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**The American University in Cairo**

**School of Global Affairs and Public Policy**

**THE INTEGRATION AND SECURITIZATION OF MUSLIM  
MIGRANTS IN EUROPE**

**A Thesis Submitted to the**

**Department of Law**

**in partial fulfillment of the requirements for the degree of  
Master of Arts in International Human Rights Law**

**By**

**Yasmeen Nawwar**

**September 2020**

The American University in Cairo  
School of Global Affairs and Public Policy

THE INTEGRATION AND SECURITIZATION OF MUSLIM MIGRANTS IN  
EUROPE

A Thesis Submitted by

*Yasmeen Amr Nawwar*

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in partial fulfillment of the requirements for the  
degree of  
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THE INTEGRATION AND SECURITIZATION OF MUSLIM MIGRANTS IN  
EUROPE

Yasmeeen Nawwar

Supervised by Professor Mai Taha

ABSTRACT

In its efforts to integrate newly entering migrants into their societies, Europe has established integration policies that negatively impact these migrants, especially those from racialized backgrounds. The policies mask an agenda of securitization against outsiders who are falsely considered to be a danger to national security and national identity. Since the 9/11 attacks on the World Trade Center in the United States, many Western countries, including European countries, began to build a culture of fear against Muslims. Europe began to increasingly associate migrants with problems such as trafficking, radicalization, and terrorism. As a result, Europe began to treat migration as a security issue and migrants as the targets of the security policies. Governments established integration policies and citizenship laws so difficult that migrants began to find it harder to integrate, contributing to a genuine feeling of exclusion from society. Additionally, security forces were given the responsibility of vetting migrants and determining who could enter European states and who could not. Slowly, Muslim migrants came to be associated with criminality and danger. European governments allowed security forces to monitor Muslim migrants, fearing their radicalization, and allowed raids to take place against Muslims' homes and cultural spaces. Furthermore, European countries established legislations banning religious symbols, a move done to hide the true intention of banning the Muslim veil, making it difficult for Muslim women from practicing a normal life while wearing the veil. While theoretically they seem to be advocating for migrants and their inclusion, in practice, through their security-infused integration policies, Europe has targeted Muslim migrants in a new security regime, specifically tailored for migration.

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## Introduction

W. E. B. Du Bois, historian, sociologist, and civil rights activist, wrote on stigmatization saying, “the facing of so vast a prejudice could not but bring the inevitable self-questioning, self-disparagement, and lowering of ideals which even accompany repression and breed in an atmosphere of contempt and hate.”<sup>1</sup> He was explaining the struggles of African Americans who were questioning whether it was necessary for them to reject their identity to become American and whether this rejection should be considered their duty as American citizens. The context in which Du Bois was writing was specific to African Americans and their struggles, however, his writing resonates with many people of different races, ethnicities, religions, and even cultures. It is not uncommon to find that minorities are treated differently or suspiciously in different societies. In the Americas, Irish immigrants were considered too “brown” and were suspected of spying for the Vatican, Asian Americans were considered ineligible for citizenship, until 1952, because they were considered aliens, and Jewish Americans were denied voting rights because they were not perceived as full Americans.<sup>2</sup> Similar events occurred in Europe where riots broke out between French workers and Italian immigrants in the early 1880s and early 1890s and anti-Semitic massacres in Russia in the 1880s.<sup>3</sup> It is therefore not surprising that similar incidents take place today, albeit in less physically violent ways and more subtle ways. More recently, during the 1990s, migrants have been treated more suspiciously by both the media and the general public, compared to earlier periods where they were able to assimilate easier, and governments responded by associating migrants and migration policies to public issues and disorders.<sup>4</sup> This association resulted in an agenda by which governments established integration policies and citizenship laws which migrants find very difficult to adapt to making it difficult, if not impossible, for them to assimilate in new societies. Europe has been the desired destination for many migrants, escaping economic or political hardships in their countries of origin. Western Europe in

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<sup>1</sup> ARIANE CHEBEL D’APPOLLONIA, *Introduction* in MIGRANT MOBILIZATION AND SECURITIZATION IN THE US AND EUROPE: HOW DOES IT FEEL TO BE A THREAT? 1, 1 (2015).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*, at 2.

<sup>4</sup> *Id.*, at 2-3.

particular is often considered one of the ideal regions where people who are having troubles in their home countries can go to receive more opportunities. This phenomenon is not new or even recent, in fact Europe has been accepting labour migrants for decades because of the limited skilled labour available domestically. However, in more recent years the number of migrants increased exponentially due to domestic conflicts, lack of economic opportunities, and societal problems elsewhere in the world, which people attempt to escape through migration. When it comes to refugees particularly, some choose to travel to the receiving countries legally, going through the proper channels, while others, who do not have the resources, travel illegally hoping that the risk they are taking and the obstacles they encounter will pay off. However, Europe's response to those who attempt to travel legally is not necessarily welcoming. In fact, in recent years European countries have established policies making it harder for people to enter their borders and policies that make it harder for migrants already within the borders to integrate or become naturalized citizens. In recent decades, migration became associated with security issues because it is believed to be a danger to public order and the national identity. European countries have linked migrants to issues such as terrorism and trafficking. In response, the policies established by governments give privileges to nationals while excluding migrants, and policies which limit the ability of migrants to live in these societies.<sup>5</sup> This agenda is political in the sense that governments and political parties associate security issues with migrants and therefore campaign for crackdowns against migrants, and it has also become legal, where governments pass legislations limiting the abilities of migrants from living peacefully if they do not conform to certain conditions set by the countries. In Europe, the term 'immigrant' has become linked to the Muslim identity.<sup>6</sup> It is therefore not surprising that the security agenda in Europe has been increasingly targeting Muslims. The European public has determined that religious practices different from theirs are a threat to their way of life.<sup>7</sup> And while many in Europe do prescribe to the Muslim faith, they are often treated with suspicion and derogation because their faith is almost always associated with negative connotations such as radicalism, fundamentalism, terrorism,

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<sup>5</sup> Jef Huysmans, *The European Union and the Securitization of Migration*, 38 JOURNAL OF COMMON MARKET STUDIES, 751, 752-753 (2000).

<sup>6</sup> The Gallup Coexist Index 2009: A Global Study of Interfaith Relations, GALLUP, 1, 11 (2009).

<sup>7</sup> *Id.*, at 19.

and public disorder. The European public also believes that Muslim migrants in Europe may not be as loyal to their country of residence as they should be. In fact, when asked if they believed that Muslims living in the country were loyal to it, thirty-five percent of the French public, forty-five percent of the German public, and forty-nine percent of the British public answered that they did not believe Muslims were loyal.<sup>8</sup> Similarly, those who believed that it was necessary to be less expressive when it comes to religion in order to properly integrate were between thirty to forty percent in each of the three countries.<sup>9</sup> This is an indication of how Muslims in Europe are considered a threat to the European identity and it also shows how proper and complete integration is associated with less expressions of religion. Consequently, European governments have associated Muslims and Islam in general with security problems that require securitization. This thesis argues that European policies towards migrants, established under the guise of integrating migrants into European societies and easing the transition for their future, were in fact used to exclude and securitize Muslim migrants. It outlines the different interrelated approaches taken by the European Union in order to integrate migrants through integration policies and citizenship laws that appear to be in favour of integration and which demonstrates the European Union's desired integrated society but which in fact contain many problems and harsher conditions making it more difficult for migrants to integrate while simultaneously allowing security forces more powers against migrants. Chapter 1 defines certain key terms which creates the path by which this thesis moves towards explaining how racism, fascism, xeno-racism, and institutional racism take place in European countries and how these phenomena continue to manifest against migrants today. Chapter 2 focuses on integration policies and citizenship laws in the European Union. This chapter briefly shows a history of migration in Europe then delves into the exclusionary reforms of integration policies and citizenship laws. First, it looks at the right to asylum-seeking and how it has been received by Europe, its correlation to trafficking, and the shifts in policy and legislations towards control and exclusion in response to asylum-seeking. Next, the chapter examines the European Union's approach to integration of immigrants through the different steps and policies the European Union has taken and continues to take

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<sup>8</sup> *Id.*, at 20.

<sup>9</sup> *Id.*

which, on the surface, appear to be promoting the importance of integrating migrants. Then it examines how Europe began to practice exclusion more broadly within its integration policies and citizenship laws by showing how the policies are fraught with problems making them difficult to implement. This is accomplished by looking at some of these policies and laws in different countries and how each country had its own method by which they chose to make it harder for migrants to integrate or for them to become naturalized citizens. . Chapter 3 looks at the different aspects of securitization against Muslim migrants. Europe has often made the claim that Muslims are associated with terrorism and jihadi groups and this chapter shows how Europe has made use of these claims and used them to securitize and exclude Muslim migrants, rather than properly accept them and integrate them. The chapter first explores the securitization of Muslims in educational institutions. This is outlined in the example of ‘The Case of the Nottingham Two’ which shows the structural racism of academic institutions in the UK. The chapter then goes on to examine the securitization of Muslim migrants in other spaces such as their homes or mosques. It offers examples of how security forces labelled Muslims as terrorist or jihadis, how the media took up this label, and the resulting raids undertaken against Muslims based on little to no evidence. Finally, the chapter explores one gendered policy which specifically affects and securitizes female Muslim migrants, the veil ban. It outlines Europe’s response to the veil historically, and how Europe deals with the veil as an oppressive symbol that must be eliminated. It looks at the experiences of Muslim women wearing the veil and how they were excluded, and sometimes even shunned, from their schools, universities, and even workplaces. It also looks at the legal responses of European courts in cases of religious freedom and freedom of expression pertaining to the veil, and the subsequent effect these responses had on some governments, such as in Germany. This chapter outlines the different ways and the different places where Muslim migrants have been securitized and excluded. Finally, the conclusion attempts to combine how the integration policies and citizenship laws, with their harsh conditions and exclusionary standards, have contributed to this securitization. It shows how the policies instated by Europe were severely unrealistic to the extent that they had begun the exclusionary process before the securitization, and it is because these migrants were excluded from the society that they became targets of the securitization. By looking at the Europe’s colonial history combined with the change in Europe’s response to migration, this thesis

outline how law and policy have been used as tools to advance Europe's securitization agenda against Muslim migrants and how Europe has responded to certain violations of human rights by creating legislations that will justify these violations.

## I: Racism, Fascism, and Xeno-racism in Europe

Much of Europe's current history and practices are of a neo-colonial nature. The colonial period brought capitalism into Europe, and with the development of a capitalist system in Europe, certain ideologies began to spread, including racism.<sup>10</sup> The exploitation of labour used to advance European society brought a system of oppression which took on a racist form that could not be separated from the economic oppression. Intending to show that race, while not the main factor for imperialism or colonialism, is still a major factor that cannot be treated as a coincidence, C. L. R. James, historian and Pan-Africanist stated that, "... to think of imperialism in terms of race is disastrous. But to neglect the racial factor as merely incidental is an error only less grave than to make it fundamental."<sup>11</sup> Therefore, it is not surprising to claim that today Europe practices some forms of racism, even if not as explicitly as it did in the past. The ideologies embraced by European countries have done little to eliminate ethnic, racial, gender, or class discrimination, and neoliberal policies in the EU often created a disadvantage for a specifically defined group of people.<sup>12</sup> This is true for the minorities who often find themselves excluded from the state's protection or policies and it is also true of the groups who are often targeted, by both the state and the general public, under misguided notions that they do not belong or that they are disrupting the public order. Migrants in Europe suffer from this treatment, regardless of the reason they travel to Europe, and Muslim migrants suffer even more because of their chosen identity, where they experience exclusion, derogation, and even securitization. The legacy left behind by colonialism meant that migrants, especially those coming from minority backgrounds, felt like outsiders when traveling to Europe. When asked about what identity he would attribute to himself one individual said, "I would never say I am English because I am not.... You have to look at what makes up that identity being Muslim [sic] how many times do you hear about Britain accepting Muslims as part of

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<sup>10</sup> WALTER RODNEY, *Africa's Contribution to the Capitalist Development of Europe-The Pre-Colonial Period*, in HOW EUROPE UNDERDEVELOPED AFRICA, 73, 84 and 88 (2012); Robert Knox, *Valuing race? Stretched Marxism and the logic of imperialism*, 4 LONDON REV. INT'L L. 81, 85 (2016).

<sup>11</sup> Rodney *supra* note 10 at 89.

<sup>12</sup> Quentin Duroy, *Neoliberal Europe: Enabling Ethno-Cultural Neutrality or Fueling Neo-Nationalist Sentiment*, 48 J. ECON. ISSUES 469, 472-473 (2014).

their community.”<sup>13</sup> This feeling of exclusion experienced by minorities, and the subsequent securitization they face because of it, is not only due to the general racism that still exists in Europe but also because of the differences between Europeans and migrants, physical and otherwise, which makes Europe hesitant about accepting migrants, and more prone to ostracizing them.

There are three major forms of discrimination, practiced by Europe, that are relevant to this thesis. These three forms are racism, fascism, and xeno-racism. In 1985, following several examples of discriminatory behaviour in different European countries, the European Parliament formed a committee titled ‘Committee of Inquiry into the Rise of Fascism and Racism in Europe’ (hereinafter the Committee of Inquiry). This Committee produced a report defining the two terms, racism and fascism, outlining certain examples of how Europe has engaged in these practices and how some remnants continue to linger, and some recommendation on how to address these problems. In their effort to define fascism, experts outlined several different themes believing they were crucial in coming up with a definition, such as virulent nationalism, xenophobia and racial superiority, and they presented these themes to the Committee.<sup>14</sup> Additionally, experts also recommended that the term should be used within a historical perspective, for example confining its usage to the periods in inter-war Europe when the term was used to describe certain active movements.<sup>15</sup> The Committee of Inquiry also adopted a two-fold definition of racism. The first part of the definition can be found in the Declaration on Race and Racial Prejudice, adopted by the United Nations Educational, Scientific, and Cultural Organization’s (UNESCO) General Conference in 1978. This definition stems from the idea that there is no scientific basis to prove that any one race is superior to another, and consequently no one race is inferior to another.<sup>16</sup> The second part of the definition comes from the International Convention on the Elimination of All Forms of Racial Discrimination. This definition identifies the types of discrimination, including the common ones such as race and colour, and also

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<sup>13</sup> Yasmin Hussain & Paul Bagguley, *Citizenship, Ethnicity and Identity: British Pakistanis after the 2001 ‘Riots’* 39 SOCIOLOGY 407, 415 (2005).

<sup>14</sup> Committee of Inquiry into the Rise of Fascism and Racism in Europe: Report on the Findings of the Inquiry, EUR. PARL. 1, 18 ¶ 27, (1985).

<sup>15</sup> *Id.*, ¶ 28.

<sup>16</sup> *Id.*, at 19 ¶ 39.

adds some other categories such as birth, national origins, and ethnic origins.<sup>17</sup> However, using the term racism can sometimes fail to express the various problems that arise. This prompted the use of the term racialization instead of racism because it provided a more multi-layered and multi-dimensional frame of what racism involves. Using the term racialization instead of racism allows for an intersectional analysis and places the individual in multiple positions, therefore looking at different forms of identity such as race, ethnicity, gender or class combined thus looking at how discrimination can produce complex social relations. This in turn also allows for avoiding the more simplistic binary understanding of racism.<sup>18</sup> In addition, and for the purpose of this thesis, it is important to define institutional racism as this is one of the main forms of racism tackled. Institutional racism is the inability of an organization to provide services to people due to their race, culture or ethnic origin.<sup>19</sup> As for xeno-racism, it was defined by A. Sivanandan, emeritus director of the Institute of Race Relations:

It is a racism that it not just directed at those with darker skins, from the former colonial territories, but at the newer categories of the displaced, the dispossessed and the uprooted, who are beating at western Europe's door, the Europe that helped to displace them in the first place. It is a racism, that is, that cannot be colour-coded, directed as it is at poor whites as well, and is therefore passed off as xenophobia, a 'natural' fear of strangers. But in the way it denigrates and reifies people before segregating and/or expelling them, it is a xenophobia that bears all the marks of the old racism. It is racism in substance, but 'xeno' in form. It is a racism that is meted out to impoverished strangers even if they are white. It is xeno-racism.<sup>20</sup>

The above definitions explain the different experiences faced by Muslim migrants who travel to Europe. Many practices that take place in Europe by the state and/or society fall within the definitions of racism, fascism, and xeno-racism. In fact,

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<sup>17</sup> *Id.*, ¶ 39.

<sup>18</sup> Coretta Phillips, Institutional Racism and Ethnic Inequalities: An Expanded Multilevel Framework, 40 J. SOC. POLICY, 173, 174-5 (2011); Ali Rattansi, *The Uses of Racialization: The Time-spaces and Subject-objects of the Raced Body*, in RACIALIZATION: STUDIES IN THEORY AND PRACTICE 271, 271 (Karim Murji and John Solomos ed., 2005).

<sup>19</sup> Floya Anthias, Institutional Racism, Power and Accountability, 4 Sociological Research Online ¶ 2.1 (1999).

<sup>20</sup> LIZ FEKETE, *The Emergence of Xeno-Racism*, in A SUITABLE ENEMY RACISM MIGRATION, AND ISLAMOPHOBIA IN EUROPE 19, 19-20 (2009) (citation omitted).

the establishment of the European Union (hereinafter the EU) implies a form of discrimination based on national origin through the separation of nationals of member states from nationals of non-member states.<sup>21</sup> This in turn led to the establishment of a European identity, one in which outsiders, those who are not white or secular or Christian are considered not European. The distinction this made between European and non-European resulted in a perceived illegitimacy in terms of residency, cultural, social, and political rights, and even resulted in repressive national policies limiting rights of residency and travel.<sup>22</sup> Several members of the EU were creating massive regularizations and others were establishing repressive legislation regarding borders and the entry and exit of foreigners.<sup>23</sup> This combined with the integration policies and citizenship laws established by several European members of the EU illustrate how racism affects Muslim migrants traveling into Europe. Not only that, but several European countries have experienced a resurgence of right-wing and fascist groups. Countries such as the United Kingdom, Italy, Germany, the Netherlands, and Greece have right-wing regimes, extremist groups or neo-Nazi and pro-Nazi tendencies. And it was not only fascism that Europe practiced, but it also practiced xeno-racism, most commonly on migrants, but also on ethnic minorities such as the Roma people.<sup>24</sup>

The Roma were originally Indo-Aryan travellers who increasingly migrated from northern India to Europe but nowadays the Roma make up Europe's largest ethnic minority, and most hold citizenship from a country belonging to the EU.<sup>25</sup> With the increasing fascist and right-wing political groups in European countries, the Roma have also become targets of racial profiling and violence often being displaced and evicted or subjected to racist leaflets associating them with terms such as 'delinquency' and 'vandalism'.<sup>26</sup> The fact that the Roma people were considered different from majority citizens made them subjects of xeno-racism. Discrimination in Europe does not target

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<sup>21</sup> ÉTIENNE BALIBAR, *Droit de cité or Apartheid?*, in WE, THE PEOPLE OF EUROPE?: REFLECTIONS ON TRANSNATIONAL CITIZENSHIP, 31, 44 (2003).

<sup>22</sup> *Id.*, at 44-45.

<sup>23</sup> *Id.*, at 45.

<sup>24</sup> *Roma integration in the EU*, European Commission, [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu_en) (last visited Dec. 31, 2019).

<sup>25</sup> *Id.*; *Roma People*, Encyclopædia Britannica, <https://www.britannica.com/topic/Rom> (last updated Nov. 28, 2019).

<sup>26</sup> Liz Fekete, *Europe against the Roma*, 55 RACE & CLASS 60, 62 (2014).

only those from different religions such as the Nazis against the Jews or different races or other common discriminatory identifications such as race or gender, but they also target those in Europe, who hold European citizenship, but are too different, whether it is because they speak different languages, belong to different ethnic groups or otherwise. This is where xeno-racism comes to play in Europe, where even those who belong or identify as being European are targeted because they are impoverished or because they are ethnically different. Muslims in Europe, while not exactly struggling the same way as the Roma people, do experience similar issues. Muslims traveling to Europe are often labelled criminals and terrorists because of their religion and their non-conformity to European standards and identities and sometimes even European-born Muslims feel excluded because they are believed to be too different, because of their religion and because the majority do not see them as fully European. Europe continues to practice the same racial profiling and discrimination it always has, but now, instead of doing so through physical violence and war, it does so through legislations, such as citizenship laws and the ban on religious symbols, and through policies, such as integration policies, that are unfavourable towards migrants and make it harder for them to be feel included in new societies.

It is also safe to say that while Europe has its own faults, and those of course play a bigger role in its inclusion and integration policies, it is also deeply affected by international incidents which can alter its perceptions and shift its focuses elsewhere. The September 11, 2001 attacks (hereinafter 9/11 attacks) that took place in the United States is one such example. The 9/11 attacks were a tragic incident, one which had so many ramifications affecting different regions, even though the attacks themselves may have taken place elsewhere. The so-called ‘War on Terror’ was announced and its main enemy became those who adhere to the Muslim faith. Europe was one of the regions, as an ally of the United States, which shifted its focus majorly towards addressing the issues posed by foreigners entering its borders, and particularly those who are Muslim.<sup>27</sup> Counter-terrorism policies established by the EU post-9/11 redefined terrorism, a definition which disguised xeno-racism it practiced under the guise of

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<sup>27</sup> LIZ FEKETE, *Anti-Muslim Racism and the Security State*, in A SUITABLE ENEMY RACISM MIGRATION, AND ISLAMOPHOBIA IN EUROPE 43, 43-4 (2009)

national security.<sup>28</sup> Europe's response to the 9/11 attacks was so disproportionate that their counter-terrorism policies targeted anti-globalization protests, animal rights activism and other movements so far removed from terrorist organizations and al Qaida.<sup>29</sup> The new definition of terrorist activities encompassed not only violence perpetrated for political reasons but also included actions that would cause serious harm to a country or an international organization or an action that would force a government to behave in a certain manner.<sup>30</sup> Europe used the wave of fear that arose from the 9/11 attacks to justify their newly established policies and the increasing securitization against anything too foreign, especially migrants, to protect national security.<sup>31</sup> In fact, it was the recurring use of the phrase 'national security' that allowed Europe to get away with racial profiling with little to no outcry from the public, because the public would not argue in the face of a threat against the 'national security' or the 'national interests' of the state.<sup>32</sup> It did not help matters that the German authorities had found out that the plans for the 9/11 attacks took place in Hamburg, and the July 7, 2005 London bombings certainly exasperated the case against Muslims even more.<sup>33</sup> Muslims who have long settled in Europe, for decades, if not longer, have suddenly become targeted. Even Muslims who held European citizenships or were European-born were not exempt from the xeno-racism practiced by European countries both because their faith has become the enemy when it comes to the 'war on terror' and because they threaten the European identity.<sup>34</sup> Islam was, since then, associated with violence, aggression, and terrorism, which associated its adherents with the capability of committing such actions.<sup>35</sup> Europe also began questioning where the loyalties of its Muslim residents lay, whether it was with the European states that hosted them or with the faith that they adhere to. In fact, one individual commented that the lack of global

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<sup>28</sup> *Id.*, at 43.

<sup>29</sup> *Id.*, at 45.

<sup>30</sup> *Id.*, at 45.

<sup>31</sup> *Id.*, at 46; Christina Boswell, *Migration Control in Europe After 9/11: Explaining the Absence of Securitization*, 45 J. COMMON MARKET STUD. 589, 589 (2007).

<sup>32</sup> FEKETE, *supra* note 27, at 46-7.

<sup>33</sup> *Id.*, at 44-5; Peter Mandaville, *Muslim Transnational Identity and State Responses in Europe and the UK after 9/11: Political Community, Ideology and Authority*, 35 J. ETHNIC & MIGRATION STUD. 491, 491 (2009).

<sup>34</sup> FEKETE, *supra* note 27, at 44.

<sup>35</sup> Javaid Rehman, *Islamophobia after 9/11: International Terrorism, Sharia and Muslim Minorities in Europe - The Case of the United Kingdom*, 3 EUR. Y.B. MINORITY ISSUES 217, 227 (2003-2004)

outcry from Muslims over the 9/11 attack, signified that there was no struggle within Islam over morality of certain actions, and this would result in a struggle between Islam and the West.<sup>36</sup> Muslim individuals and communities were increasingly targeted in the aftermath of the 9/11 attacks. One Muslim organization, the Islamic Human Rights Commission, reported that in September 2001, around 206 incidents of violence and other harmful acts were recorded in Britain.<sup>37</sup> Britain passed an Anti-Terrorism, Crime and Security Act in 2001 which included measures allowing special forces more power to arrest and detain, and which included new illegal acts that would allow the courts in the United Kingdom to deal with crimes occurring outside its national jurisdiction. Furthermore, one section of this Act allows the Home Secretary the ability to issue a certificate, one which would sanction the continuous detention, against any non-UK national based on the fact that he believes this person is a threat to the national security of the state and that this individual is suspected of terrorism.<sup>38</sup> In addition to this Act, the UK government passed a Human Rights Derogation Order in 2001. The UK found it problematic for suspected terrorists to remain within its borders. However, article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights (hereinafter the ECHR), states that subjecting individuals to torture or other inhuman treatment is prohibited.<sup>39</sup> Similarly, the *Soering* principle states that foreign individuals may not be extradited if there is a possibility that they would be tortured or subjected to inhuman treatment.<sup>40</sup> Passing the Derogation Order would therefore allow the government to contravene against the existing provision in the European Convention on Human Rights (ECHR) and against the *Soering* principle.<sup>41</sup> Following the 9/11 attacks, Muslims, short-term and long-term residents, migrants, and even citizens have suffered from the ramifications. Integration policies and citizenship laws were reformed in a crackdown on anyone was to their faith rather than to Europe, as if they were mutually exclusive.

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*, at 227-8.

<sup>38</sup> *Id.*, at 232.

<sup>39</sup> Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) art. 3, Nov. 4, 1950, E.T.S. No. 005 (entered into force Sept. 3, 1953).

<sup>40</sup> Rehman, *supra* note 35, at 232.

<sup>41</sup> *Id.*, at 232.

Muslim men, women, and children were all subjected to what European governments and individuals considered an appropriate response to the attacks whether in schools, workplaces, or even in their homes and communities. Xenophobia in Europe had found its new target and began the processes of establishing newer, harsher criteria for integration and citizenship and securitizing their communities to ensure that their loyalty was to Europe and that their identity fit in with the European liberal secular identity. Under these circumstances, Muslims in Europe, particularly those coming from migrant backgrounds, have been increasingly targeted under these newer policies and have been victims of European states and their actors who label them as criminals and terrorists thus justifying their violent treatment and securitization. Europe, like many others, associated migrants with security problems thus they believed that the best response towards them is securitization.

In a manifestation of institutional racism, Muslim migrants often find themselves targets of policies that prevent them from integrating into societies, naturalizing as citizens, or even freely living with their chosen faith. In fact, many Muslims suffer through raids and questioning against their person, their homes, and their mosques and they sometimes even suffer with being told what they can and cannot wear. Muslim migrants in Europe find themselves on the outside of the society, where despite being urged to integrate, they have no way of doing so due to the difficulties imposed by the state. European countries included conditions in their integration policies and citizenship laws that are impossible to fulfil for many of the migrants entering Europe, especially those who enter as asylum-seekers or refugees, resulting in migrants being stuck between their desire to integrate in this society that allowed them entry, due to imposed obligations from the government and the general public, and their loyalty to their identity which retained from their origin countries. In fact, because they are treated suspiciously, Muslims in Europe have experienced varying degrees of securitization such as restricted borders and racial profiling.<sup>42</sup> Furthermore, Muslims entering Europe believed they were targeted by border controls due to their religion, and the Muslim Council of Britain reported that Muslims in the United Kingdom felt threatened and marginalized since the 9/11 attacks. Not only that but Muslims in

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<sup>42</sup> ARIANE CHEBEL D'APPOLLONIA, *Securitization and Discrimination*, in *MIGRANT MOBILIZATION AND SECURITIZATION IN THE US AND EUROPE: HOW DOES IT FEEL TO BE A THREAT?* 37, 54 (2015).

Europe were concerned about the direct effects certain policies would have on them such as security legislations, policies that ban wearing religious symbols, and others.<sup>43</sup> All the aforementioned examples show how Europe, despite calling for the integration of migrants, have made them victims of policies that are more securitizing than integrating and which make them feel more excluded than accepted.

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<sup>43</sup> *Id.*, at 55.

## II: Exclusionary Reforms of Citizenship Laws and Integration Policies

Following the Second World War, and with the booming economy, many European countries looked to immigration as the method by which labour shortages could be reduced. Countries first looked to individuals coming from other European countries but that was not sustainable for long. As a result, some countries, such as France and Britain, began to look at individuals coming from their former colonies in North Africa, South Asia, and the Caribbean. Before long, the rates of migration to Europe increased and brought in people from far more nationalities. However, the drop in the world economy in the 1970s meant that most migrants decided to remain in Europe, despite the instated bans and not only that but entry of migrants into Europe continued in the form of workers' families and refugees.<sup>44</sup> This process was repeated in late 2000 when the European Commission indicated that EU countries should allow for legal migration due to the ageing workforce and declining birthrates.<sup>45</sup> This form of 'managed migration' had two results: the first was fulfilling the gap created by the need for skilled labour and the second was leading Europe to the abolition of the right to seek asylum.<sup>46</sup> In response to the displacement of people due to the break-up of the former communist zone of influence and because of globalism's demand for free markets and free trade from the Second and Third World countries, the First World countries realized they had to interfere to secure their benefits. These First World countries wanted to create an environment suitable for accumulation and establish a new a legal and economic structure for the world economy, and they also wanted to manage immigration by creating controls that would decide whose movement can be free around the world and whose movement had to be restricted.<sup>47</sup> From then on, and because the number of migrants, refugees, and asylum seekers entering Europe was increasing, countries realized they would need to create certain controls, adopt certain policies, and reform certain laws all in order to ensure that the newcomers they were hosting were either dealt with appropriately, in the case of those seeking asylum which

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<sup>44</sup> PATRICK IRELAND, *Introduction: Europe's Immigrant Integration Crisis*, in BECOMING EUROPE: IMMIGRATION INTEGRATION AND THE WELFARE STATE 1, 2 (2004).

<sup>45</sup> FEKETE, *supra* note 20 at 20.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*, at 21.

was considered an illegal act, or were sufficiently integrated in the hosting community, in the case of migrants or refugees. These new policies would mark the beginning of the securitization agenda against migrants.

As mentioned above, European countries instated certain methods of control to deal with asylum seeking, which was considered an illegal act.<sup>48</sup> This illegalization of asylum seeking in Europe came about mainly in response to the anti-trafficking agendas of First World countries. North American, Australian, and European countries have cooperated in supranational and intergovernmental bodies to gather information on migratory flow, and this information would then inspire the creation of regional policies.<sup>49</sup> Many of these bodies would gather information on migratory flows, advise countries on preventing migration from one region to another, and even make recommendations on dealing with issues such as trafficking and smuggling.<sup>50</sup> This last role was the focus of most bodies in more recent years, to the extent that the EU, the Group of Eight industrialized nations (G8), and the Organization for Security and Cooperation in Europe, which also includes Canada and the United States, declared the year 2000 as the year of the ‘anti-trafficking plan’.<sup>51</sup> This focus on trafficking meant that displacement of people was regarded with more hostility and that the right to seek asylum, protected by international law, was ignored.<sup>52</sup> In fact, the Smuggling Protocol of the 2000 United Nations Convention on Transnational Organized Crime (hereinafter the Smuggling Protocol) states that migrants must be seen as complicit in illegal migration.<sup>53</sup> In article 31 of the 1951 Convention Relating to the Status of Refugees (hereinafter the Refugee Convention), the drafters of the Convention recognized that in some cases refugees may have to resort to illegal measures to enter a country if they were escaping threats. Accordingly, the Convention states that such refugees may not face penalties by State Parties so long as they report to authorities and provide a good reason for their illegal entry.<sup>54</sup> On the other hand, the Smuggling Protocol explicitly

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<sup>48</sup> *Id.*, at 21.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*, at 22.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*, at 23.

<sup>54</sup> United Nations High Commissioner for Refugees (UNHCR), *Convention on the Status of Refugees*, article 31, (1951).

criminalizes any and all acts of migrant smuggling. This means that any individual who is found to be helping migrants to enter a territory illegally will be subjected to criminal prosecution.<sup>55</sup> As a consequence, refugees, who could enter a territory illegally, provided they have a good reason, under article 31 of the Refugee Convention could no longer do so under the Smuggling Protocol, because any help given to them has become a criminal offense. Therefore, the Smuggling Protocol has deprived many migrants, seeking refuge abroad, of the options available under the Refugee Convention and implicitly categorized them as part of the problem. Nevertheless, the anti-trafficking focus of these bodies merits praise due to the dangers associated with trafficking and smuggling and the issues that arise from it, such as sexual slavery, organ harvesting and other acts. However, transforming the anti-trafficking agenda into a method for criminalizing asylum creates a problematic phenomenon when asylum seekers are automatically labelled as illegal migrants. By adopting this stance, Europe began to securitize its asylum system. Asylum seekers became the cause of trafficking and the subjects of this new security regime.

The right to seek asylum is an internationally recognized right that protects individuals from the threat of persecution in their home countries. This right can be explicitly found in the Universal Declaration of Human Rights in article 14(1) which states, “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”<sup>56</sup> Furthermore, the right to seek asylum can be inferred from the Refugee Convention.<sup>57</sup> This Convention was originally written with the events prior to 1951 in mind, particularly the era of the Second World War when people were fleeing within Europe. However, in 1967 a Protocol to the Convention removed the limitations relating to time and geographical region making the Convention applicable universally.<sup>58</sup> This Convention is not without problems. For instance, despite the fact

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<sup>55</sup> UN, *Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime*, article 6, (2000)

<sup>56</sup> United Nations General Assembly, *Universal Declaration of Human Rights*, article 14, 1948.

<sup>57</sup> Tom Clark, *Human Rights and Expulsion: Giving Content to the Concept of Asylum*, 4 INT’L J. REFUGEE L. 189, 190 (1992).

<sup>58</sup> UNHCR, *Introductory Note by the Office of the United Nations High Commissioner for Refugees*, in CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES, 2, 2 (1951), available at: <https://cms.emergency.unhcr.org/documents/11982/55726/Convention+relating+to+the+Status+of+Refugees+%28signed+28+July+1951%2C+entered+into+force+22+April+1954%29+189+UNTS+150+and+Protocol+relating+to+the+Status+of+Refugees+%28signed+31+January+1967%2C+entered+into+force+4+October+1967%29+606+UNTS+267/0bf3248a-cfa8-4a60-864d-65cdfecel1d47>.

that there were refugees in Third World countries around the time of the drafting of the Convention, these refugees were considered unimportant until the period of the Cold War during which they were seen as having some value. This shows that even during the time of the drafting of the Refugee Convention some refugees were considered, in some manner, more important than others. In comparison to European refugees for example, Third World refugees were said to be falsely claiming asylum to hide the fact that their reason for moving was economic rather than political. Furthermore, Third World refugees were considered different because, in most cases, they were displaced due to an internal rather than an international conflict and this meant that the post-colonial state was to blame.<sup>59</sup> However, the provisions of the Convention did allow for asylum-seeking despite the aforementioned problems. Article 1(A) of the Refugee Convention lists the conditions by which an individual can be considered a refugee under the Convention. Subparagraph 2 of the same article states that refugees include any individual who, "... [O]wing 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 his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."<sup>60</sup> Additionally, as mentioned previously, article 31(1) of the Refugee Convention states that State Parties to the Convention should not impose penalties on any refugee who enters their country illegally if they are coming from a territory where they have been threatened subject to the fact that any person who enters illegally go to the authorities and provide a good reason for their illegal entry.<sup>61</sup> However, the official text of the Convention states that individuals must "show good cause for their illegal entry or presence," however they did not define the term 'good cause' nor did they indicate what could constitute as a good cause. Looking at the preparatory works of the Convention indicated that, indeed, 'good cause' was not defined. However, a commentary by Dr. Paul Weis, who participated in the preparation and adoption of the 1951 Convention

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<sup>59</sup> B.S. Chimni, *The Geopolitics of Refugee Studies: A View from the South*, 11 J. REFUGEE STUD., 350, 356 (1998).

<sup>60</sup> UNHCR, *supra* note 54, at article 1.

<sup>61</sup> *Id.*, at article 31.

and its 1967 Protocol, showed that a refugee's inability to legally enter any country to escape persecution is 'good cause'.<sup>62</sup> However, by the time the Cold War ended, refugees were no longer welcome in the North and this began a series of regulations limiting asylum seekers to those who were considered normal by virtue of being white, male, and anti-communist.<sup>63</sup> Despite the fact that most, if not all, European countries are State Parties to the 1951 Convention, Europe criminalized asylum seeking as part of its anti-trafficking agenda.<sup>64</sup> European countries began to create measures that would work to integrate officially recognized refugees and in the meantime they would attempt to totally exclude asylum seekers with a set of controls.<sup>65</sup> In clear contravention of the right to seek asylum and article 31 of the Refugee Convention, the EU intended to establish policies that would criminalize illegal entry.<sup>66</sup> In the United Kingdom, asylum seekers were the subject of a system of welfare provision linked to immigration controls rather than social care, under the 1999 Immigration and Asylum Act, in addition to a detention system which worked to contain asylum seekers and treat them as suspected individuals.<sup>67</sup> The 1996 Immigration and Asylum Act in the UK took away the housing and financial support given to asylum seekers who did not manage to declare asylum at a port of entry, therefore they had to be supported by local authorities. These authorities were obligated to provide housing and food for the poor under the National Assistance Act 1945 and the Children Act 1989, so they began to resent asylum seekers who added to the burden on their budgets.<sup>68</sup> A new Immigration and Asylum Act in 1999 meant that asylum seeking was now an issue of immigration control. This new act stripped asylum seekers their ability to apply for housing through local authorities and specified that asylum seekers housed through the National Asylum Support Service (NASS), a new body which was established to monitor the controls, could be legally evicted with a seven day notice and without the ability for legal

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<sup>62</sup> UNHCR, *The Refugee Convention, 1951: The Travaux Préparatoires Analysed with a Commentary by Dr Paul Weis*, 4, 219 (1990), available at: <https://www.unhcr.org/4ca34be29.pdf>; *Editorial Paul Weis (1907-1991)*, 3 INT'L J. REFUGEE L. 183, 183-4 (1991).

<sup>63</sup> Chimni, *supra* note 59, at 357.

<sup>64</sup> UNHCR, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, 1, 2-4, available at: <https://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>; FEKETE, *supra* note 27, at 24.

<sup>65</sup> FEKETE, *supra* note 20, at 26.

<sup>66</sup> *Id.*, at 27.

<sup>67</sup> *Id.*, at 28.

<sup>68</sup> *Id.*, at 28-9.

action.<sup>69</sup> Furthermore, the 1999 Immigration and Asylum Act provided that any person who was under immigration control, such as individuals who were waiting for approval to remain in the United Kingdom or those who were allowed to remain subject to certain conditions, were in many cases not eligible to receive benefits such as accommodation, healthcare, welfare provisions, or other benefits, even if homeless or destitute.<sup>70</sup> From 1999, reports of abuse began where asylum seekers often found themselves in overcrowded housing facilities or hostels with inedible food, inadequate sanitation, and disregarded safety measures.<sup>71</sup> In fact, some European countries such as France and Sweden went further and violated the principle of non-refoulement, which states that no person can be returned to a country where their life or freedom is threatened, by deporting foreigners who were thought to pose a security risk.<sup>72</sup>

With regards to asylum seekers, Europe had shifted its policy towards a form of control and expulsion. The policies they undertook were meant to cause asylum seekers to rethink their decisions of entering Europe as they would be facing detrimental treatment and treated like criminals. On the other hand, there were policies of assimilation and integration, which were more targeted towards migrant workers, officially recognized refugees, residents, and potential citizens. The EU has undertaken several initiatives in order to better integrate migrants residing in the EU in the past few decades. In November 2004, the Council of the European Union produced a press release in which it outlines eleven common principles for an immigrant integration policy in the EU, the Common Basic Principles for Immigrant Integration Policy in the EU. These principles maintained that integration is a two-way process requiring the input of both immigrants and residents of the EU Member States, that integration requires respecting EU values as well as knowledge of the host's language and history, that employment and education are key aspects of integration, that integration requires immigrants have access to goods and services in a non-discriminatory manner equal to that of national citizens, that practicing different religions and cultural norms be

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<sup>69</sup> *Id.*, at 32.

<sup>70</sup> Government of the United Kingdom, *Immigration and Asylum Act 1999*, provisions 115 – 121, at 78 – 84 (1999), available at <http://www.legislation.gov.uk/ukpga/1999/33/enacted/data.pdf>.

<sup>71</sup> FEKETE, *supra* note 20, at 33.

<sup>72</sup> FEKETE, *supra* note 27, at 46.

safeguarded, and more.<sup>73</sup> Later, in 2011, the European Commission created a European Agenda aimed at the integration of third-country nationals and called for strong and consistent approaches to realize this goal.<sup>74</sup> Furthermore, in 2014, the Justice and Home Affairs Council, in line with the ongoing support of the EU towards Member States to integrate migrants, reaffirmed the EU Common Basic Principles for Immigrant Integration Policy adopted in 2004.<sup>75</sup> The EU supported Member States in establishing integration policies that fit within their national policies, yet despite the efforts, third country national continued to face more difficulties than EU nationals<sup>76</sup> In 2016, the European Commission wrote the Action Plan on the Integration of Third Country Nationals, a communication which reaffirmed the need for the effective integration of third country national into EU states and how to achieve this integration. The Action Plan was meant to reaffirm the EU's commitment to integrating third country nationals, through the investment of resources and the participation of relevant actors, in the light of increasing discrimination and racism, in addition to upholding the fundamental rights of the EU to achieve a more cohesive society.<sup>77</sup> The policies set out in the Action Plan ranged in areas from education to culture but they all were meant to support the goal of successful integration of migrants. The policies included pre-departure and pre-arrival measures, education, integration into the workforce and providing access to vocational training, access to basic services, and finally, participation and social inclusion.<sup>78</sup> The pre-departure and pre-arrival measures are meant to help those who are relocating to adjust to the new societies prior to their travel. Pre-departure measures focus on the relocating individuals and how best to equip them to the new society they are entering and they include measures such as language and job training, providing information on the new country as well as their rights and duties, and training in other skills which would make their integration easier. Pre-arrival measures however focus more on the

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<sup>73</sup> Council of the European Union, *Press Release 14615/04 (Presse 321)*, 1, 19-24, 19 Nov. 2004, available at: <https://ec.europa.eu/migrant-integration/librarydoc/common-basic-principles-for-immigrant-integration-policy-in-the-eu>

<sup>74</sup> European Commission, *Action Plan on the integration of third country nationals 2*, 2 (2016), available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_action\\_plan\\_integration\\_third-country\\_nationals\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf)

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id. at*, 5-12.

receiving state and preparing it to welcome the newcomers and they include measures such as the “Share City Curriculum”, a toolkit developed by SHARE Network which was partly financed by the European Commission and which targeted the resettlement and integration of refugees.<sup>79</sup> Next are the education measures, and these include language training, and also includes learning basic skills for employment and social inclusion, educating children and providing support for the children who might need it such as refugees, Early Childhood Education and Care (ECEC) which plays a role in learning how different societies come together and which has proven beneficial in addressing societal issues such as poverty and exclusion, and finally learning the values and laws of the receiving state. In applying these policies, the European Commission suggested the establishment of online language learning and assessment courses, supporting children, schools, welcoming classes, low-skilled people, and the participation of both boys and girls in ECEC.<sup>80</sup> Employment and access to services such as housing and health services are also some of the aims of this action plan. The European Commission aims to recognize the qualifications of the newly entered individuals, identify the best ways to promote entrepreneurship, provide vocational training, and offer proper housing and health services for individuals.<sup>81</sup> Finally, when it comes to participation and social inclusion, the Commission suggested programs that promote cultural diversity and social inclusion of youth, as well as promoting the participation in political, social, and cultural life and combatting discrimination.<sup>82</sup> Further policies undertaken by EU countries included language tests, codes of conduct, and even reforming citizenship laws to take into account security issues.<sup>83</sup> While these policies on the surface seemed beneficial for the foreigners entering a European country because they would allow them to integrate into the new community they were entering and hereby were likely to provide them with increased safety within the host country, they masked a hidden agenda by which host countries were attempting to move from a society of multiculturalism to one of monoculturalism.<sup>84</sup> Due to stereotypes practiced by European governments, multiculturalism was associated with religious

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<sup>79</sup> *Id.*, at 6.

<sup>80</sup> *Id.*, at 8.

<sup>81</sup> *Id.*, at 8-11.

<sup>82</sup> *Id.*, at 12-3.

<sup>83</sup> FEKETE, *supra* note 27, at 44.

<sup>84</sup> *Id.*, at 62.

fundamentalism and cultural differences were associated with criminal practices.<sup>85</sup> This made it easier for European countries to hide the policies that would end multiculturalism in the form of measures to eliminate religious fundamentalism and criminal practices associated with cultural differences. With this in mind, countries began to study why previous integration policies had failed and began establishing new policies meant to assimilate foreigners into their communities, protect national identity, and achieve cultural homogeneity.<sup>86</sup> The policies outlined in both the Common Basic Principles for Immigrant Integration and the Action Plan for Immigrant Integration are examples of the more recent steps taken by the EU to integrate migrants. However, these new policies are also somewhat problematic. The policies put forward by the European Commission and the Council of Europe in both documents are idealistic, in the sense that they provide an idea of what the desired final society will look like after integration is complete rather than the process undertaken by the states to achieve this integration.<sup>87</sup> Furthermore, the EU calls for a uniform approach to integration to be undertaken by the different states to form a coherent process of integration. However, this is very difficult to achieve because it assumes that migrants and their host societies are homogenous and does not take into account the different national policies of EU Member States. Moreover, these approaches tend to neglect the different levels of migrants, for example newcomers versus third-generation migrants, and treats them all under the same banner.<sup>88</sup> As a result of these problems, it is often the case that EU Member States take different steps to achieve integration based on their respective national policies as well as the existing society, therefore, it is often the case that some states may have much harsher integration conditions than others which in the end makes integration a very difficult process.

In the effort to protect the national identity of European countries, certain aspects of identity were frowned upon: multilingualism, when languages were not

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<sup>85</sup> *Id.*, at 63.

<sup>86</sup> *Id.*, at 64 and 66; ARIANE CHEBEL D'APPOLLONIA, *The Securitization of Immigration and Integration Governance*, in *MIGRANT MOBILIZATION AND SECURITIZATION IN THE US AND EUROPE: HOW DOES IT FEEL TO BE A THREAT?* 15, 29 (2015).

<sup>87</sup> Marco Martiniello, *Towards a coherent approach to immigrant integration policy(ies) in the European Union*, 1, 4-5 available at: <https://www.oecd.org/dev/38295165.pdf>

<sup>88</sup> *Id.*, at 6-7.

European, and dual citizenship were viewed unfavourably.<sup>89</sup> Some countries even wished to restrict the citizenship rights of second- and third-degree youths while certain measures relating to family reunification allowed states to perform an integration test on children over twelve before allowing them entry.<sup>90</sup> New measures established by European countries were collectively and popularly known as an ‘integration contract’.<sup>91</sup> The integration contracts differed from one country to another but it was always linked to national identity and it always made applicants for citizenship go through certain measures to prove they have accepted European and EU values.<sup>92</sup> One of the most elaborate integration contracts was done by the Netherlands where it targeted newly arrived immigrants, Dutch-born children of immigrants, and even those who held passports from Netherlands Antilles and Aruba. The Netherlands was also the first European country to suggest that integration should begin when migrants were still in their country of origin by passing the Integration Abroad Act.<sup>93</sup> However, individuals were exempted if they held a certificate stating that they were officially integrated or if they were citizens of EU member states, Switzerland, Canada, Australia, the United States, New Zealand, and Japan.<sup>94</sup> This is a clear example of the dramatic and exaggerated response one country had to foreigners, to the extent that even those born within the country, and those who held passports from the country’s constituencies were considered a threat to the national identity. Not only that, but it is a display of how Europe attempted to distinguish between those who could be ‘good’ citizens and those who could not reach that level.<sup>95</sup> It was the beginning of the securitization of migrants under the banner of integration. However, not all policies undertaken by EU countries to integrate foreigners were inherently problematic.

One of the most common policies European countries have passed to integrate migrants into European societies was language tests. The Language Policy Unit of the Council of Europe created a project on the linguistic integration of adult migrants

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<sup>89</sup> FEKETE, *supra* note 27, at 66.

<sup>90</sup> *Id.*, at 66-7.

<sup>91</sup> *Id.*, at 67.

<sup>92</sup> *Id.*

<sup>93</sup> LIZ FEKETE, *Enlightened Fundamentalism? Immigration, Feminism and the Right*, in A SUITABLE ENEMY RACISM MIGRATION, AND ISLAMOPHOBIA IN EUROPE 77, 80 (2009).

<sup>94</sup> *Id.*; FEKETE, *supra* note 27, at 67.

<sup>95</sup> D’APPOLLONIA, *supra* note 86.

(LIAM).<sup>96</sup> Through this project the Language Policy Unit hoped to support European states into creating language policies that would be based on a set of values, which included respect for human rights.<sup>97</sup> The Council of Europe found that the enactment of language policies were particularly important for cases of residence and citizenship.<sup>98</sup> In addition, a survey conducted for the sake of the project found that countries had in fact begun to enact such legislation for residence, citizenship, and, in some cases, even entry, and some countries also mandated language tests for anyone who wished to gain residency or citizenship.<sup>99</sup> While learning the language of the host country was a policy that is seemingly beneficial for both the foreign individuals and the state and admirable for the sake of pursuit of knowledge, European countries, as we have mentioned previously, discouraged multilingualism when the languages were not European thereby making the knowledge of a non-European language a threat to the national identity.<sup>100</sup> Furthermore, the language requirements became much more difficult that it excluded all but those who were highly educated.<sup>101</sup> Another policy was the introduction of civic tests alongside the language ones to teach potential residents and citizens, as well as refugees, the values of European societies.<sup>102</sup> Additionally, applicants for citizenship had to pass a loyalty test. In Germany, this took the form of a test that would reveal private beliefs of an individual, specifically regarding the issue of sexuality.<sup>103</sup> Denmark, however, took matters too far when the first Liberal-Conservative coalition government (2001-2006) introduced a citizenship exam so difficult that it included language requirements so high that equated the requirements of higher education, history questions that even parliamentarians had trouble answering, a declaration of loyalty stating “I will work actively for the integration of myself and my family into Danish society,” which had to be signed by citizenship applicants, and stipulations that citizenship applicants had to work, pay taxes, not hit

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<sup>96</sup> Michael Kelly, *Recent European Union initiatives in support for languages*, 7 EU. J. OF LANGUAGE POLICY 85, 85 (2015).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*, at 86.

<sup>99</sup> *Id.*; FEKETE, *supra* note 27 at 66-7.

<sup>100</sup> *Id.*

<sup>101</sup> FEKETE, *supra* note 93, at 78.

<sup>102</sup> FEKETE, *supra* note 27, at 67.

<sup>103</sup> FEKETE, *supra* note 93, at 78.

their children, and respect equality between genders.<sup>104</sup> This was condemned by the United Nations High Commissioner for Refugees (UNHCR) because it assumed that citizenship applicants would not respect the values of the society and that they would commit the prohibited acts mentioned.<sup>105</sup> And while the UNHCR makes a very valid point, there are many other problems with this test. For instance, the fact that the language requirements, which had previously been measured by the basic knowledge of the language, has gone so high that only those who have reached the level of higher education can pass it is quite troubling. Raising the expectations so high shows that Denmark was clearly working towards the exclusion of a number of people who do not have the means or the resources to attain higher education. Furthermore, the fact that some Danish parliamentarians were unable to answer all the history questions is highly controversial because they are not only citizens but also citizens who represent the Danish government. The fact that Denmark expected citizenship applicants to pass a test which its own parliamentarians had trouble with is absurd. Countries also instated penalties for failing these tests, and they differed from one country to another. These penalties included being forced to leave the country, paying fines, cutting social security payments, and even limiting or losing residency rights.<sup>106</sup> Some of these penalties are, again, more inherently problematic than others. For example, immigration laws that allowed the deportation of non-citizens who exhibited ‘unacceptable behaviour’ were established throughout Europe.<sup>107</sup> In addition, new laws allowed European countries to revoke the citizenship of an individual if he or she displayed ‘unacceptable behaviour’. This is an indication of the state’s power of identifying the criteria upon which an individual can be recognized as a citizen.<sup>108</sup> It also gives states the power to change these criteria to maximize their own interests. In fact, states have given intelligence services the power to decide on citizenship requests, and this power is practically unrestrained that the intelligence services do not have to justify their reasoning for rejecting a citizenship request and the individual’s right to

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<sup>104</sup> *Id.*, at 79.

<sup>105</sup> *Id.*

<sup>106</sup> FEKETE, *supra* note 27, at 68.

<sup>107</sup> LIZ FEKETE, *The New McCarthyism, in A SUITABLE ENEMY RACISM MIGRATION, AND ISLAMOPHOBIA IN EUROPE* 102, 118-9 (2009).

<sup>108</sup> *Id.*

seek legal action is largely limited.<sup>109</sup> This allows intelligence services to take advantage of individuals seeking citizenship by persuading them into spying on their countries as a way to establish their loyalty to the host state and therefore be afforded citizenship. Hassan Assad, a Palestinian who is in danger of being deported from Sweden to Jordan, believes he was refused Swedish citizenship because he refused to act as police informer for the Swedish Security Services, and thus they accused him of funding terrorism based on the fact that he donates money to charities in the Occupied Palestinian territories.<sup>110</sup>

Similarly, the policies adopted in the 2016 Action Plan on the Integration of Third-Country Nationals were not without problems. While the measures seem advantageous theoretically, they are very hard to implement because they make many presuppositions that may not entirely come to pass. For example, the pre-departure and pre-arrival measures assume smooth cooperation between the country receiving the individuals and the country of origin of the individuals. However, this cooperation, according to the European Commission, is not developed enough.<sup>111</sup> This makes it much more difficult to apply these measures simultaneously, particularly when relations between countries are unfavourable. Similarly, when it comes to education, and social inclusion, the European Commission again presupposes certain things such as the ability to access online courses, and the automatic acceptance of the new individuals into their societies and children into schools. However, the reality is that most of the time, particularly in the case of refugees, access to the Internet, the workforce, and even schools for children as well as the general acceptance in society is not easy. Refugees may not have the means or the resources to access certain things such as the Internet, therefore it would become the state's responsibility to provide access to such means and resources, and as mentioned, many state and local authorities believed this to be a burden. Furthermore, discrimination, as shown in the previous chapter, is an inherent issue in many societies in Europe, therefore, to automatically assume that migrants or refugees entering the state will be able to integrate into the society by promoting social inclusion is unreasonable. Combatting discrimination is an

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<sup>109</sup> *Id.*

<sup>110</sup> *Id.*, at 120.

<sup>111</sup> *European Commission, supra* note 74, at 6.

admirable measure suggested by the European Commission, however, it is not a measure meant for integrating migrants or refugees but a measure that must be instated merely for the sake of being a decent society. Therefore, it is evident that the reformations of the citizenship laws and the newly established integration policies can be heavily criticized. The integration policies were designed in ways which allowed Europe to determine who was acceptable for inclusion in their societies and who was not. Because Europe tended to associate migrants with problems such as trafficking, they began to treat them as security threats prior to their crossing European borders. Europe's attempt to force migrants into integrating because their fears pertaining to crimes but also cultural heterogeneity and the loss of national identity caused them to establish integration policies that were so outrageous making it harder for migrants to integrate, which created an "integration paradox".<sup>112</sup> And even though these policies are meant to apply to anyone who falls within the European countries' radar, those who are most affected were minorities and particularly Muslims who had to face these issues, especially after the 9/11 attacks, and who have since faced securitization in their places of work, schools, communities, and even clothing. The integration policies masked security policies that explicitly targeted Muslim migrants under the guise of preventing radicalization and therefore protecting public order. Europe used integration to hide its agenda of securitizing and alienating certain groups of people.

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<sup>112</sup> ARIANE CHEBEL D'APPOLLONIA, *Securitization and Integration*, in MIGRANT MOBILIZATION AND SECURITIZATION IN THE US AND EUROPE: HOW DOES IT FEEL TO BE A THREAT? 63, 63 (2015).

### III: Europe's Attitude Towards Muslim Migrants

Since the 9/11 attacks, Muslims in Europe have been the subject of various security discussions and policies that aim to deradicalize them if they were to stay in Europe. In fact, the importance of the security agenda increased exponentially following the 9/11 attacks and national security became a term widely spread to ensure that the public understood that this security agenda was for their benefit.<sup>113</sup> The securitization of Muslims in Europe, since then, took many forms. The effects of the integration paradox, the consequence of integration policies which in practice made it harder for migrants to integrate, meant that Muslim migrants were often treated as suspect communities in need of securitization. Borders became an essential institution, necessary to segregate people based on social conditions using passports or identity cards as a systematic criterion.<sup>114</sup> Integration policies were akin to a physical wall erected to intercept national security threats, and now these walls have evolved into a non-physical form meant to limit the movement of people, including migrants, and to stop the dilution of the national identity that would result from the entry of those racially or ethnically different.<sup>115</sup> Border controls and integration policies are entangled with the security agenda to keep those inside the state protected and those outside excluded.<sup>116</sup> As a consequence, governments began to increasingly target Muslim people and communities in their War Against Terror and the general public wanted to distance themselves from those who belonged to the Muslim faith. Individuals residing in Europe felt the change in treatment towards them. One person living in Britain explained it as, "... if you are Muslim then people don't want to know you and with all the propaganda to do with Islam at the moment," while another said, "We feel like outsiders in our own country.... Because before I was part of a community, whether there was integration or not that is completely irrelevant. I was part of a community, a British community in England. Now I am part of a criminal element in Bradford."<sup>117</sup>

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<sup>113</sup> Fekete, *supra* note 27, at 45 and 47.

<sup>114</sup> Étienne Balibar, *World Borders, Political Borders*, in *WE, THE PEOPLE OF EUROPE? REFLECTIONS ON TRANSNATIONAL CITIZENSHIP*, 101, 113 (2003).

<sup>115</sup> WENDY BROWN, *States and Subjects*, in *WALLED STATES, WANING SOVEREIGNTY* 72, 77 and 82 (2010).

<sup>116</sup> *Id.*, at 82.

<sup>117</sup> Hussain & Bagguley, *supra* note 13, at 417.

Not only did they have to go through the same integration policies that other migrants had to go through, but Muslims, both residents and newcomers, have also had to bear the brunt of attacks on their person, their homes, their assets, and even their mosques.<sup>118</sup> Securitization occurred through monitoring, as is the case in educational institutions, where European security forces observe Muslims for any sign of radicalization because it was expected of them. Security forces in European countries also raided Muslim communities and homes with the belief that they were harbouring terrorists or that the residents in these homes are involved in terrorism plots, most of the time with no proof of these accusations. Additionally, securitization took the form of legislations meant to restrict Muslim migrants from practicing their beliefs peacefully, as is the case of the ban on religious symbols, which hid the true agenda of the European desire to ban Muslim women from wearing the veil. All these forms of securitization show how Europe has managed to alter its course from purely integration to a combination of integration and securitization with an emphasis on securitization because Europe believed that Muslim migrants could not be trusted to fully embrace European values and European society. Not only that, but this response to Muslim migrants helped Europe further their campaign towards shifting away from multiculturalism and allowed Muslims to be labelled as dangerous, criminals, or terrorists making them easy targets for Europe's fight against terrorism. Europe's disproportionate response to Muslims within their territories created a sense of paranoia where anything different is considered dangerous and Muslims were not exempt. European countries have created policies that limit Muslims from living a harmonious life. The religious profiling of Muslims in Europe has affected their lives within their homes, their work environment, their education, their clothing, and even their ability to manifest their religion. In the midst of calls for integration, Muslims in Europe who are targeted in the widespread security policies and the securitization agenda are more likely to disintegrate and more likely to respond to the distrust they face by radicalization.<sup>119</sup>

Because of the threat Europe associates with Muslims, security and intelligence forces began to increasingly target Muslims, particularly male youth, due to the belief

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<sup>118</sup> International Helsinki Federation of Human Rights (IHF), *Intolerance and Discrimination against Muslims in the EU: Developments since September 11*, IHF, 3, 15 (2005)

<sup>119</sup> D'APPOLLONIA, *supra* note 42, at 37.

that they are vulnerable to radicalization and therefore must be placed under the purview of anti-terrorism laws.<sup>120</sup> For instance, Muslim youth are considered potential threats, regardless of their level of educations. In fact, studies have showed that higher level of educations makes migrants more sensitive and more aware of discrimination against them.<sup>121</sup> Those educated understand the problems facing Muslims worldwide and increased their awareness of inequalities and prejudice therefore they likely to be alert to racism and discrimination but it also makes them more prone to be recruited by Islamic groups in universities. On the other hand, less educated youth can be recruited by jihadi groups, extremist preachers, and even online groups because they can often be alienated due to their religion and their low level of education.<sup>122</sup> Looking into issues that are considered ‘anti-social’ or ‘undesirable’ such as extremist views on books or other forms of media meant that Muslim youth are subjected to anti-terrorist laws.<sup>123</sup> In fact, some universities in the EU were instructed by their governments to subject foreign Muslim students to extra surveillance. A 2005 report titled ‘When Students Turn to Terror: Terrorism and Extremist Activity on British Campuses’ identified certain educational institutions as breeding grounds for terrorist activities. It also recommended that educational institutions cooperate with MI5 and allow plain-clothed officers onto campuses to monitor students.<sup>124</sup> This report led to several recommendations and advices to educational institutions such as guidelines to target violent extremism, guidelines to deal with extremist literature, and ways to monitor religious student organizations and separate the moderate from the radical.<sup>125</sup> And while some of these recommendations are useful in the sense that it can help universities understand what may cause the radicalization of otherwise moderate students and attempt to address the root cause of such radicalization, most of these recommendations are ridiculous in the sense that Muslims are automatically considered threats and potential terrorists. These recommendations are recognizing Muslims as the problem rather than acknowledging the need to look at the reasons why they are radicalized, and they are accepting that the best way to implement anti-terrorist laws in

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<sup>120</sup> FEKETE, *supra* note 107, at 103-4.

<sup>121</sup> D’APPOLLONIA, *supra* note 42, at 41.

<sup>122</sup> *Id.*, at 41; FEKETE., *supra* note 107, at 104.

<sup>123</sup> FEKETE., *supra* note 107, at 106.

<sup>124</sup> *Id.*, at 107.

<sup>125</sup> *Id.*, at 108.

campuses is to completely violate the privacy of these Muslim students by spying on them and treating them like criminals before a crime is committed. These recommendations neglect the surrounding factors that may lead to Muslims becoming radical and are ironically, they are calling for actions that may on the long-run lead to more radicalization. In fact, a 2008 case commonly known as ‘The Case of the Nottingham Two’ is an example where a similar recommendation to monitor students in universities completely backfired. This case follows two individuals in the University of Nottingham, British master’s student of Pakistani descent, Rizwaan Sabir, and Algerian staff member, Hicham Yezza, who had resided in the UK for 13 years.<sup>126</sup> Sabir was on a graduate track which would expect him to begin his Ph.D. once he completed his MA. His research for his MA dissertation revolved around Al Qaeda in Iraq and radicalization topics and as part of his research, he often consulted with Yezza who was a friend of his as well as a junior administrator for the School of Modern Languages in the University of Nottingham.<sup>127</sup> Because of this friendship, Sabir sent three documents related to his research to Yezza so that he may print them for him, which were later found by another administrator, a colleague of Yezza who he allowed access to his computer while he was away from work. One of the documents found on the computer was ‘The Al Qaeda Training Manual’ which constituted part of Sabir’s research into Al Qaeda and radicalization.<sup>128</sup> Sabir accessed this document through the United States Department of Justice website, and in fact, it could have been ordered through an inter-library loan system at the University of Nottingham’s library and in 2011 a copy was made available at the library.<sup>129</sup> Because of their possession of this document, Sabir and Yezza were arrested and questioned for six days.<sup>130</sup> Both individuals were released with no charges, however Yezza was later re-arrested for immigration offenses because his visa had run out.<sup>131</sup> While the senior management of the University of Nottingham was reluctant to allow Sabir to remain, he managed to

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<sup>126</sup> *Id.*, at 110; Rod Thornton, *Radicalisation at universities or radicalisation by universities?: How a student’s use of a library book became a “major Islamist plot”*, Paper prepared for the Critical Studies on Terrorism on Teaching About Terrorism panel at the British International Studies Association Conference, University of Manchester, 1, 3-4 (April 2011).

<sup>127</sup> Thornton, *supra* note 126, at 7 and 11-12.

<sup>128</sup> *Id.*, at 12-13; FEKETE, *supra* note 107, at 110.

<sup>129</sup> Thornton, *supra* note 126, at 8.

<sup>130</sup> *Id.*, at 12; FEKETE, *supra* note 107, at 110.

<sup>131</sup> Thornton, *supra* note 126, at 5-6; FEKETE, *supra* note 107, at 110.

complete his MA under the assumption that he would then be beginning his Ph.D. However in order to do so he had to receive a mark of 60 percent or above, which he did not manage to do ending up with a mark of 58.3 percent which, had it been 0.2 percent higher, could have been rounded up to 59 percent and from there to 60 percent under his school's regulations. The Head of the School, Professor Heywood, sent an email to different actors at the university, including the Vice-Chancellor and the Dean, informing them of Sabir's MA marks and how they could not be rounded up, and therefore proposed that Sabir be informed that he could not be awarded a place in the Ph.D. program.<sup>132</sup> However, it was later found that Sabir's initial acceptance required him to achieve a passing mark, 50 percent, on his MA to be eligible for a place in the Ph.D. program. Upon learning this, Professor Heywood sent another email to the same list of people which stated, "Further to my message of last week, I have learned today – to my considerable irritation – that the offer letter to Rizwaan Sabir simply stipulated a pass at MA, rather than the School's usual standard of at least 60% ...[this]... none the less leaves us with no grounds to refuse entry."<sup>133</sup> While Sabir began his Ph.D. at Nottingham, he was advised to start another Ph.D. in another university because the management at Nottingham would not be helping him, advice which Sabir took and began a Ph.D. in Strathclyde University despite initially not wanting to leave Nottingham.<sup>134</sup> While this case also outlines some of the problems with the management of the University of Nottingham, the key issue presented here is that the increased monitoring of Muslims, without understanding the context and not bothering to question the motives, led to assumptions being made that these Muslims were involved in terrorist activities. This in turn led to the baseless arrest of two individuals, one whose future might under different circumstance have ended, because security forces advised that a good way to prevent terrorism and radicalization would be spying on minorities.

It wasn't only educational institutions where intelligence and security forces targeted Muslims, but also mosques and homes. Intelligence services believed that mosques were places where Muslims went to for jihadist networks and radicalization

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<sup>132</sup> Thornton, *supra* note 126, at 78.

<sup>133</sup> *Id.*, at 79.

<sup>134</sup> *Id.*, at 80.

occurred, and the media often portrayed mosques as places where hate was spread.<sup>135</sup> The portrayals of Muslims in different media forms has also influenced the way of thinking of politicians who link Muslims' failure to accept Western identities to the spread of terrorism, and who believe that radicalization and terrorism in Muslims is a result of failing to integrate and the failing multicultural society, which they believe produces the enemies arising from within.<sup>136</sup> Security forces labelled foreign Muslim preachers, or imams, as a risk because their teachings in mosques were believed to catalyze youth radicalization.<sup>137</sup> The media expanded on this belief by reporting on a number of imams who were in fact guilty of radicalization, such as Najm Faraj Ahmad, a Kurdish imam in Norway who was arrested for his Taliban-style teachings, and Finsbury Park imam Abu Hamza al-Masri, who was arrested for inciting murder and racial hatred; a scare tactic used to show the public the dangers Islam has on Western societies and identities.<sup>138</sup> Consequently, journalists began to enter mosques believing that they will be able to uncover nefarious terrorism plots, and often their recordings or photographs are used by security forces to justify raids on mosques and mosque-goers, despite distortions or incomprehensibility, and are sometimes used as evidence in the security forces' cases against imams.<sup>139</sup> Germany's intelligence services takes matters slightly further and monitors all Muslim organizations, even the non-violent ones, labeling them as 'Islamist' because they go against German ideals and can likely lead to radicalization.<sup>140</sup> Raids escalated beyond mosques to include homes of Muslims in the community. In Spain, one individual, Smail Boudjelthia, reported that he was awoken by the door being blown open thinking there was a fire and that those who entered were firefighters, but was forced face-down by armed police and questioned about how many times he visits the local mosque and accused of being linked to terrorist groups.<sup>141</sup> This accusation stemmed from the belief that Boudjelthia knew an

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<sup>135</sup> FEKETE, *supra* note 107, at 113.

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*, at 114.

<sup>138</sup> *Id.*, at 114-5; Rosie Cowan, *Abu Hamza charged with inciting murders*, *The Guardian*, (Oct. 20, 2004) available at: <https://www.theguardian.com/uk/2004/oct/20/terrorism.september111>.

<sup>139</sup> FEKETE, *supra* note 107, at 116-8.

<sup>140</sup> *Id.*, at 121-2.

<sup>141</sup> FEKETE, *supra* note 27, at 52; Giles Tremlett, *Immigrants sue Spanish PM for claiming terror groups link*, *The Guardian*, (Sep. 13, 2003) available at: <https://www.theguardian.com/world/2003/sep/13/spain.gilestremlett>.

al-Qaeda suspect in a case which the French had requested Spanish help from. Boudjelthia had admitted that this suspect stayed in the same apartment he did, however he also said that most Algerians who arrive in Banyoles stay in the same place and that the local Red Cross often brings Algerians there asking for help.<sup>142</sup> Some reports even discussed police breaking into homes where women, children, and pregnant women resided.<sup>143</sup> For example, a family of three, including an 18-month old girl found themselves in a similar situation when police raided their home, accusing the father, Mohammed Nabbar, of leading and giving orders in a terrorist group. Several items taken from Nabbar's house such as bottles containing cologne and cooking oils, his daughter's medicine, alarm clocks, and manuals used by Nabbar to learn about electronics were presented as evidence that he was helping plan a terrorist attack.<sup>144</sup> Several Muslim organizations criticized increased police violence against Muslims and Muslim communities and explained how the actions of security and intelligence services are harming cooperation between organizations and government institutions.<sup>145</sup> These organizations condemned terrorism but they also outline how unreasonable it is to blame an entire community for the actions of a few.<sup>146</sup> And in fact, this is what Muslims often have to suffer through. The actions of a few are almost always held over the entire Muslim community whether they agree with them or not. Additionally, the disproportionate response from governments often means the Muslims may be held accountable for actions that not only did they have no knowledge of, but also actions which they wholeheartedly disagree with. Furthermore, government responses where Muslims are labeled as criminals or terrorists often do more harm than good. The above examples show how Muslims are often accused of terrorism-related crimes with little to no evidence and because of incomplete accounts, and this generalization, combined with responses of violence, arrests, and imprisonment, can lead to the exact thing that intelligence and security forces are attempting to fight with anti-terrorism laws. However, securitizing Muslims does not stop at monitoring their

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<sup>142</sup> Tremlett, *supra* note 141.

<sup>143</sup> FEKETE, *supra* note 27, at 52.

<sup>144</sup> Tremlett, *supra* note 141.

<sup>145</sup> FEKETE, *supra* note 27, at 52.

<sup>146</sup> *Id.*

day-to-day activities, spying on their education, or raiding their cultural spaces, it even goes so far as to control the way Muslims dress in public.

One of the policies that have increasingly affected Muslim women in Europe is the veil ban. Religion is what Europe considers the biggest hindrance to the complete integration that could be achieved by newcomers due to secularism and the belief of some that religion is not fundamental.<sup>147</sup> As such, it made sense for European countries to establish legislations by which major displays of religion were prohibited, and by doing so, they would eliminate the obvious or apparent hindrance, forcing new-comers into the first step towards integration. This was also considered important to address the issue of divided loyalties displayed by new-comers who held an attachment to their own identity.<sup>148</sup> The veil ban does not only prevent women from manifesting their chosen religion in the way they prefer, but it also affects their ability to receive an education, in the case of younger girls, or their ability to work, in the case of older women. The veil ban is a constant topic of discussion in Europe and is often explored under the banner that the veil is a tool used by Muslim men to oppress Muslim women, therefore, it is always associated with negative connotations and subsequently must be banned.<sup>149</sup> France's President in 2009, Nicholas Sarkozy, stated that the burqa was not a religious problem but one regarding liberty and dignity and he equated the burqa to a symbol of subservience and debasement.<sup>150</sup> Because of these beliefs, many Westerners believe that they must "liberate" veil and burqa-wearing women therefore they give support to bans on these forms of dress.<sup>151</sup> It would be ignorant to say that all women who wear the veil have chosen to do so, because some are in fact forced into wearing it due to societal, familial, or even state pressures. However, it is as equally ignorant to

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<sup>147</sup> Imène Ajala, *Muslims in France and Great Britain: Issues of Securitization, Identities and Loyalties Post 9/11*, 34 J. OF MUSLIM MINORITY AFFAIRS, 123, 124 (2014).

<sup>148</sup> *Id.*

<sup>149</sup> Anne Hewitt & Cornelia Koch, *Can and Should Burqa Be Banned?*, 36 ALTERNATIVE LAW JOURNAL, 16, 16 (2011); Yusuf Jailani, *The Struggle of the Veiled Woman: 'White Savior Complex' and Rising Islamophobia Create a Two-Fold Plight*, 37 HARVARD INTERNATIONAL REVIEW, 51, 52 (2016); Rokhaya Diallo, "Hijab: A Very French Obsession," *Al Jazeera*, Apr. 4, 2018, available at: <https://www.aljazeera.com/indepth/opinion/hijab-french-obsession-180402135257398.html>; Dolores Morondo Taramundi, *between Islamophobia and post-feminist agency: intersectional trouble in the European face-veil bans*, 110 FEMINIST REVIEW 55, 57 (2015); Shaista Gohir, *The Veil Ban in Europe: Gender Equality or Gendered Islamophobia*, 16 GEORGETOWN JOURNAL OF INTERNATIONAL AFFAIRS, 24, 26 (2015).

<sup>150</sup> Jailani, *supra* note 149, at 52

<sup>151</sup> *Id.*

believe that if some women are forced into wearing the veil then that must mean that all women who wear it are forced into doing so. Subscribing to this belief creates problems and calls into question those Muslim women who attempt to come out and declare that they have chosen to wear the veil or the burqa, therefore, Muslim women generally are often not asked to give their opinion on the matter.<sup>152</sup> However, some have come out in the defense of how the veil can be a choice. Freelance writer Hanna Yusuf describes the veil as a symbol of emancipation from societies that objectify women. She does not specifically say that the veil in and of itself is emancipatory, seeing as it is an article of clothing, just as nudity is not liberating, but that the choice to wear it is what makes it so. Additionally, Professor Leila Ahmed, a distinguished Islamic feminist whose analysis on the veil won her the University of Louisville Grawemeyer Award in Religion, has said that Muslim women in the West are choosing to wear the veil for their own reasons rather than ones imposed on them by others.<sup>153</sup> Another commonly considered reason for applying prohibitions on the veil relates to integration within European societies, and this reason is often raised when it comes to the face-veil.<sup>154</sup> Despite the facts that Muslims have been migrating to Europe throughout the last few decades, if not longer, immigration of Muslims is viewed almost resentfully throughout the region and legal bans on the veil were justified as a way of integrating the minorities into the West and adapting them to Western traditions.<sup>155</sup> The ban on the veil has gained support, because it meant an embrace of secularism and the exclusion of religion, and as mentioned previously, it safeguarded women's rights. In addition, some people considered the veil a symbol of religious fundamentalism and saw it as a threat to public security, therefore they supported the ban.<sup>156</sup> Similarly, there were those who supported the face-veil ban because it hindered the principle of "living together". This principle is based on the fact that because the face is a major part of communication, the face-veil inhibits those wearing it and the public from communicating and interacting therefore limiting their ability to participate in

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<sup>152</sup> Diallo, *supra* note 149; Taramundi, *supra* note 149, at 63; Gohir, *supra* note 149, at 27.

<sup>153</sup> Jailani, *supra* note 149, at 52; Gohir, *supra* note 149, at 26.

<sup>154</sup> Kimberley Brayson, *Of Bodies and Burkinis: Institutional Islamophobia, Islamic Dress, and the Colonial Condition*, 46 J. LAW & SOCIETY, 55, 62 (2019).

<sup>155</sup> Adriana Piatti-Crocker & Laman Tasch, *Veil Bans in Western Europe: Interpreting Policy Diffusion*, 16 J. INT'L. WOMEN'S STUD., 15, 15-8 (2015).

<sup>156</sup> *Id.*, at 15; Gohir, *supra* note 149, at 26.

society.<sup>157</sup> In fact, in *S.A.S. v. France*, the European Court of Human Rights (hereinafter the ECtHR) considered the full-face veil a valid exercise of religion yet it prevented people in France from “living together”. While “living together” on its own was not a valid reason to limit the rights of religious freedom and freedom to manifest beliefs, found in Article 8 and 9 of the European Convention on Human Rights, the Court found that it was an element that can be found within the protection of the rights of others. As such, if a woman wears a full face-veil and covers her face, she can be found to be in breach of the right of others to socialization and this would make “living together” more difficult.<sup>158</sup> This concept brings about a double standard where some policies taken by states do in fact hinder the idea of “living together”. For example, gentrification is undertaken by many states to turn low-income neighbourhoods into neighbourhoods more attractive to the middle-class in order to appear more developed and to achieve more racial and economic integration. However, this process, in turn, leads to the displacement of lower income residents who will no longer be able to reside in these neighbourhoods due to the increased economic value.<sup>159</sup> This shows a double standard in the sense that gentrification displaces many people making it harder for different people to “live together” but the process is undertaken regardless because on the surface it assumes the integration of different social classes and creates the appearance of harmonious societies therefore it is considered beneficial, despite the harm to the lives of those displaced. However, when Muslim women wear the face veil, they are considered to be harming society because the belief is that they are unable to socialize enough to realize the concept of “living together”. The issue becomes that wearing the veil does not conform to European values and identities. It is in fact considered a hindrance because it does not allow women who wear it to fully and effectively integrate into society. A common European conception that has a colonial history is that the veil is a tool used by Muslim men force women to be subordinate, accordingly the veil ban represents the emancipation of the oppressed Muslim women in the European imagination. And because of their disregard for women who wear the veil

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<sup>157</sup> Gohir, *supra* note 149, at 26.

<sup>158</sup> Sital Kalantry & Maithili Pradhan, *Veil Bans in the European Court of Human Rights*, 21 AMERICAN SOCIETY INT’L L. (2017), available at: [https://www.asil.org/insights/volume/21/issue/15/veil-bans-european-court-human-rights#\\_edn2](https://www.asil.org/insights/volume/21/issue/15/veil-bans-european-court-human-rights#_edn2).

<sup>159</sup> Ingrid Gould Ellen & Gerard Torrats-Espinosa, *Gentrification and Fair Housing: Does Gentrification Further Integration?* 29 HOUSING POLICY DEBATE 835, 837 (2019).

voluntarily, and that the veil violates European values of secularism, liberalism, and women's rights, European courts have received a fair share of cases regarding the veil. Similar to the above examples of the securitization of Muslims in educational institutions, mosques, and homes, Muslim women have battled their right to wear the veil in education institutions and workplaces in European courts, both national and regional.

The first known legislation that included a ban on veils was a law passed in France in 2004, Law 2004-228 of 15 March 2004, which prohibits the wearing of religious symbols in French public schools.<sup>160</sup> When drafting the law, French President Jacques Chirac and a government advisory commission intended it to ban conspicuous religious symbols which would have included Islamic headscarves, large Christian crosses, Jewish skullcaps, and Sikh turbans, which were not included in the drafts but were likely to be included in the legislation.<sup>161</sup> Minister of National Education, Luc Ferry, stated that the law intended to do more than ban such symbols and would require students to accept what is taught on the Holocaust and attend biology and physical education classes. This came amidst complaints from teachers regarding Muslim students' rejection of the Nazi slaughtering of the Jews, Muslim girls boycotting classes on human reproduction for being too graphic, demands for gender-segregated physical education classes, requests for prayer breaks during final examinations, and calls for a ban on pork in school cafeterias.<sup>162</sup> While Ferry did not intend to single out Muslim students, he did not have to as most Jewish-Orthodox students who would have participated in similar complaints attended private Jewish schools where such issues were not present.<sup>163</sup> The consequences of enacting the ban led to several expulsions of minors, mostly Muslim girls.<sup>164</sup> France reported that in the first year of the Act's implementation 39 students were expelled while French newspaper *Le Monde* reported that it was in fact 47 students who were excluded and a further 96 who chose not to

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<sup>160</sup> Jailani, *supra* note 149, at 51; Elaine Sciolino, "French Assembly Votes to Ban Religious Symbols in Schools," *New York Times*, Feb. 11, 2004, available at: <https://www.nytimes.com/2004/02/11/world/french-assembly-votes-to-ban-religious-symbols-in-schools.html>; Diallo, *supra* note 145.

<sup>161</sup> Sciolino, *supra* note 160.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> "Problem Space," in "French Ban on Religious Symbols," International Center for Advocates Against Discrimination, available at: <https://icaad.ngo/french-ban-on-religious-identity/>.

return. Throughout the years less and less students chose to wear prohibited attire; however controversy arose when one 15-year old Muslim girls was expelled for wearing a headband and a long skirt which were considered to be too religious.<sup>165</sup> It is easier to study the impact of the veil ban on Muslim female students, on account of their numbers, however it is not only students in educational institutions that are affected by such prohibitions but also Muslim women in the workplace, including teachers. Muslim teachers wearing the veil have been subjected to problems due to the enactment of similar legislations. In *Dahlab v. Switzerland*, a Swiss primary school teacher was prohibited from wearing the headscarf during her professional duties by the Director General of Public Education.<sup>166</sup> This case was presented to the European Court of Human Rights which declared that the headscarf seemed to be forced on women by the Quran and that it did not fit with the values of gender equality. Furthermore, it confirmed the findings of the Swiss Federal Court that the veil cannot be reconciled with the values that must be embodied by teachers in a democratic society and presented to their students, such as tolerance, respect for others and equality and non-discrimination.<sup>167</sup> Given that the ECtHR was trying to spread a message of embracing tolerance, it is quite ironic that in spreading tolerance they reinforced a prohibition on an individual's choice of expression and identity which is quite literally the opposite of tolerance. However, this is also not surprising as the veil, as Europeans have deemed it, seems to be offensive and threatening to the European identity, therefore they find it necessary to restrain this threat against European values. In Germany, a similar situation took place where a German of Afghan origins, Fereshta Ludin, presented her case to municipal and state courts after her application to become a teacher was rejected by the Board of Education in the state of Baden-Württemberg, in 1998, because her headscarf identified her as belonging to the Islamic faith.<sup>168</sup> Ludin

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<sup>165</sup> *Id.*; Nabila Ramdani, "Veil row reignites in France after 15-year-old girl expelled from school for wearing a headband and long skirt which were considered 'too religious'," *Daily Mail UK*, Apr. 7, 2013, available at: <https://www.dailymail.co.uk/news/article-2305314/Veil-row-reignites-France-15-year-old-girl-expelled-school-wearing-headband-long-skirt-considered-religious.html>.

<sup>166</sup> *Dahlab v Switzerland*, Reports of Judgments and Decisions, 2001-V, ECtHR App. No. 42393/98, available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-22643%22%5D%7D>

<sup>167</sup> Christian Joppke, *Double Standards? Veils and Crucifixes in the European Legal Order*, 54 EUROPEAN J. SOCIOLOGY 97, 102 (2013).

<sup>168</sup> Ayse Lucie Batur, *The Mythology of the Veil in Europe: A Brief History of a Debate*, 32 COMPARATIVE STUDIES OF SOUTH ASIA, AFRICA, AND THE MIDDLE EAST 156, 160 (2012).

lost all her cases and in 2002, the German Federal Administrative Court in Berlin stated that teachers must not display any religious symbols in class because they act as state representatives. However, in 2003, the Federal Constitutional Court, Germany's highest court, overruled this ruling and said that Stuttgart school authorities should not have barred Ludin from teaching while wearing the veil because no such legal ban was enacted in Baden-Württemberg. The court also said that if states did not wish to employ teachers wearing the veil then an unambiguous law banning religious symbols in classrooms must be enacted. As a result of the court's statement, German states' education ministers put out statement that they were planning to enact such legislation. In 2004, when Baden-Württemberg enacted said legislation, the High Courts had to determine whether it was constitutional, the proper interpretation of religious symbols, and whether the legislation was exclusively aimed at Muslim teachers. The Federal Administrative Court ruled that the legislation enacted in Baden-Württemberg was unfair because it applied strictly to Muslim women; the Court stated that, "exceptions for certain forms of religiously motivated clothing ... [was] out of the question."<sup>169</sup> Since then, half of Germany's federal states have enacted legislation that bans teachers in public schools from wearing religious symbols, and in the case of Berlin and Hesse, this ban also extends to public employees in the justice and law enforcement fields. Additionally, many of the German state that enacted these legislations have created an exception for Christian clothing and symbols because they conform to and represent Christian-Western values and traditions.<sup>170</sup> While at first glance, it seemed that the German Federal Constitutional Court upheld Ludin's right, and the rights of other women in similar positions, to manifest her religious beliefs in the way she chooses, it in fact created a loophole and presented the idea to German states that if they wish to ban veil-wearing women from the workplace, then legislations must reflect this ban. This loophole allowed a number of German states to enact a ban on wearing the veil by teachers and other public employees, not only that, but it encompassed all religious symbols, with the exception of Christian clothing and symbols because those are considered representative of European identities. However, educational institutions are not the only places where such bans take place, whether against students or teachers,

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<sup>169</sup> *Id.*, at 161.

<sup>170</sup> *Id.*

but they occur in workplaces and other cultural spaces as well. Similar cases have also happened in Belgium, where a workplace banned an employee from wearing the veil, and in France, where an employee was fired for wearing the veil due to a customer complaint. Both employees appealed to the European Court of Justice for their cases and the Court stated that headscarves may be banned in the workplace if employers have a general ban on political, philosophical, or religious symbols. Because the employers in the Belgian case had such a ban, the employee's dismissal was upheld. However, in France, the dismissal was not upheld because it was based on a customer's complaint and it was not a non-discriminatory occupational requirement.<sup>171</sup> However, in some cases it is the interpretation of the laws that causes unresolved questions regarding the legality of prohibitions on the veil. For example, in 2002, the German Federal Labour Court decided that a saleswoman should not have been fired from her job for wearing a veil yet, in 2014, the same court ruled that church employers could forbid employees from wearing the Muslim veil. Additionally, in 2015, the German Constitutional Court ruled that headscarf bans for teachers in state-funded schools were unconstitutional because they did not threaten to impair the peace at school, a ruling they affirmed in 2016.<sup>172</sup> Therefore, it seems like a large part of the problem is that there is no clear-cut understanding of how the prohibition should be enacted, or even why the prohibition is enacted at all.

Additionally, Muslim women who wear the veil have been prevented from participating in leisure activities, particularly in France, due to the prohibition of the veil. Mennel Ibtissem, a participant in the singing contest, the Voice, was ostracized for appearing in the contest wearing a hijab. The aforementioned contestant's decision to appear wearing the veil unnerved many people to the extent that they began to campaign against her. Going through her social media presence, they discovered that she had showed support of conspiracy theories about terror attacks in France, but they

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<sup>171</sup> "What the EU Court ruling on headscarf bans means for Germany," *The Local*, Mar. 14, 2017, available at: <https://www.thelocal.de/20170314/what-the-eu-court-ruling-on-headscarf-bans-means-for-germany>; Court of Justice of the European Union, "Press Release No 30/17: An internal rule of an undertaking which prohibits the visible wearing of any political, philosophical or religious sign does not constitute direct discrimination," *Court of Justice of the European Union*, Mar. 14, 2017, available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-03/cp170030en.pdf>.

<sup>172</sup> "What the EU Court ruling on headscarf bans means for Germany", *supra* note 171.

failed to realize that she was only twenty years old, and they failed to scrutinize other similar-aged people's social media in the same way to see what they supported. Due to these circumstances, and the ongoing witch-hunt against her, Ibtissem decided to withdraw from the competition.<sup>173</sup> Furthermore, in 2016, French mayors across the country attempted to ban Muslim women from wearing full-body swimsuits, more commonly known as burkinis, with anti-burkini decrees, and beginning with the cancellation of a burkini event at a theme park in Marseilles. Then-Prime Minister Manuel Valls supported the ban and claimed that the burkini was provocative and archaic.<sup>174</sup> A famous incident related to the anti-burkini decrees involved four armed policemen approaching a woman on a beach in Nice and forcing her to remove some items of clothing in order to comply with the ban, as well as issuing her an on-the-spot fine.<sup>175</sup> However, women have lately taken to protesting the burkini bans in France. In an early-2019 campaign named "Operation Burkini" Muslim women, inspired by Rosa Parks, defied the burkini-ban by going swimming in two different public pools amidst support from other swimmers. While the women were apprehended by police, fined, and banned from using public pools for one month, they, according to the Citizens Alliance of Grenoble, attempted to challenge a situation where women had to choose between their religious beliefs and accessing public spaces. The city closed down both pools involved in the incident and statements by the city hall spokesperson and mayor Eric Piolle described the protestors as using "tactics of shock and buzz".<sup>176</sup> Also earlier this year, a French sportswear company was forced to suspend the sale of a sports jogging hijab it produced in Morocco because it received backlash from politicians and on social media calling it a violation of French secular values and because they feared for the safety of their staff who were insulted and threatened on social media.<sup>177</sup> It seems that France is moving towards an elimination of veil-wearing Muslim women from the

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<sup>173</sup> Diallo, *supra* note 149.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*; Brayson, *supra* note 154, at 55.

<sup>176</sup> Andy Gregory "French city closes public swimming pools after Muslim women defy burkini ban in protest," *The Independent*, Jun. 28, 2019, available at: <https://www.independent.co.uk/news/world/europe/swimming-pool-closed-burkini-ban-france-grenoble-muslim-protest-a8978836.html>.

<sup>177</sup> Inti Landauro, "French sports store pulls hijab for women joggers over furor," *Reuters*, Feb. 27, 2019, available at: <https://www.reuters.com/article/us-france-hijab/french-sports-store-pulls-hijab-for-women-joggers-over-furor-idUSKCN1QG2EG>.

public sphere. France has certainly been the most committed European country when it comes to enacting prohibitions on the veil, and it also seems to be setting a precedent for other countries.

It is not surprising that Europe has taken such a stance against Muslims, whether they are citizens or migrants, even though migrants may face more backlash for being non-European. The above examples show that Europe's racism, which has been one of the themes upon which it has been built, continues to live on despite the end of colonialism. During the colonial era racism took the form of anti-blacks, Europe itself had cases of anti-Semitism and ethnic cleansing, and now it has taken the same stance against Muslims who seem to be threatening the European identity and European values. That is not to say that Muslims' native countries are perfect, in fact many countries have their own problems. For example, it is no secret that many women in Muslim-majority countries are in fact forced into wearing the veil, and that there is a strong cultural emphasis on the role of women in these societies, resulting in many of these women struggling to emancipate themselves from these expectations and, in many cases, struggling to fight for their right to dress how they want. This is evident for example in the social media movement started by Masih Alinejad, an Iranian woman, who protested the mandatory veil. Alinejad posted an unveiled picture of herself on Facebook which began a series of posts from herself and other Iranian women who all wanted to feel the same freedom of being allowed to unveil. With the influx of response from other women, Alinejad began a campaign called 'My Stealthy Freedom' as a way to showcase how women in Iran had to struggle to achieve some semblance of freedom when it comes to the veil.<sup>178</sup> This example shows how women in Iran, and countless women in different parts of the world, are struggling for the ability to be free in their home countries. Therefore, it would be remiss to say that Muslim-majority countries are without similar problems; however, it is the idea that in escaping similar societies in the hope of finding a better life, Muslims traveling to Europe are still scrutinized and profiled. It is not only that their rights are violated for the sole reason that they are Muslim but also that they are accused of being offenders and lawbreakers. It is the idea

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<sup>178</sup> Kim Ghattas, "Those Who Dare to Bare Their Hair: Masih Alinejad is helping Iranian women challenge the regime – one hijab at a time," *Foreign Policy* (July 2018), available at: <https://foreignpolicy.com/2018/07/16/those-who-dare-to-bare-their-hair-masih-alinejad-iran-women-protest/>.

that because they are Muslim this means that they are a danger to Europe and that their identity automatically makes them evil. Europe has placed so much emphasis on their whiteness, their secularism, and their liberalism, that any other identity is deemed non-European and not capable of being European. Racism, fascism, xeno-racism, and all other forms of discrimination Europe practices is their way of ensuring that the European identity remains protected and that no threats can harm this identity in anyway. It does not matter that this identity was a product of slave trading or genocide, what is important is that the European identity was superior then and that it continues to remain superior today.

## Conclusion

With the influx of migrants, Europe began a new securitization program targeting non-Europeans entering the continent. Many European countries established policies that appear to integrate but actually aim to securitize migrants, especially in the case of Muslim migrants in Europe. Europe's colonial and racist history haunts today's migration law and policy. It would be remiss to say that the 9/11 attack were the sole reason why Muslim migrants have faced increased securitization, however it was, without a doubt, a catalyst. Scholars have discussed the effect of the 9/11 attacks and the legislation passed in response on immigration and integration policies. Post-9/11 found a development in border control, an increase in anti-terrorism and anti-trafficking measures, and exclusionary policies towards migrants, as well as an increased fear of migrants and the rise of anti-migrant groups.<sup>179</sup> Today, Muslim migrants are particularly impacted by sinister immigration laws, especially after the 9/11 attacks when attitudes towards Muslims shifted to hatred and distrust. After 9/11 many new immigration policies were passed and were as a whole known as the "securitization of immigration governance."<sup>180</sup> Under this banner, Western governments, political parties, the general public, and the media began to perceive immigration as a security problem.<sup>181</sup> In response, the Europe Union adopted integration policies and citizenship laws which theoretically aimed to help migrants assimilate into new societies, but in reality, these laws and policies were too difficult to fulfil making it harder for migrants to integrate and effectively made them excluded. The Common Basic Principles for Immigrant Integration Policy in the EU is one of the examples of the EU's approach to integration. In theory, the implementation of these principles would have been a positive and significant step towards the integration of migrants in the EU. These Principles call for the input of both immigrants and governments as well as giving immigrants access to goods and services like any natural citizen and also allowing for different religious practices with no-discrimination. However, the actual policies being applied in the EU differ greatly than what the

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<sup>179</sup> D'APPOLLONIA, *supra* note 1 at 3-4.

<sup>180</sup> D'APPOLLONIA, *supra* note 86, at 15.

<sup>181</sup> *Id.*

Common Basic Principles have called for. Governments began to think of the integration of migrants as a step towards limiting multiculturalism and towards curbing the perceived threats that migrants may cause otherwise. Furthermore, the expectations of government officials and migrants when it pertains to integration are quite different. Government officials emphasize the importance of migrants to exhibit loyalty and conform to the identities of the dominant. In other words, government officials, more prominently those in Europe, want migrants from minorities to reject their own identities and replace them with the identities of the majority. On the other hand, migrants believe that integration means that they are accepted into society with the addition of being able to retain their own identities while living in harmony and respecting the existent dominant identities.<sup>182</sup> Consequently, the worrying over the harmonization within society and the fear of disintegration forced governments to adopt integration policies that are inherently exclusionary.<sup>183</sup> This does not only put governments and migrants into a never-ending cycle of trying to include those they excluded but it also causes problems between minority migrants who are unsure of what is expected from them and majority citizens who believe migrants are unwilling to integrate. As a result, Muslim migrants are often judged based on their religious identity because Europeans are under the impression that they are not fully loyal to the state that has accepted them.<sup>184</sup> Maintaining a religious identity is linked to unwillingness to integrate by the European general public, therefore, exhibiting loyalty to the Muslim identity translates to the same thing. In fact, in 2006, Europeans from different countries believed that Muslims preferred being separate from society.<sup>185</sup> Therefore, it is evident that an element of identity factors in with the potential integration and securitization of Muslim migrants. Given that Europe believes that religious identities are a hindrance towards full integration, it is not strange that the established integration policies and citizenship laws require migrants to demonstrate their willingness of forgoing religious teachings in order to be fully integrated. This is evident when it comes to integration policies such as those in Germany where migrants were tested on their beliefs regarding

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<sup>182</sup> *Id.*, at 15-16.

<sup>183</sup> *Id.*, at 16

<sup>184</sup> Ajala, *supra* note 147, at 123.

<sup>185</sup> *Id.*, at 124.

issues such as sexuality.<sup>186</sup> Such tests are designed to determine those suited for inclusion in the society and those who are considered unfitting of the standards of European society, mainly because Europe anticipates that they will not be able to conform or display loyalty to European values and ideals and because of the widespread association between Muslims and criminal activity. In response, European governments delegated certain tasks to security forces, making it the role of security forces to determine whether migrants were capable of integrating or not. Security forces then took the opportunity to begin monitoring these migrants. This took place in schools, universities, homes, public spaces, and elsewhere. The association established between Muslim migrants and criminal activity was often reported in the media, sometimes at the behest and with encouragement from security forces and other times through investigative journalists who infiltrated Muslim spaces such as mosques and, with no understanding of the Muslim faith, assumed that Muslims gathered for nefarious reasons. These reports often influenced the thoughts and beliefs of the general public towards Muslims and often resulted in raids by security forces against Muslims and Muslim spaces with little to no evidence of criminal activity. Not only that, but Muslim women in Europe are even told how they must dress to become a part of European society.

Theoretically, it appears that the European Union wants to attempt to make migrants feel welcome and help them assimilate and become a part of European society. The approaches undertaken by the European Union in order to integrate migrants, such as the Common Basic Principles of Immigrant Integration Policy and the Action Plan on the Integration of Third Country Nationals include several points and actions that EU countries are meant to take to achieve successful integration of migrants. However, in practice, EU countries are passing their own integration policies which may or may not include the policies included in the Common Basic Principles and the Action Plan, despite both being created to facilitate integration. As such it can often be the case that countries establish policies much harsher than what the European Commission had anticipated in both documents. This thesis outlines several problems that can be found in the European Union's approach to integration and several problems in the national

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<sup>186</sup> FEKETE, *supra* note 93, at 78.

policies for integration in different countries. National policies often neglected certain aspects from the Common Basic Principles of Immigrant Integration Policy such as the need to allow immigrants access to goods and services equal to that of natural citizens, and that their religious and cultural practices should be safeguarded. In fact, EU countries were participating in a crackdown against migrants, including Muslim migrants, under the guise of integration because they fear that migrants have brought in dangers that must be resolved before they manifest. This thesis does not aim to offer solutions to the issues of securitization or integration. However, it problematizes the European Union's vision of migrant integration and the harmonious society envisioned by showing that while the EU approach to integration seems ideal it in fact neglects certain facts crucial to integration such as different levels of migrants and differences in national policies. Because of this, it is no surprise that migrants experience very difficult measures to integrate, some more than others. The European Commission envisioned a uniform policy of integration, however, it also tasked countries with creating national policies for integration. As a result, some countries took advantage of this and created national policies for integration that disguised the agenda for securitization. Migrants who have managed to escape their countries due to conflicts, lack of opportunities, or even for the simple wish to survive have become the scapegoats for public disorders, terrorism, radicalization and other crimes Europe has associated with them. In its fight towards equality for all, Europe has managed to legitimize the isolation and exclusion as well as increase the securitization of a group of people who have little to no ways of fighting back.