2000 and the Aliens Act 2000 did not. For both, therefore, securitizing and desecuritizing tendencies are embedded in the finer details of the legislation's content.

Whereas this conclusion goes beyond the research question by also focusing on securitizing and desecuritizing strategies, the final answer to the sub-question is more concise: speech acts and text fragments referring to the EU most often take a securitizing approach by blaming the EU for asylum immigration, speaking of the attractive effect of Dutch regulations or speaking of a need for restrictive Dutch regulations. Within these discourses, the consequences for asylum seekers are not taken into account, which opens the door for human rights violations at the national and EU levels, but also outside the EU as externalization is approached as a legitimate response to asylum migration.

Conclusions

This Chapter starts with a short recap of the research question, sub-questions, and relevance of this thesis. Following this, the answers to the sub-questions will be revisited, culminating in a response to the main research question. Limitations to this thesis – mainly based on theoretical and methodological considerations – are addressed and followed by possible avenues for future research. Finally, considering the identified limitations, the implications of the answer to the research question will be discussed.

This thesis was guided by the following research question: How is political discourse on asylum immigration in the Netherlands influenced by the European Union’s security project on immigration? To address this, the thesis was structured around four sub-questions, each addressed in a separate chapter:

- a) What does the securitization of immigration entail?
- b) How does the securitization of asylum migration manifest itself in language, policy-making, and legislation at the EU level?
- c) How have immigration patterns, discourses, and practices addressing asylum migration evolved in the Netherlands?
- d) How is the European Union incorporated in securitizing or desecuritizing moves in the political discourse of the Netherlands?

The relevance of this thesis is twofold. First, it addresses the tangible consequences of the securitization of asylum migration, which allows for or causes the violation of asylum seekers’ human rights both within the EU and in externalized regions. Additionally, the Netherlands presents a highly relevant case to analyze, particularly given its “Dutch dilemma of migration” (Brysk 2009) and the significant victory of the anti-immigration party PVV in the 2023 general elections, underscoring the sustained politicization of asylum immigration within Dutch politics.

Furthermore, this thesis’ academic relevance is derived from the broad approach of political discourse analysis, which allows for the inclusion of diverse data sources and accounts for the complexities of the securitization of immigration. Additionally, a critical approach to securitization theory leads to a conceptualization adding to the ongoing debate on securitization of immigration and is reflected in this thesis’ structure, thematic focus, and methodology.

In Chapter 1, these complexities of the securitization of immigration were explored, providing an answer to sub-question a. The securitization of immigration entails a complex process of discursive and non-discursive practices, that frame immigration as a security issue threatening the referent object. Most often, the referent object is the State, national population, or national identity. The construction of immigration as a security issue comes with calls for exceptional measures, meaning measures that go beyond the ordinary measures but are deemed necessary as immigration is perceived as an existential threat to the referent object.

As the measures are exceptional and legitimized through the need for protection of the referent object, the measures can be harmful to the perceived threat but also to the national population if the so-called threat of immigration takes away attention from other issues or covers up political failures. In the case of the securitization of asylum immigration, securitization can therefore be harmful to the asylum seekers as well as the national population.

As Chapter 1 points out, the securitization of immigration is not a linear process. It includes different actors, such as securitizing actors, rival voices, and audiences. Case studies point out securitizing actors' securitizing moves are challenged by rival voices' desecuritizing moves. The audience(s) can accept or reject securitizing and desecuritizing moves, which are also context-dependent. Existing ideas within society determine whether the moves are perceived as legitimate. Additionally, power plays an important role in this process: power relations decide who can speak on asylum immigration and whose claims are perceived as legitimate and therefore convincing.

Beyond this sub-question, a relevant consideration in this chapter is the normative dilemma. This dilemma revolves around the reproduction or legitimation of securitization narratives, also by academics. As uttering a securitizing narrative is perceived as an act of securitization, this thesis incorporates awareness of this by including both securitizing actors and rival voices and providing the necessary context to challenge securitizing narratives. Moreover, the discussion of human rights violations against people on the move highlights the harmful effects of exceptional measures, positioning them as a referent object. This challenges the prevailing narrative that frames the state and its population as the only subjects in need of protection.

While Chapter 1 notes that securitization is a process, several scholars have argued the EU is at the end of this process with the successful securitization of immigration at the EU level. Chapter 2 further explores this by answering sub-question b and incorporating a critical perspective by devoting considerable attention to human rights violations within and outside the EU.

To answer sub-question b, the securitization of asylum migration is apparent in EU parliamentary debates, legislation, informal policy-making, and practices. Having its roots in the increasing EU cooperation and permeability of internal borders, asylum immigration increasingly became an EU concern and constructed as a threat. The securitization of asylum migration in the EU is evident in the language used to construct immigration as a security, economic, or cultural threat. In these constructions, the EU, the member states, and the populations of the member states are approached as the referent object.

While the EU occasionally presents itself as a desecuritizing voice, the EU's legislation presents a clear development towards securitization, accumulating in the PMA's Force Majeure and Crisis Regulation. As a result of the EU's internal security project, both its internal and external security frameworks exhibit clear tendencies toward securitization. Deriving practices both express, enforce, and legitimate the idea of a threat of asylum immigration, which leads to human rights violations. The human rights violations of people on the move, including asylum seekers, breach European and international law and can be defined as the result of the exceptional measures implemented to curb asylum migration.

Chapter 3 takes a similar approach to Chapter 2 to answer sub-question c. However, instead of confirming an already established claim, this question explores the possible securitization of asylum migration in the Netherlands. This chapter does not make a claim similar to the starting point for Chapter 2 – therefore, it does not argue that asylum migration has become successfully securitized in the Netherlands.

However, this chapter traces the roots of securitizing moves in the Netherlands back to the late 1980s. Whereas immigration was first a relatively apolitical bureaucratic concern, this developed into a politicized issue intertwined with nationalism, anti-Islamic discourse, and electoral politics. The politicization of asylum migration deepened, causing Brysk (2009) to deem immigration a “Dutch Dilemma” and mainstream political

parties to increasingly adopt monoculturalist approaches, arguing for limitations on asylum immigration. Additionally, by tracking the history of migration, this thesis provides the necessary context for later narratives regarding asylum migration.

Regarding human rights violations, UN treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance (2020), and the Independent Expert on human rights and international solidarity (2019) show concern for xenophobic and racist discourses, including populist discourses in the 2017 general elections. Additionally, several human rights violations are addressed in this chapter, showcasing an insufficient consideration of asylum seekers as referent object. On the international level, the Netherlands actively orchestrates and supports externalization practices connected to human rights violations.

In the final chapter, Dutch political discourse – debates, coalition agreements, and legislation – is analyzed to find an answer to the last sub-question. Within the debates, the EU is predominantly incorporated in Dutch political discourse through securitizing narratives. Dutch politicians blame the EU for asylum migration to the Netherlands, while Dutch regulations are portrayed as relatively attractive in comparison to other EU member states and therefore attract asylum seekers. Calls for increased EU cooperation to turn around asylum immigration to the Netherlands and for more restrictive measures at the EU level, including externalization, are common. Desecuritizing narratives exist in references to EU legislation for the protection of asylum seekers, but restrictive measures at the EU level are not rejected by these rival voices. Rival voices do reject calls for restrictive measures on the national level.

The analysis of the coalition agreements of 2021-2025 and 2024-2028 uncovers a shift towards more restrictive measures, limiting the rights of asylum seekers and portraying asylum immigration as a threat. Whereas the coalition agreement of 2024-2028 thus presents a more restrictive approach to asylum migration, the frequency of calls for restrictive measures at the EU level is similar. Therefore, the agreement of 2021-2025 mostly relies on externalization measures for limitation to asylum immigration, whereas the agreement of 2024-2028 also introduces a broad array of national measures in addition to EU-level measures.

The transposition of the Recast Qualification Directive, Asylum Procedures Directive, and Reception Conditions Directive has had a mixed influence on Dutch

legislation. While the Qualification Directive has made Dutch legislation more protective, the Asylum Procedures Directive and the Reception Conditions Directive have led to more restrictive, securitizing outcomes. These changes are often embedded in the finer details of the legislation rather than overtly expressed.

Whereas the sub-question focuses on the incorporation of the EU in political discourse, the analysis of the debates uncovered securitizing and desecuritizing strategies. Most relevant are those both used in a securitizing and desecuritizing manner. Analysis of the debates points out securitizing actors refer to asylum seekers' rights to argue for restrictive measures, whereas rival voices include such references to reject restrictive measures. Additionally, both securitizing actors and rival voices use the numbers game.

Taking the answers to the sub-questions as a foundation, this thesis reaches the following conclusion. The EU's security project on asylum migration legitimizes a restrictive approach to asylum migration at the national level and EU level. Within Dutch parliamentary debates, the election debate, and the coalition agreements, politicians and policymakers all seem to recognize a failure of the EU and other EU member states to effectively restrict asylum immigration, whereas the Netherlands would be too attractive for asylum seekers in comparison to other member states.

The two narratives foster a call for more restrictive measures, both at the national level and the EU level. Within the debates and the coalition agreements, restrictive measures at the EU level seem to be accepted. Already in the coalition agreement of 2021-2025, externalization measures are presented as a legitimate response to asylum migration. Within debates, whereas rival voices are rejecting restrictive measures on the national level – also by arguing these breach EU legislation – these voices do not reject EU restrictive measures or externalization practices. The role of the Netherlands in the EU-Türkiye Statement and EU-Tunisia Deal confirms this positive evaluation of restrictive EU measures and externalization.

Additionally, EU legislation has a direct influence on Dutch legislation through directives and regulations. Whereas the analysis in Chapter 4 highlights both restrictive and protective turns in the Aliens legislation of the Netherlands, restrictive EU directives and regulations will have a clear restrictive effect – a concern with the announcement of the PMA.

Regarding EU practices, exceptional measures at the EU level and acceptance of human rights violations express and therefore legitimate the need for exceptional measures against asylum immigration. Because of this, these measures also have the potential to legitimate arguing for EU restrictive measures and externalization practice in Dutch political discourse and approaching these as a solution to the perceived problem of asylum immigration on the national level.

While Dutch political discourse is influenced by EU-level securitization, the thesis also demonstrates a distinct national trajectory shaped by historical, political, and societal factors. Therefore, while the influence of the EU's security project is evident, the extent to which it has directly caused a securitizing shift in Dutch political discourse is difficult to determine. Nevertheless, it is undeniable that references to the EU are frequently employed as a tool to justify and support calls for more restrictive asylum measures on the national stage.

While this thesis provides valuable insights, several limitations must be acknowledged. First, a remaining challenge in answering the research question remains that it is difficult to determine to what extent Dutch political discourse has been influenced by the EU's internal security project. Whereas some valuable conclusions can be made regarding the incorporation of the EU in Dutch political discourse and new hypotheses can be formed about the influence of EU practices based on the theory, determining the extent of EU influence versus national politics on the securitization of migration is rather complex. A clearer comparison of the stance of the Netherlands towards asylum migration and the EU's internal security project over a longer period of time could help determine the influence of the EU's security project.

Second, the role of the audience(s) has been disregarded. Whereas it has been argued that audiences play a significant role in securitization processes as they decide whether to accept or reject a securitizing or desecuritizing move, it was beyond the scope of this thesis to incorporate this actor. However, with sight on future research, it is interesting to explore the role of the audience further as theoretically speaking they can make a major change in the securitization of asylum immigration and can therefore play an important role in the protection of asylum seekers.

Third, Chapter 4 attributed attention to ensuring the trustworthiness of the political discourse analysis conducted. By outlining the method, providing the coding scheme, and

a detailed description of the findings including excerpts and examples, this thesis attempted to ensure transparency. However, the findings could have been further improved by having access to another coder, testing the definitions provided in the Appendix, and ensuring the codes led to consistent results. Therefore, the subjectivity of the conducted political discourse analysis could have been decreased.

Fourth, the data collection includes seven different sources. While these sources have been carefully chosen, a broader selection of sources incorporating more debates, policy documents, and legislation would have helped to increase the reliability of this research and uncover more securitizing and desecuritizing discourses. Additionally, future research could compare the securitizing and desecuritizing moves in EU political discourse and Dutch political discourse to explore the similarities between securitizing and desecuritizing moves, providing a more comprehensive and solid multi-level analysis of securitization.

Despite these limitations, the conclusion raises further implications. First of all, references to the EU seem to serve as a vehicle for securitization at both the national and EU levels, increasing the risk of human rights violations as asylum seekers are framed as the threat. Rival voices, though they express concern for the rights of asylum seekers, fail to challenge these discourses supporting EU-level restrictive measures effectively, thereby perpetuating the risks of human rights violations. Therefore, this thesis appeals to rival voices to critically engage with and challenge narratives that incorporate the EU in this securitizing process.

In addition, politicians continue to employ questionable narratives in a securitizing manner. The narrative of the so-called relative attractive effect of Dutch regulations, for example, has been contradicted by a research institute, yet remains a persistent theme in political discourse. Rival voices must challenge this narrative more forcefully, and it is equally important to ensure that the audiences are informed of the inaccuracy of such claims to enable them to reject such narratives.

By increasingly exploring how to challenge the securitizing moves and urging rival voices to speak up, the human rights of asylum seekers can be framed as a central concern. By challenging the frame of asylum immigration as a threat and switching the referent object, asylum seekers' human rights can increasingly be protected, respected, promoted, and fulfilled. As the human rights violations at the EU level and the Dutch

level have shown, much progress remains to be made, making these efforts both necessary and urgent.

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Appendix I

<i>Codes</i>	<i>Definitions</i>
<i>Blame game</i>	= blaming previous governments and Cabinets - meaning Rutte I, Rutte II, Rutte III, and Rutte IV - for supposed failures of the asylum system, asylum immigration, and the fall of Cabinet over asylum immigration
<i>Need for restrictive measures</i>	= expression of a need for restrictive legislation and policies regarding asylum immigration/seekers on the national level
<i>Protective measures</i>	= Dutch legislation or policies that protect or broaden the rights of asylum seekers, the right to asylum, or access to the asylum procedure
<i>Restrictive measures*</i>	= Dutch legislation or policies that restrict the rights of asylum seekers, the right to asylum, access to the asylum procedure or asylum immigration

Table 1 The codes in this table fall under the category ‘NL’, meaning the speech acts and text fragments under these codes all specifically address the national context, including Dutch legislation, policy-making and politics.

*: these codes were already present in the initial coding scheme based on the review of Chapters 1, 2, and 3.

<i>Codes</i>	<i>Definitions</i>
<i>Attractive effect of Dutch regulations</i>	= expressions of the Netherlands as a relatively attractive destination country for asylum seekers in comparison to other EU member states.
<i>EU Blame game</i>	= blaming the EU for asylum immigration to the Netherlands
<i>Need for EU cooperation and solidarity</i>	= expression of a need for EU cooperation and solidarity to address asylum immigration.
<i>Restriction of asylum immigration via the EU</i>	= the need for EU legislation that in effect restricts the number of asylum seekers applying for asylum in the Netherlands, including externalization measures.
<i>EU protection</i>	= references to EU protective legislation
<i>Rejection of EU cooperation and solidarity</i>	= expression of a rejection of EU cooperation and solidarity and of a need to address asylum migration in a joint effort.

Table 2 The codes in this table fall under the category ‘EU’, meaning the speech acts and text fragments under these codes specifically refer to EU-level policy-making, legislation, and politics, or other European Union member states.

*: these codes were already present in the initial coding scheme based on the review of Chapters 1, 2, and 3.

<i>Codes</i>	<i>Definitions</i>
<i>Asylum immigration/seekers as threat*</i>	= references to asylum immigration and asylum seekers as a threat, including threats to national identity, culture, security, etc. (beyond the implication of asylum immigration/seekers as a threat through restrictive measures)
<i>Challenge to the frame of asylum seeker/immigration as threat</i>	= the frame of asylum seekers/immigration as threat to the Netherlands is challenged by directly rejecting it, arguing the previous government policies have caused a crisis, proposing a different threat, and broadening asylum migration to other forms of immigration
<i>Crisis narrative*</i>	= references to asylum immigration to the Netherlands as a crisis, or using crisis lexicon.
<i>Denomination of asylum seekers*</i>	= references to asylum seekers which negatively portray asylum seekers, including the real vs. fake refugee narrative and crimmigration narratives
<i>Numbers game*</i>	= using numbers - both high and low - to substantiate an argument regarding asylum immigration being too high or being acceptable
<i>Rights discourse</i>	= references to the protection of asylum seekers, their rights, and the fulfillment of these rights, adding to a securitizing or desecuritizing agenda
<i>Top-down transfer*</i>	= use of the Dutch population as a legitimation for restrictive or protective measures because the Dutch population would desire to restrict asylum migration/protect asylum seekers
<i>Us vs. them*</i>	= differentiating between Dutch citizens and asylum seekers through the creation of a dichotomy or nationalist discourses

Table 3 Codes falling under the category ‘(de)securitizing strategies’. which are codes used for speech acts and text fragments arguing for restrictive or protective measures, or against restrictive measures for asylum immigration

*: these codes were already present in the initial coding scheme based on the review of Chapters 1, 2, and 3.