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Securitizing mobility: Profiling ‘non-core’ Europeans

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Abstract

By combining securitization literature and literature from the field of border criminologies, this article reflects upon the ongoing securitization of intra-EU East–West mobility. The European Union is built on the inherent tension between the (economic) benefits and risks of one of its core principles: the principle of free movement. The two enlargements of the EU that led to the inclusion of several countries located in Central and Eastern Europe further increased this tension and led countries in Western Europe to officially reconstruct intra-Schengen borders. By looking into recent practices of (border) policing in the Netherlands, this article illustrates how CEE nationals are subjected not only to a securitized discourse around their mobility but also to securitized policing practices that aim to create a division between ‘core’ and ‘non-core’ Europeans while at the same time distinguishing between possible ‘crimmigrant’ others and bona fide travellers.

Keywords

Border reconstruction project, EU, intra-Schengen migration, predictive policing, securitization

Introduction

As noted by Barker (2017: 124), ‘increasingly, affluent democratic societies have come to rely on the tools, practices and rationales of criminal justice to respond to what the late Nils Christie called “suitable enemies”, that is, it stands in for the anxieties wrought by globalization, mass mobility, economic restructuring and other social dislocations’. Migrants, foreign nationals, ethnic and racial minorities, and poor people have tended to bear the brunt of this shift. Looking at the European Union (EU), and in particular at the Schengen Area within which the principle of free movement of goods, services and people should reign, it is interesting to note that migration and mobility seem to cause a rather contradictory challenge: On the one hand, countries are eager to keep their borders ‘open’ for economic reasons; on the other, the mere notion of mobility of people instils a sense of fear and necessitates a closer observation of the borders and those who cross them.

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The inherent tension created by wanting the economic benefits of ‘open’ borders, on the one hand, while at the same time fearing the risks of this openness, which is palpable throughout the European Union, is referred to as the Western liberal paradox (Hollifield, 1992; Van der Woude, 2020). In response to this paradox, we see the creation of ‘semi-permeable’ borders, facilitating the mobility of capital ‘and those with resources, while restricting access for vulnerable and marginalized populations who might make claims upon nation-states’ diminishing capacity to serve citizens’ (Wonders, 2006: 83). Border politics thus reflect the conflicts and contradictions faced by the nation-state under globalization and become visible in what Wonders (2008: 34) has called ‘border reconstruction projects’, which she understands as ‘dynamic processes that involve governments and their agents, but also major corporations, the business sector and the media, and even, increasingly, ordinary citizens’. These border reconstruction projects cannot be understood without looking at the perceived and constructed insecurities that underpin them. It is through these created insecurities that certain phenomena, such as migration, are articulated and framed as existential threats to a society, state, community, individual or systemic entity (Van Baar et al., 2019).

However, as also signalled by Anghel (2019: 148), whereas recent scholarly debates have centred around the irregularization and border securitization of non-EU migrants in the EU, especially in the context of the so-called 2015 refugee crisis, less attention seems to be paid to the irregularization of EU citizens, in particular those coming from the countries of Central and Eastern Europe (CEE). Scholars have argued that ‘the Europeanization of migration and border policies did not lead to a “vanishing” of borders for EU citizens from the CEE countries, but rather to a proliferation of border zones and “practices of controlling particularly suspicious population groups [from] ghettos, banlieues or poor neighborhoods”’ (Anghel, 2019: 150, quoting Van Baar, 2014a: 90; see also Mezzadra and Neilson, 2013).

This article focuses on the securitization of intra-EU migration from CEE countries and on the ways in which the framing of CEE migrants has contributed to the application and normalization of various social sorting and profiling practices, such as those deployed by the Dutch National Police and the Royal Netherlands Marechaussee (RNM). The latter is a military police force tasked with, among other things, border control at the external borders of the Netherlands as well as immigration control in the intra-Schengen borderlands with Belgium and Germany. Especially since the EU enlargements of 2004 and 2010 that brought various CEE countries into the EU fold, the scale of intra-EU movement has grown significantly. Reflecting upon the implications of the expansion of the EU towards the east, Favell (2008) speaks of a new face of East–West migration in Europe. While studies have presented new empirical data on migration or new ways to define mobility, the politicization, securitization and contestation of ‘free movement’ for citizens from CEE countries has received limited attention. As Van Ostaïjen (2020: 8) notes, most studies tend to focus on migration politics in general, instead of the politics of intra-European movement (see, for example, Boswell and Geddes, 2011; Geddes and Scholten, 2016; Menz and Caviedes, 2010). While there is nothing new in claiming, as a wide range of scholars have done (e.g. Agarín, 2014; Van Baar, 2011, 2014a, 2014b; Van Ostaïjen, 2017), that Europe is enmeshed in what has been called antigypsyism, antiziganism or Romaphobia, what this article aims to bring to the fore is how border reconstruction practices as described by Wonders (2006) play a role in all of this by showing how these practices, as they manifest themselves at the intra-Schengen borders, are disproportionately targeting CEE nationals. Furthermore, by analysing the way in which law enforcement officials operating in the intra-Schengen borderlands are framing the actions of CEE nationals, the article will illustrate how the securitization of CEE nationals takes shape through a discourse in which their ‘Eastness’ is portrayed as problematic in the light of possible abuse of Western welfare systems or their overrepresentation in certain forms of crime.

Researching the securitizing of migration

The application of a security framework to the movement of people has been studied widely by scholars from different disciplines. While the notion of securitization as such ‘belongs’ to the field of international relations and security studies, scholars of the newly emerging field of border criminology have used the securitization frame to raise specific questions related to criminalization and penal power in response to the increased mobility of people. By linking the framing of immigrants as criminals, welfare tourists, terrorists or bogus asylum-seekers to coercive and exclusionary policies and practices, scholars of border criminology do not necessarily unpack or discuss the process of securitization *as such*. It is instead taken as a given and as a point of departure for further reflection on (the implications of) the state actions that result from securitization, such as the criminalization of migration. Nevertheless, a closer connection between the two sets of literature would appear to be a fruitful way of improving our grasp of the complex dynamics of the securitization of mobility. Various scholars have highlighted the methodological nationalism of border scholars as well as the strong emphasis on providing evidence of the growing merger of crime control and migration control (Brandariz, 2021a, 2021b; Franko, 2017; Moffette and Pratt, 2020; Sparks, 2020). As both Moffette and Pratt (2020) and Bosworth et al. (2018) have suggested, overly focusing on the convergence between border control and crime control may lead to a situation in which points of divergence – that is, areas where these two elements might not always fit comfortably together – may be overlooked. As richly and convincingly argued by Moffette and Vadasaria in their 2016 article ‘Uninhibited Violence: Race and the Securitization of Immigration’, this is precisely where securitization studies and international relations can play a crucial role, as only looking at and focusing on ‘moments and places of exception neglects the numerous ways in which security practices are reproduced consistently across time and space’, while ‘an exclusive focus on routine practices does not allow room to account for change, critical junctures or the impacts of “windows of opportunity” in contemporary security affairs’ (Bourbeau, 2014: 191, as quoted in Moffette and Vadasaria, 2016: 293–294). By approaching security – and the process of securitization – ‘as a political technology, an interlocking system of knowledge, representations, practices and institutional forms that imagine, direct and act upon bodies, spaces and flows in certain ways’ (Burke, 2002: 2, quoted in Moffette and Vadasaria, 2016: 294) – securitization and international relations scholarship can, for instance, shed further light on practices that have been flagged by scholars of border criminology as evidence of a model of ‘abnormal justice’ applicable only to non-citizens (Aas, 2014). While the label ‘abnormal’ might be justified by looking at some of the characteristics of the national penal subsystems scholars have analysed, securitization literature shows that these ‘abnormal’ justice systems in which non-citizens are subjected to inhumane treatment and withheld basic human rights are not to be seen as exceptional for liberal democracies. These observations regarding the abnormalcy of justice systems in their treatment of non-citizens resonates with the work of Bigo, who underlines the necessity of situating ‘exceptionalism inside liberalism’ in order to comprehend how ‘exception works hand in hand with liberalism and gives the key to understanding its normal functioning’ (Bigo, 2006: 33–37). ‘Mobilizing the concept of securitization within a Foucauldian analytic of governmentality . . . allows us to avoid reifying claims of exceptionality as actual political ruptures from liberal politics’ (Moffette and Vadasaria, 2016: 293), and to instead consider seemingly ‘illiberal’ and ‘abnormal’ practices of bordering and migration control as a constitutive feature of everyday racial governance. Moffette and Vadasaria (2016) furthermore declare the importance of exploring both the emergence of the category of race and the concept of racism as organized under modernity if we are to understand the rationalities that inform and give rise to racial governmentality and the various practices and policies that come out of that. Although, according to Bosworth (2016), the field still has some work to do on the

matter, scholars of border criminology have incorporated questions of race, citizenship, gender and neocolonial relations of power into their work in highlighting and further unpacking the racialized nature of the so-called crimmigration control apparatus (see, for instance, Aliverti, 2016; Kaufman, 2015; Parmar, 2018; Van der Woude and Van der Leun, 2017). They have illustrated how, through a broad spectrum of mobility controls and migration checks, states are problematizing the mobility not of all non-citizens but only of certain foreigners. As will be further unpacked in the rest of this article by combining insights from securitization studies and the field of border criminology, although the legacies of colonialism and nationalism continue to imprint the privilege of whiteness onto the map of Europe, it is not just the mobility of non-white immigrants that is being closely monitored and prevented: it is also the mobility of immigrants from Central and Eastern Europe who are ostensibly white but who are not seen as 'core' Europeans and are seen to represent 'a contingent and degraded form of whiteness' (Anderson, 2013: 45).

A note on underlying data

The underlying data for this article have been collected over the past ten years and in the context of various research projects focusing on stop-and-search practices by police officers and military and border police officers in the European Union, and particularly in those member-states that have signed the Schengen Treaty and therewith committed, at least on paper, to the notion of free movement. A special case study within this wider body of research has been the case of the Netherlands, where researchers have had and continue to have research access to the RNM in the context of its mandate to perform intra-Schengen police and migration checks under Article 23 of the Schengen Borders Code. Since 2011, developments in the ways in which both the Netherlands and other Schengen countries have given form to different bordering practices, both in their border regions as well as in more inland areas, have been mapped and analysed.

While applying a multilevel approach and, in so doing, acknowledging the layered nature of decisionmaking processes due to the involvement of various (inter)national actors, some of the projects focused more on the legislative level and the decisions that were made there, whereas other projects had a more clear focus on the decisions made by street-level officials. In all projects, close attention was paid to the perceptions, narratives and assumptions that underpinned different legislative or enforcement decisions. The importance of the role of race and its various proxies, such as nationality and ethnicity, has been researched in relation to decisions on crime control and migration control. Over the years, this has resulted in a rich collection of qualitative empirical data, particularly (focus-group) interviews with street-level officials, (structured) observations, organizational guidelines and internal documents, NGO reports, (European and national) policy documents, and European and national case law and legislation. The fieldwork data – (focus-group) interviews and (structured) observations – have been gathered in collaboration with various PhD students and senior researchers. This particular publication draws from the fieldwork that was conducted in 2013–2015 and in 2020–2021 with the RNM, but also from an ongoing (legal) document and policy analysis into police decisionmaking in relation to *détournement de pouvoir* and non-discrimination.

Reconstructing intra-Schengen borders for core and non-core Europeans

As mentioned in the introduction, as a result of globalization and the increased benefits of the free movement of people, services and goods, Western liberal democracies are finding themselves caught in what Hollifield (1998) has called 'a liberal paradox'. As Hollifield describes, in liberal

political economies, there is always a constant tension between markets and rights, or liberty and equality. While rules of the market require openness and factor mobility, the rules of the liberal polity, especially those related to citizenship, require a certain level of closedness, ‘mainly to have a clear definition of the citizenry and to protect the sanctity of the social contract – the legal cornerstone of every liberal polity’ (Hollifield, 2012: 190). Equal protection and due process cannot be extended to everyone without undermining the legitimacy of the liberal state itself. The construction of a true international migration regime might solve this dilemma. The absence of such a regime, which would entail leaving the issue of migration to each individual liberal state to deal with, would lead to ‘draconian (illiberal) policies that may threaten the foundations of the liberal state itself’ (Hollifield, 1998: 623). Hollifield continues:

It is not efficient or desirable for a liberal state to close or seal borders. This would be the ultimate strategy for external control. Likewise, strategies for internal control, including heavy regulation of labor markets, limiting civil rights and liberties for foreigners and citizens, and tampering with founding myths (e.g. weakening birthright citizenship) also threaten the liberal state and can fan the flames of racism and xenophobia by further stigmatizing foreigners. (Hollifield, 1998: 623)

In his 1998 publication, Hollifield flagged the European Union as a good example of an area where the threats that globalization poses to the foundations of the liberal state are curbed by a functioning international – EU-wide – migration regime. Over 20 years later, it has become clear that, when it comes to dealing with migration, the European Union also does not seem to provide the answer. The idea – or ideal – of a Fortress Europe with strong external borders, a shared international migration regime in relation to non-EU migration, and open borders and thus free movement within the European continent seems to have turned out to be challenging from the very outset. Whereas European member-states wanted to embrace the free movement of goods and services to enhance the overall economy, the movement of cheap labour in the form of human beings – one of the prime pillars of global capitalism (Castles, 2000) – was seen as more problematic. Unlike goods and capital, people/foreigners have the potential to transform the culture and politics of societies in which they arrive. Concerns about the implications of the arrival of possible ‘dangerous others’ who do not share ‘our’ culture and values but who can move freely throughout the EU once they pass its external borders have been deployed for political gain, and nationalist and nativist parties in various member-states have successfully adopted the ‘dangerous other’ rhetoric (for a collection of essays on the matter, see Koulis and Van der Woude, 2020).

By drawing on Wonders’s (2008) conception of ‘border reconstruction projects’, a variety of state-sponsored strategies designed to reinforce and/or reconstitute borders in response to challenges posed to nation-states and borders by globalization, the rest of this section will explain how European member-states – and particularly those member-states that are also signatories of the Schengen Agreement – have reconstructed intra-Schengen borders in the light of the challenges posed under globalization and increased international mobility. Wonders identifies three characteristics of border reconstruction projects: (1) the physical reconstruction and enforcement of existing geographic borders, often involving the militarization and securitization of border regions; (2) the construction of cultural and rhetorical borders that separate insiders from outsiders, citizens from non-citizens, which, as Wonders (2008: 35) explains, ‘is primarily achieved through racialized and classist messages designed to foster public fear and antagonism toward members of particular groups. The goal is to (re)frame certain identities and groups as “dangerous” or “criminal” in order to reinforce their status as “other”’; and, lastly, (3) increasing deterritorialization in the sense that border mobilities are being closely monitored through the use of various technologies and the sharing of information (systems) between actors and institutions.

The physical reconstruction and enforcement of existing geographic borders¹

Although the response to the 2015 migration ‘crisis’ might seem extreme in terms of the measures that were taken and their duration, concerns about the ‘open borders’ between EU member-states were present from the very first moment in the deliberations about the Schengen Agreement. The viability of the principle of free movement was always questioned. While seeing – and wanting – the economic benefits of the lifting of border checks between member-states, countries were also wary about the security deficit this would create. They had strong concerns about the possibility of securing the external border of Europe so that it would become the protected and impenetrable fortress that it is often depicted as being. Interestingly – or, rather, paradoxically – the emergence of a complex system of migration control in Western Europe, functioning, on the one hand, as a regulatory tool for legal entry and residence and, on the other, as a repressive tool against illegal entry and residence, can be traced back to the establishment of the Schengen Agreement in 1985. Ironically, the establishment of an area without borders has effectively stimulated border control, since the notion that European integration via the opening of internal borders would lead to an increase in crime and organized criminal groups became the shared belief underpinning Schengen (Atger, 2008; Bigo, 1994). Concerns about the ‘borderless’ Schengen Area were used to justify the need to protect the European community from the external enemy and build ‘Fortress Europe’, a project that from the very start was aimed at keeping migrants – refugees especially – at bay through the implementation of legal and physical barriers to obstruct entry to Europe and facilitate deportation from its territory (Huysmans, 2006). With the signatory states agreeing to a moderately unified migration policy that liberalizes international travel within the Schengen Area while establishing restrictions on migration for nationals outside of the Area (Stumpf, 2015), the *acquis* has strengthened the ‘migration–security nexus’, framing migration from outside the EU and intra-Schengen migratory mobilities as a security concern (Pinyol-Jiménez, 2012: 39). Concerns about intra-Schengen migratory mobilities also underpin the signing of the Prüm Treaty in May 2005 by seven member-states (Austria, Belgium, France, Germany, Luxembourg, Spain and the Netherlands), with its goal of further enhancing cross-border police and judicial cooperation, especially in the fight against terrorism, cross-border crime and illegal migration. Despite the unified approach towards migration, various scholars have shown how signing the Schengen Agreement by no means meant that countries would no longer have control over their intra-Schengen borders. Article 23 of the Schengen Border Code (SBC) allows national law enforcement agencies to carry out controls in border areas despite the principle of free movement. Over the past couple of years, many member-states have introduced such controls, mostly identity checks, some in a more structural way than others. As a result of the use of these ‘scattered security checks’, it could be said that the SBC allows for the border to be everywhere and nowhere at the same time (Atger, 2008). A 2018 survey by the European Migration Network illustrates this by showing how all countries that responded to it were doing ‘something’ in their intra-Schengen borderlands. While this ‘something’ might differ in terms of responsible actors, legal mandate, or the absence or presence of physical barriers, the aim of the various measures was the same: to manage the mobility of potential ‘dangerous others’ that were passing through the intra-Schengen borderlands (European Migration Network, 2018; Van der Woude, 2020). The first characteristic of a successful border reconstruction project is therewith convincingly present within the context of the European Union, and particularly the Schengen Area.

The construction of cultural and rhetorical borders that separate insiders from outsiders

While this second characteristic of border reconstruction projects is often illustrated by highlighting the exclusionary and securitized rhetoric around non-citizens and, in the context of Europe, particularly around so-called third-country nationals from Islamic countries, similar rhetorical

borders are erected for intra-EU immigrants coming from CEE countries. Despite the fact that this group of immigrants has played, and continues to play, a crucial role in the success of the European project, as the latter is premised on an economic model based on the capitalist triumvirate of free-moving goods, services and people, it is interesting to note that, while trying to exercise their right to free movement, migrants from CEE countries are also subjected to social exclusion. In this subsection, two of the most dominant 'narratives' that are used to single out migrants from CEE countries as either a threat to the labour market or a threat to national security of EU countries in the West will be further unpacked and reflected upon. These narratives actively position CEE nationals as outsiders to the rest of the European Union.

In her study of the position of Polish workers in pre-Brexit UK, Rzepnikowska (2019) describes how public discourses on Polish migration in the UK rapidly turned hostile. Whereas Poles were initially seen as 'desirable' migrants and labelled as 'invisible' owing to their whiteness, this perception shifted rapidly following the economic crisis of 2008 and, subsequently, the EU referendum in 2016. All of a sudden, Poles were depicted as taking jobs from British workers and as putting a strain on public services and welfare. While racist and xenophobic violence in the UK has been particularly noted following the Brexit vote, several studies show that Polish and other East European migrants – particularly Romanians – have always been subjected to discrimination, racialization and prejudice in the post-2004 accession period (Dawney, 2008; Kempny, 2011; Rzepnikowska, 2016, 2017; Sobis et al., 2016). A recent study by the European Union Agency for Fundamental Rights (2019) shows how EU migrant labourers, particularly those from CEE member-states, continue to be seen and treated both as threats to Western European societies and as workers for whom exploitation and abuse is acceptable treatment. Workers interviewed for this study had slept in fields or on construction sites, without access to sanitary facilities or running water. From the textile industry (Clean Clothes Campaign, 2016) to construction, domestic care, agriculture, and manufacturing and services, migrant labourers from the eastern half of the continent continue to face high levels of exploitation at their places of work, with many suffering everything from poverty-level wages and punishingly long hours to the threat of expulsion (in relation to Roma people, see Yildiz and De Genova, 2017) and sexual assault.

Anghel (2019: 147) has shown how, after the EU accession of Romania and Bulgaria in 2007, the Roma were no longer framed as a 'truly European minority' in need of humanitarian aid, but instead as a 'European problem'. The problematic part of the Roma that was felt particularly after the accession of Romania and Bulgaria to the European Union was their mobility. Yet, as Ivasuic (2017) describes, even when Roma were still branded as a European minority whose rights needed to be protected, the rationale behind the EU's political engagement with CEE minority rights, and with Roma issues in particular, has always been ambivalent. With the EU agenda advocating improving the living conditions of the Roma 'at home', there has always been, at least in the sub-text, a subtle securitizing move regarding the feared westward migration of the Roma (Guglielmo and Waters, 2005; Simhandl, 2009; Van Baar et al., 2019). After Roma became EU citizens through the enlargement of the EU, this securitization move was no longer subtle. Western political actors have repeatedly labelled the mobility of Roma – despite their EU citizenship – as 'irregular'. Anghel (2019) argues that this is because the migration pattern of Roma as they pursue fluctuating economic opportunities emerging in different member-states (see, for example, Vioculescu, 2014) 'is faster and rather short-termed compared to that of non-Roma. The latter, although also securitized, are much closer to the experiences of immigrants living in a certain region/area, taking up formal jobs and forming lasting transnational communities' (Anghel, 2019: 147; see also Sandu, 2010). By depicting Roma migrants as 'welfare scroungers' unwilling to have a legal job and willing to 'game' the welfare system in the countries they were passing through, some Western governments felt urged to frame Roma migration as a problem of 'national security' (Anghel, 2019: 147;

Parker and Toke, 2013). Also known as the process of nomadization, the continuous labeling of Roma as a people 'on the move', with all the stereotypes that come with such a lifestyle, has contributed to their irregularization and racialization (see, for example, Kóczé, 2018; Sardelić, 2017). This depiction has led municipal authorities in France and Italy, and later also in Germany, Sweden, Finland and Denmark, to expel migrants who were depicted as being a threat to national security (Clark and Rice, 2012; Van Baar, 2010), in what represented an ambiguous implementation of the EU's directive on free movement (Directive 2004/38/EC). By problematizing Roma mobility in terms of 'excess mobility', public authorities have been able to usher in and enforce policies and practices that are at odds with European regulations.

The use of technologies and the sharing of information systems

As part of efforts to make migration control more efficient and effective, the use of surveillance technology has become an important part of controlling who can and cannot cross borders. Systems like the Schengen Information System, the Visa Information System and EURODAC have taken on key roles in efforts to combat irregular migration and cross-border crime, and travellers are surveilled by digital databases such as those of the Advance Passenger Information (API) and Passenger Name Records (PNR) systems (Aas, 2011; Adey, 2012; Broeders, 2007; Brouwer, 2011; Dekkers, 2020). Many systems function as a filter, attempting to categorize (groups of) individuals on the basis of the level of (future) risk that they potentially pose. It goes beyond the scope of this article to provide a complete overview of the various technologies that are being used in the context of the monitoring of mobility in Europe, but what is clear is that, despite the fact that the EU has internally imagined itself as a 'borderless' space, the erasure of physical borders has led to the introduction of a broad array of techniques through which control at a distance is realized (Bigo, 2006; Vaughan-Williams, 2008). After analysing the technological aspects of the European border regime as it has developed and been continuously extended over time, Huber (2020) reaches the conclusion that the emerging European border surveillance regime based on technologies and risk assessments is turning the European border regime into a partially algorithmic panopticon. He explains how the extension of this surveillance system is related to the number of databases that are being used, the number of datasets that are created and used, and the objects and people registered in them. In addition, it concerns the quality and technical capabilities of the border surveillance system, the increasing introduction of biometrics, increases in interoperability, the growing trend towards predictive forms of analysis, the growing number of actors who have access to the data and the general improvement in processing capabilities in the information technology sector (Huber, 2020: 192). Dekkers (2020) has problematized the increase of interoperability – the sharing of information – in the context of migration control in the European Union by addressing the notion of function creep: 'the expansion of a process or system, where data collected for a specific purpose is subsequently used for another unintended or unauthorized purpose' (Mordini and Massari, 2008: 490). For instance, the EURODAC system that started as a fingerprint database to enable identification of asylum-seekers and irregular immigrants is now also used in the 'war on terrorism' (Besters and Brom, 2010; Tzanou, 2010). The underlying assumption would be that potential terrorists are among the asylum-seekers, creating a need to match migration data with criminal justice data. The broadening of the scope of these technological systems can further contribute to certain groups of migrants being seen as 'suspicious' through an institutionalization of the process of othering. Parmar (2019) warns about the use of what she calls 'racialized technologies' and in particular the use of risk-assessment tools based on racialized algorithms that reflect the (implicit) racial stereotypes that exist about the overrepresentation of certain groups of migrants in certain forms of crime.

Securitizing the intra-EU other in the Netherlands

As the previous section has shown, several developments both at the EU level and in various Western European countries have allowed for and are leading to the selective reconstruction of borders for unwanted intra-EU migrants from CEE countries. In this section, the focus will be on the case of the Netherlands, one of several Western European countries that has seen substantial migration from CEE countries since the various eastward enlargements of the EU.

Like Sweden and Norway, the Netherlands is often associated with notions of tolerance, openness and inclusion (Barker, 2013; Franko et al., 2019). As a former 'gidsland' (guiding country) and the country in which the International Criminal Court as the representation of international human rights and justice is situated, it is proud to invoke its focus on and commitment to these human rights and to justice whenever possible (Herman, 2006). Yet, also as with the aforementioned countries, a combination of increased human mobility within the European Union and fears about cross-border forms of crime, along with the anti-immigrant national political and public rhetoric that it gave rise to, has put pressure on this perfect picture. Initially sparked in 2009 by a report published by the Open Society Justice Initiative (2009) that highlighted the discriminatory undercurrent in several European countries, the debate around the perhaps not so tolerant nature of Dutch society, and particularly the Dutch government, has since grown stronger and more convincing. As the Dutch debate on discrimination is strongly connected with growing concerns over the figure of 'Black Pete', the black helper of Saint Nicholas, whose feast day in December is celebrated by children all over the Netherlands and by people 'dressing up' in black face (Zienkowski, 2017), fewer attention seems to go to ethno-racial profiling based on nationality and thus not on skin colour per se. This is an interesting observation in the light of the wariness and concerns that exist towards mobile EU citizens from CEE countries who will predominantly be white. While, officially, Dutch authorities remain attached to the value of free movement of persons, the growing mobility of CEE citizens has led to concerns about an influx of cheap labour and its potential to undercut national workers and cause disturbances on the labour market. In line with the dynamics of welfare nationalism that Barker (2018) has observed in the Swedish context, there seem to be similar fears about 'welfare tourism' in the Netherlands as there are in Sweden (De Vries et al., 2015). Concerns about the position of mobile CEE citizens on the labour market combined with assumptions about their uncivilized, unruly and even criminal behaviour led Dutch right-wing politician Geert Wilders to introduce a 'CEE Hotline', also known as the 'Polish Hotline', in 2012. Drawing on the results of a survey of the general population in the Netherlands, McGinnity and Gijsberts (2018) have described how their attitudes towards new EU immigrants from CEE countries are quite negative. Bulgarians and Romanians are seen in a particularly negative light, viewed even more negatively than migrants from Morocco, a group that, as the authors note, is typically placed at the bottom of the hierarchy: 'Poles do take our jobs, but at least they work hard: Bulgarians and Romanians are all criminals' (McGinnity and Gijsberts, 2018: 922). Van Baar (2014b) describes how the 2012 'Roma Strategy' developed by the Dutch government in response to an EU-wide call to ensure the rights of Roma, Sinti and travellers as 'true European minority groups' already focused strongly on the prevention of various deviant behaviours associated with these groups – prostitution, child exploitation, crime, etc. – and not so much on, for instance, the discrimination experienced by members belonging to these groups while trying to find housing or a job or in general.

The securitization of CEE mobility becomes even more painfully clear when we turn our gaze to the area of law enforcement. Since the enlargement of the EU in 2004, there has been a growing focus within Dutch law enforcement agencies – in particular the National Police and the RNM – on fighting crime committed by 'CEE-ians' (or 'MOE-landers' in Dutch). European citizens from

CEE countries are seen as increasingly involved in several forms of cross-border crime – such as human trafficking and what has come to known as ‘mobile banditry’, a term used by both of the above-mentioned police forces to describe property crime such as pickpocketing and shoplifting.² Articles and items about Eastern European gangs and Eastern European criminals ‘flooding’ and ‘targeting’ the Netherlands are also spread widely through various media – from newspaper articles to a popular national crime show on TV reporting on the ‘Most Wanted’ in the Netherlands. Despite the lack of convincing empirical evidence that mobile CEE citizens are indeed overrepresented in these criminal phenomena, newspaper articles and political and policy narratives seem to suggest otherwise.

In the rest of this section, two examples will be discussed showing how the securitization of mobile CEE citizens has sparked problematic police practices of nationality-based profiling of ‘MOE-landers’ and nationality-based predictive policing. After discussing these two examples, I will reflect on the implications of these practices in the light of the theoretical framework discussed in the previous section and highlight some avenues for future research by scholars studying the securitization of mobility and borders.

Nationality-based profiling inside and at the outskirts of Dutch borderlands

As mentioned, profiling based on nationality is a practice that is used both by the Dutch National Police and by the RNM. On the basis of a car’s licence plate, officials may decide to pull over a car to perform a traffic or identity stop. Whereas the legal mandate that allows the National Police to perform a stop is based on the Traffic Law, the mandate for the RNM is based on the Aliens Act and the Aliens Decree. Both types of stops are highly discretionary, and the aim is just to check people’s compliance with the law, which means that a reasonable suspicion of a law being broken is not required. In both cases, research and case law have shown that, in practice, these discretionary powers have been used for purposes other than that of simply checking compliance with the previously mentioned laws. In fact, it is known that both police forces use these discretionary powers to ‘get into’ a car in order to search the car looking for traces of crime. Although such a practice goes against the principle of *détournement de pouvoir*, the ban on the abuse of power, one of the principles of good governance to which all government actors should adhere, case law shows that such abuse is difficult to prove (Van der Woude and Brouwer, 2017). The Dutch Supreme Court has argued that as long as a stop is *also* conducted with the purposes of the official legal mandate in mind, it is almost impossible to state that there has been a *détournement de pouvoir*. In other words, as long as police officials conduct a check of traffic papers and identity papers, they have free range to also check a car for any signs of criminal behaviour. In the event that they find such a sign, they have to officially shift into criminal investigation mode and comply with the due-process rights of the driver and their passenger(s). Nevertheless, the discretionary space created here by the interplay of the legislature and the judiciary creates considerable room for law enforcement officials to decide whom they want to check and for what reasons, which allows for *détournement de pouvoir* to intersect with discriminatory practices.

With the public and political discourse around CEE nationals focusing on, among other things, their unruly and even criminal behaviour, it was to be expected that CEE nationals would also be of interest to law enforcement officials. Yet, until the Dutch Supreme Court issued a ruling in the so-called MOE-lander project case, the systematic nature of this interest was unclear. The MOE-lander project refers to a project developed by the Zeeland/West Brabant unit of the National Police, in which police officers were urged to check vehicles from CEE countries during seemingly routine traffic controls. The idea behind this focus was that CEE nationals were involved in various forms of petty crime in these border provinces and making use of their mobility to stay out of the

hands of law enforcement agencies. The practice came to the fore after a Bulgarian driver was convicted for not having a valid driver's licence on him. In the police report, the responsible officers referred to the active MOE-lander project and stated that they had checked the car with the Bulgarian plates on account of that project. The driver's attorney argued that the stop was illegal because his client had been selected solely on the basis of his alleged nationality and the stop therefore constituted a breach of non-discrimination legislation, in particular Article 1 of the Dutch Constitution, Articles 5, 8 and 14 of the European Charter of Human Rights, and Article 21 of the Treaty of the Functioning of the European Union. Although the case was appealed, the Supreme Court of the Netherlands eventually ruled that the MOE-lander project led to an indirect distinction based on the nationality or ethnic origin of the driver and passengers, which amounted to unequal treatment on the grounds of nationality. The Court clarified that taking decisions that are – at least in part – based on (perceived) nationality may only be justified under specific circumstances – for example, when they are necessary and proportionate to combat cross-border criminal offences and/or crimes in which perpetrators cross national borders. The final outcome of the case was that the making of an indirect distinction, in the context of the MOE-lander project, on the basis of the nationality or ethnic origin of the driver or passengers of a vehicle when there was no justification for doing so represented a breach of the most fundamental principles of the legal order – the principles of equality and non-discrimination. The way in which 'Project MOE-lander' was conducted therefore constituted a serious infringement of those principles and the fundamental rights they represent.

Crimmigrant stereotyping of CEE nationals by the RNM³

The focus on CEE nationals is not unique to the National Police. In our research on the RNM, CEE nationals also played a lead role (Brouwer et al., 2018). Between 2013 and 2015, observations and interviews were carried out with RNM officers while they were conducting immigration checks in the borderlands between the Netherlands and Belgium and between the Netherlands and Germany. This section presents insights from that fieldwork. So-called 'crimmigrant stereotypes' through which certain groups of migrants are associated with certain forms of crime played an important role in the selection of vehicles as part of the roving migration patrols carried out in the border regions of the Netherlands. Whereas young North African men were regularly linked to various forms of crime, it was people from CEE countries – primarily Bulgarians and Romanians but also, to a lesser extent, Hungarians and Poles – that were most commonly and openly associated with criminal behaviour by the RNM officers that were observed and interviewed. According to RNM officers that were interviewed before and after the performance of their stop-and-checks, these perceptions were based on 'known facts'. It was often stated by respondents, using different wordings, that 'human trafficking and being Bulgarian went hand in hand', but also that 'Romanians were only driving through Europe to commit criminal offences'. Overall, there was a common understanding among RNM officers that members of these groups were interesting to pull over for a stop-and-search. This led to extreme statements in which it was claimed that Eastern European drivers have burglary tools in their trunk in nine out of ten cases, or that Romanian-looking people in a vehicle with a British or Spanish licence plate are nine out of ten times thieves.

As discussed in Brouwer et al. (2018), these stereotypical perceptions were based on shared ideas rather than on information provided by the organization. At the same time, it was interesting to note that such common-sense profiles were far from static. Nationalities that at one point were targeted quite frequently could become less interesting over time, as was the case with people from Poland during the period of our research. While Polish vehicles were considered interesting for various crime-related reasons in the early 2000s, respondents regularly stated that this was now

much less the case. Although Poles were sometimes mentioned in the same breath as Bulgarians and Romanians, at other times clear distinctions were made, and it was argued that Polish people nowadays mostly came to the Netherlands to work and had their papers in order. During the observations, we still quite regularly observed Polish vehicles being checked during controls. However, officers were now much less positive about the likelihood that they would actually encounter something wrong than they had been in the past.

As in the case of the Dutch National Police, the targeting of CEE nationals was primarily based on the country of origin of a car's licence plate, as this was an easily visible marker and the nationalities of individuals from CEE countries are generally harder to identify on the basis of physical characteristics such as skin colour. Nonetheless, RNM officers stated that it was a particular challenge to be able to select people from CEE countries when they were driving a vehicle with a licence plate from a different country, something that regularly happened – which indicated a strong focus on actively finding CEE nationals. For example, during one control, researchers were sitting in the back of a police vehicle when a car with a German licence plate was stopped. According to the officer, he had stopped the car because he believed the driver and passengers to be Albanian, and Albanians were often involved in crime in the Netherlands. Justifications for such stops were based on the merging of risks for a variety of crimes that ranged from mobility-related offences such as human trafficking and possession of false identification papers to more mundane crimes such as pickpocketing and theft.

The normalcy of nationality as a proxy for a high-risk background reflects the findings of Pratt and Thompson (2008: 682), who argued in their study on Canadian border officials that 'while race is an unacceptable basis of discretionary risk assessment at the border, nationality is continually reproduced as a legitimate consideration'. Dutch border police officers equally seemed to find that assumed nationality (often based on licence plates) was far less controversial as a (partial) selection criterion than ethnic or racial features, especially for crime-related stops. One officer even saw it as a clear advantage that they stopped a lot of Bulgarians and Romanians, because this meant there was less opportunity for complaints about racism than when they primarily would stop black or Arabic-looking persons.

Predictive policing and mobile banditry

The second example is of a more recent so-called predictive policing project started by the Dutch National Police in the city of Roermond, which is located at the Dutch–German border in the southeastern part of the Netherlands and also very close to Belgium. Roermond's location makes the city an interesting hub for international traffic, not least because of the presence of a large designer-brand outlet shopping centre (Amnesty International, 2020: 25; Dutch National Police, n.d.). In order to prevent pickpocketing and shoplifting – as well as other forms of crime – in and around the shopping centre, the Sensing Unit of the Dutch National Police developed a predictive policing system. The system was announced on the police website in July 2018 and became operational in 2019 (Amnesty International, 2020: 26). In an elaborate study into 'Project Sensing', Amnesty International (2020: 5) disclosed how this predictive policing practice 'has transformed the city [of Roermond] into a living lab where every person travelling by car is a "guinea pig", subjected to mass surveillance and other human rights violations'. The Amnesty report furthermore shows that, despite the fact that 60% of those suspected of pickpocketing or shoplifting in the shopping centre have Dutch nationality, the algorithm that is used for the risk assessment that is used to enable decisions on which individuals or cars to pull over for a further check includes indicators that are explicitly designed to establish whether a person is of Eastern European origin (see also Dutch National Police, n.d.).

The predictive policing system makes use of police records and data collected through new and existing sensors installed in public spaces. These sensors include Automated Number Plate Recognition (ANPR) cameras, as well as cameras that are able to detect a vehicle's brand, model, year of manufacture and colour (Prins, 2020). The collected data are then analysed using big data analytics and algorithms. The risk score produced by the system is supposed to notify the police of the likelihood that a driver and/or their passengers have come to Roermond with the intention of pickpocketing or shoplifting in the shopping centre. Data on all cars driving around the city are thus collected, analysed and stored in the context of criminal law enforcement. The Amnesty report describes how once the predictive policing system has assigned a high risk score to a car – that is, 'created a hit' – a notification is sent to a patrol officer, who then has the choice of whether or not to follow up on the hit on the basis of his or her personal assessment of the situation. In this highly discretionary decisionmaking process, officers are supported by information about the characteristics of the hit, including details about the location of the car, whether the hit was established because the car meets multiple criteria even though it has not been registered in police databases in the context of 'mobile banditry' before, or whether the car has previously been registered in such a context (Amnesty International, 2020: 28).

An internal report by the National Police on mobile banditry in the Roermond region shows that Project Sensing is not designed to combat all forms of pickpocketing and shoplifting, nor is it based on an actual overrepresentation of CEE nationals in the crime statistics. Nevertheless, the report states that 'in the city of Roermond there is a strong perception that crime related to the phenomenon of "mobile banditry" has increased over the years' (Dutch National Police, n.d.: 37, 47, 69, 88). While referring to a discussion in the Dutch parliament about the matter, the report continues by sharing the observation that 'it is difficult for the Police to actually check whether this [perception] is true' (Dutch National Police, n.d.: 9).

It is interesting to note that, despite this acknowledgment that actual, clear information on 'mobile banditry' is lacking, the design of Project Sensing was completely based around combating this phenomenon. The concept of 'mobile banditry' is used by the police for various economic crimes committed by Eastern European groups. Pickpocketing and shoplifting that cannot be defined as 'mobile banditry' fall outside the scope of Project Sensing. When speaking of 'mobile banditry' in general, the National Police refer to people from Poland, Bulgaria, Romania and Lithuania. The internal report also shows that nationals of Bosnia and Herzegovina or Serbia are also flagged as possible 'mobile bandits' (Dutch National Police, n.d.: 37, 47, 69, 88). According to the report, 'pickpocketing is an important part of Eastern European "mobile banditry", especially perpetrated by Romanian and Bulgarian groups' (Dutch National Police, n.d.: 44, 96), while shoplifting by 'mobile bandits' in Roermond specifically is committed mostly by people with Romanian nationality (Dutch National Police, n.d.: 68–69). The perceived *modus operandi* of the so-called mobile bandits, according to the internal report, is moving through Europe while temporarily staying in different holiday parks in the (southern) border regions of the Netherlands. In the report, assumptions are made regarding the role played by CEE immigrants legally residing in the Netherlands who would possibly be involved in helping the mobile bandits on their crime sprees.

As in the MOE-lander project, police officers in Roermond can use their discretionary powers under the Dutch Road Traffic Act to stop cars that are a 'hit' according to the predictive policing tool and also deemed interesting on the basis of a visual check regarding whether the passengers meet officers' subjective predetermined conceptions of what a 'mobile bandit' looks like. By asking a driver for their driver's licence or car registration papers, police officers can tick the box of actually performing a traffic stop, and a possible claim of *détournement de pouvoir* is thereby prevented. The inspection is considered lawful regardless of the fact that the car was intercepted in

the context of the prevention and detection of pickpocketing and shoplifting by individuals with Eastern European nationalities – something that has no connection to road traffic safety.

In sum, we can clearly see that all three of the characteristics of border reconstruction projects identified by Wonders (2008) are present in the Dutch case. Not only do the examples presented here illustrate how borders for CEE nationals are physically being reconstructed through the use of various policing practices deployed, though not exclusively, in border regions, they also show how these practices are based on a strong narrative in which CEE nationals are depicted as the dangerous others against whom the welfare state and the nation-state need to be protected. Furthermore, and this is particularly clear in Project Sensing, the examples also highlight the role of risk assessment and predictive technologies within these border practices. What the case study of the Netherlands has furthermore illustrated is how, while the concept of race as such might not be used in the decision-making processes of law enforcement officials, nationality and ethnicity as proxies for race play a key role and are completely normalized as factors guiding and justifying their decisions.

Although the Netherlands does not (yet) seem to deport many CEE citizens, Brandariz (2021a) has shown how the securitization of CEE nationals – especially Romanian citizens – in other countries has led not just to racialized policing practices but also to the normalization of using deportation of CEE nationals as a law enforcement device.

Securitized mobility and the creation of second-class EU citizens

This article has combined scholarship from the emerging field of border criminologies with insights from the securitization literature. In applying Wonders's (2008) framework of border reconstruction projects to the management of intra-Schengen East–West mobility, the article has illustrated how the securitization of the mobility of CEE nationals in Europe has taken shape through the use of a discourse in which citizens of CEE countries are linked to crime and other behaviours that feeds into a general discourse of unease and fear around their right to exercise the right move freely through Europe. Yet the border reconstruction framework shows that the securitization of CEE nationals also happens through practices and the use of stereotyping and racializing technologies that are driven by the urge to predict crime and prevent it from happening. The case of the Netherlands illustrates how current policing practices are geared towards resurrecting intra-Schengen borders for CEE nationals by using both technology-driven and 'gut feeling' forms of profiling strongly fuelled by securitized narratives in which certain forms of crime are linked to nationality and ethnicity.

The reconstruction of the intra-Schengen borders and the enforcement thereof thus shows that citizens of some EU member-states face restrictions on their mobility despite their supposed freedom to move. This is particularly the case for people from the (Central) Eastern European countries that most recently joined the EU. On the basis of their alleged involvement in various forms of (cross-border) crime, citizens from these states are deemed less worthy of free travel (see Gehring, 2013; Parker and Catalán, 2014). This has contributed to a devaluation of EU citizenship rights for CEE nationals and, more precisely, to a significant erosion of their freedom of movement and residence (see also Amelina et al., 2021). The EU enlargements have thus given rise to both intra-EU racialization processes and a stratification of citizenship rights, in which some passports are more valuable than others and restrictions on the freedom of movement are dependent on nationality criteria (Kreide, 2019). Dumitrescu (2018) speaks of the creation of 'liminal identities' by the European Union: newcomers into the European Union, such as Romania and Bulgaria, are not seen as non-European, but rather as not 'fully' or 'truly' or as 'not yet' European (Kuus, 2007). This observation ties in with Ammaturo's (2019) and Tsianos and Karkayali's (2010) observation of the distinction that is being made *within* the European Union between those who are considered to be 'core' Europeans and those who are not. Those falling in the latter category, while responding to the call

for cheap labour in the ‘core’ European countries, continue to face borders and bordering practices in an area that is often ‘lauded’ for its distinctive hallmark: the free movement of people.

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Notes

1. This subsection is based on Van der Woude (2020).
2. According to the definition of the Council of the European Union, the latter is to be understood as ‘an association of criminals who systematically enrich themselves by perpetrating crimes against property or fraud (in particular shop and cargo theft, break-ins of homes and companies, fraud, skimming and pick-pocketing), within a wide-spread area in which they carry out activities and are internationally active’ (Council of the European Union, 2010).
3. For a more elaborate description of the results of the study underpinning this section, see: Woude MAH van der, Brouwer J and Dekkers TJM (2016).

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