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**Immigration Policy in the US and UK in the  
aftermath of 9/11: A Comparison**

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## **Abstract**

This research investigates the reforms that American and British immigration policies witnessed in the aftermath of the 9/11 attacks. It seeks to investigate the reasons behind the dramatic change that took place in the American and British societies towards newcomers and whether 9/11 is the main reason leading these new measures. This research also compares the different regulations applied to immigration policies in the UK and the US in order to maintain more safety, such as the USA PATRIOT Act and the UK Terrorism Act, and analyzes their impact on various aspects of immigration, including border control, visa regulations, and the rights of immigrants. The study highlights the need for further research to assess the long-term effects of these policies on immigrant communities and to evaluate their effectiveness in achieving their intended goals. Additionally, it emphasizes the importance of considering public opinion, human rights considerations, and data availability in future studies. By conducting in-depth research and fostering collaborations, policymakers, and scholars can make informed decisions and promote a balanced approach to immigration management and social integration in the aftermath of 9/11.

## المخلص

تهدف هذه الدراسة إلى التحقيق في الإصلاحات التي شهدتها سياسات الهجرة الأمريكية والبريطانية في أعقاب هجمات 11 سبتمبر. تسعى الدراسة لاستكشاف الأسباب وراء التغيير الكبير الذي حدث في المجتمع الأمريكي والبريطاني تجاه الوافدين الجدد وما إذا كانت أحداث 11 سبتمبر هي السبب الرئيسي وراء هذه التدابير الجديدة. تقوم هذه الدراسة أيضًا بمقارنة التشريعات المختلفة المطبقة على سياسات الهجرة في المملكة المتحدة والولايات المتحدة من أجل تحقيق مزيد من السلامة، مثل قانون الوطنية الأمريكية وقانون الإرهاب في المملكة المتحدة، وتحليل تأثيرها على جوانب مختلفة من الهجرة، بما في ذلك الرقابة على الحدود والتنظيمات الخاصة بتأشيرات الدخول وحقوق المهاجرين. تسلط الدراسة الضوء على ضرورة إجراء المزيد من البحوث لتقييم الآثار طويلة الأمد لهذه السياسات على مجتمعات المهاجرين وتقييم فعاليتها في تحقيق أهدافها المقصودة. بالإضافة إلى ذلك، تؤكد الدراسة على أهمية اعتبار آراء الجمهور واعتبارات حقوق الإنسان وتوافر البيانات في الدراسات المستقبلية. من خلال إجراء بحوث عميقة وتعزيز التعاون، يمكن لصنّاع القرار والعلماء اتخاذ قرارات مستنيرة وتعزيز نهج متوازن لإدارة الهجرة والاندماج الاجتماعي في أعقاب أحداث 11 سبتمبر.

## Résumé

Cette recherche examine les réformes auxquelles ont été confrontées les politiques d'immigration américaine et britannique à la suite des attentats du 11 septembre. Elle vise à enquêter sur les raisons du changement spectaculaire qui s'est opéré dans les sociétés américaine et britannique à l'égard des nouveaux arrivants et sur la question de savoir si le 11 septembre est la principale raison à l'origine de ces nouvelles mesures. Cette recherche compare également les différentes réglementations appliquées aux politiques d'immigration au Royaume-Uni et aux États-Unis afin d'assurer une plus grande sécurité, telles que le USA PATRIOT Act et le UK Terrorism Act, et analyse leur impact sur différents aspects de l'immigration, notamment le contrôle des frontières, les réglementations relatives aux visas et les droits des immigrants. L'étude met en évidence la nécessité de mener des recherches supplémentaires pour évaluer les effets à long terme de ces politiques sur les communautés immigrées et pour évaluer leur efficacité dans la réalisation de leurs objectifs. En outre, elle souligne l'importance de prendre en compte l'opinion publique, les considérations relatives aux droits de l'homme et la disponibilité des données dans les études futures. En menant des recherches approfondies et en favorisant les collaborations, les décideurs politiques et les chercheurs peuvent prendre des décisions éclairées et promouvoir une approche équilibrée de la gestion de l'immigration et de l'intégration sociale dans l'après-11 septembre.

### List of Abbreviations and Acronyms

<b>Abbreviation</b>	<b>Interpretation</b>
<b>API</b>	Advance Passenger Information
<b>ATCSA</b>	Anti-Terrorism, Crime, and Security Act
<b>BNO</b>	British Nationals Overseas
<b>CAPPS</b>	Computer-Assisted Passenger Prescreening System
<b>CBP</b>	Customs and Border Protection
<b>COVID-19</b>	Coronavirus 2019
<b>CSI</b>	Container Security Initiative
<b>C-TPAT</b>	Customs-Trade Partnership Against Terrorism
<b>DACA</b>	Deferred Action for Childhood Arrivals
<b>DHS</b>	Department of Homeland Security
<b>DL</b>	Discretionary Leave
<b>DOJ</b>	Department of Justice
<b>ECHR</b>	European Convention on Human Rights
<b>FAA</b>	Federal Aviation Administration
<b>FY</b>	Fiscal Year
<b>GP</b>	General Practitioner
<b>HP</b>	Humanitarian Protection
<b>ICE</b>	Immigration and Customs Enforcement
<b>INS</b>	Immigration and Naturalization Service
<b>IRCA</b>	Immigration Reform and Control Act
<b>MAK</b>	Mujaheddin Al Khidmat



<b>MTSA</b>	Maritime Transportation Safety Act
<b>NEC</b>	National Economic Council
<b>NGO</b>	Non-Governmental Organizations
<b>NHS</b>	National Health Service
<b>NIV</b>	Non-Immigration Visa
<b>NSC</b>	National Security Council
<b>NSEERS</b>	National Security Entry-Exit Registration System
<b>SIAC</b>	Special Immigration Appeals Commission
<b>TSA</b>	Transportation Security Administration
<b>UASC</b>	Un-Accompanied Asylum-Seeking Children
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>US</b>	United States
<b>USCG</b>	United States Coast Guard
<b>USCIS</b>	US Citizenship and Immigration Services
<b>VWP</b>	Visa Waiver Program
<b>WMD</b>	Weapon of Mass Destruction
<b>WTC</b>	World Trade Center

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## Introduction

The terrorist attacks of September 11<sup>th</sup>, 2001, involved a series of four coordinated terrorist attacks, and they were perpetrated by militants affiliated with the terrorist group Al Qaeda. This significantly impacted the United States policy landscape, with a wide range of actions and changes ranging from major military and foreign policy decisions to the biggest overhaul of the federal government in decades. In the aftermath of the attacks, a heightened awareness of homeland security and aviation safety became major priorities. The 9/11 hijackers entered the country on legally issued visas, which immediately linked immigration with terrorism and national security. Consequently, the structure of the federal immigration bureaucracy and immigration policies at the borders within the US interior were dramatically changed. The focus of the immigration debate in Washington and beyond has shifted almost entirely to concerns about national security and immigration enforcement.

The aftermath of 9/11 had a far-reaching impact on the way the U.S. handles immigration. The bipartisan framework for a comprehensive agreement announced by President George W. Bush and Mexican President Vicente Fox five days before the attacks was sidelined, with increased border enforcement, a temporary worker program, and legalization for most unauthorized Mexicans in the United States taking its place. Comprehensive immigration reform has been a topic of discussion in Congress over the years, but the divisions between the Democratic and Republican parties have been too strong to make any real progress.

National security has been the primary lens through which policymakers have authorized exponential growth in funding for immigration programs as well as given new life to stalled or slow-moving initiatives. The post-9/11 era has seen the birth of new, interoperable databases that can be used to help intelligence and law enforcement officials collect and share information more effectively. This has significantly impacted immigration

enforcement, with the federal state, and local levels all taking advantage of the new tools to improve their operations. For the preceding decade, there has been a significant increase in the number of immigrants detained and the use of nationality-based interviews, screening, and enforcement initiatives.

In addition to the major changes that have occurred in US immigration policy as an outcome of the 9/11 attacks, other actions include the increase in worksite enforcement, expanded use of electronic employment eligibility verification, or rise in expedited removals, all of which are significant actions but not directly flowing from 9/11. However, those kinds of procedures were taken by not only the United States of America but also many countries around the world, including the United Kingdom. The impacts of 9/11 were particularly noticeable for visitors, potential passengers, and especially immigrants to the US and the UK indicating the end of a time when international relations were relatively open and optimistic.

The tragic events of 9/11 led to a heightened sense of vulnerability and a re-evaluation of national security measures in both countries. In response to the perceived threat of terrorism, the US and UK governments implemented a series of immigration policy changes to prevent future attacks and protect their respective borders. These changes had a profound impact on individuals seeking to immigrate or travel to the US and UK.

The 9/11 terrorist attacks significantly influenced and shaped immigration policies in the United States and the United Kingdom, leading to the securitization of immigration processes. The securitization approach prioritized national security concerns and resulted in stricter visa regulations, enhanced border control measures, increased surveillance, and a greater emphasis on identifying and preventing potential security risks among immigrants. This dissertation aims to examine the impact of 9/11 on immigration policies and assess the implications of the securitization of immigration.

This dissertation is an attempt to comprehensively elucidate the effects that were caused by the 9/11 attacks on the US and the UK. It investigates the most significant reforms that were applied to both nations' immigration policies after the 9/11 attacks took place. The research utilizes a contrastive approach to examine similarities and differences in the two countries' post-9/11 policies, border enforcement mechanisms, and outcomes.

The choice of the topic is generally motivated by the desire to fully understand the different ways the United States and the United Kingdom both reacted to the 9/11 attacks. Understanding the specific measures and changes implemented in the US and UK is crucial for comprehending the broader context of post-9/11 security measures and their impact on immigrant communities.

Furthermore, studying the immigration policies after 9/11 contributes to the academic and policy discourse on effective and inclusive immigration systems. The analysis of these policies can highlight both successful approaches and potential shortcomings, informing future policy discussions and reforms in the area of immigration and counter-terrorism.

Overall, investigating the immigration policy changes in the US and UK after 9/11 offers a comprehensive understanding of the complex relationship between security concerns, immigration regulations, and border controls. By critically examining these immigration policies, this dissertation contributes to a deeper understanding of the post-9/11 security landscape and its implications for immigration governance in the US and UK.

The research attempts to answer the main question about the impact of the 9/11 attacks on the immigration policy of the United States and the United Kingdom, through a series of inquiries related to the topic including: What are the different strategies used by the US and the UK to handle immigration post-9/11? To what extent did the 9/11 tragedies, affect the immigration policy? What are the major changes in both countries' immigration policies? How has each nation's border changed since the 9/11 attacks? These are some of

the questions that will be addressed in the research in addition to other ideas that will emerge from the analysis and study of the topic.

Several reports, articles, and books have dealt with this topic. The International Terrorism and Migration report, published by the International Organization for Migration, explores the correlation between terrorism and migration, highlighting notable initiatives and measures that address the link between these two domains. Subsequently, both national governments and international coalitions operating at regional and global scales have made significant advancements in several crucial areas. Various measures and approaches, including those related to border control, penalties for carriers, deportation processes, and others, have been put into action and continuously improved to effectively address the threat of terrorism.

In his book entitled *The Migration-Security Nexus: International Migration and Security Before and After 9/11*, Thomas Faist aims to examine the impact of the increased securitization of migration and integration policies following the events of 9/11 on countries with significant immigrant populations. Faist explores three main propositions to support his argument. Firstly, the post-Cold War era shifted the focus of security concerns towards non-state threats such as crime, drugs, and migration. International migration, although lacking specific instances of threat, became a source of fear among citizens. Secondly, as governments adopt securitized policies related to immigration, such as strengthening border security and implementing stricter internal surveillance, there is a heightened expectation from voters for the effective management of international movements. However, these policies often generate unforeseen consequences and create expectations that are challenging to fulfill. Thirdly, the consequences of 9/11 on immigrant integration are somewhat ambiguous. While there may be an increase in harassment against immigrants from the Middle East, the events may also foster greater interest in the immigration policies of the



respective nations. Generally, people's attitudes toward cultural pluralism are unlikely to undergo significant changes.

In their book entitled *The Impact of Post-9/11 Visa Policies on Travel to the United States*, Brent Neiman, and Phillip Swagel study how changes in visa and security policy after 9/11 affected traveling to the United States. Several foreign governments have declared that the visa requirements and other security measures are making it difficult for their citizens to travel to the United States. Following an empirical model, they found that the biggest factor affecting travel was whether someone needed a visa, not the changes in policy after the 9/11 events.

Bryan Mabee's book, *Re-imagining the Borders of US Security after 9/11: Securitization, Risk, and the Creation of the Department of Homeland Security*, explores the discourse surrounding US security to investigate the establishment of the Department of Homeland Security. Mabee emphasizes that this new department offers a fresh approach to securing the borders for national security. The securitization of terrorism not only involves framing terrorism as a security concern but also involves the organizational aspects of security policy-making within the US government. The "war on terror" serves as a significant moment for examining the redefinition of security in the US and underscores the interconnectedness between the perception of threats and the institutionalization of responses to those threats.

In the book *Immigration Policy and Security* by Terri Givens et al., a comprehensive exploration is undertaken to investigate the changes in immigration policies and practices across the United States, Europe, and the Commonwealth in response to the perceived threat of terrorism. Through an extensive examination of various issues and case studies, the authors aim to unravel the motivations and implications behind these policy shifts. Additionally, the book delves into the impact of intensified immigration politics on the social

and economic conditions of national minorities with immigrant backgrounds, particularly focusing on the consequences that arise from stringent border policies.

In her book entitled *Immigration Nation Raids, Detentions, and Deportations in Post-9/11 America*, Tanya Golash-Boza looks at how punitive immigration policies can affect citizens, communities, and families, but first, she discovers the roots of immigration to the U.S. Then she discusses the immigration enforcement regime during the 21st century and the creation of the Department of Homeland Security. In addition, Golash-Boza explores the consequences and the impossible choice between family and citizenship created by the U.S. immigration policy and how it affected human rights.

In their article titled *Terrorism and Migration: An Overview*, Marc Helbling and Daniel Meierrieks present a comprehensive review of existing literature on the relationship between terrorism and migration in Britain. The article examines various aspects, including whether migration can be a contributing factor to terrorism, the impact of terrorism on native attitudes towards immigration and electoral preferences, and how acts of terrorism can influence the implementation of more restrictive migration policies as a counter-terrorism measure. Analysis of empirical studies concerning the migration-terrorism nexus suggests that there is limited evidence supporting the notion that increased migration directly results in heightened terrorist activities, particularly in Western countries. Furthermore, terrorism has political and electoral consequences, as it fosters anti-immigrant sentiments. However, the effectiveness of stricter migration policies in deterring terrorism is found to be relatively limited, whereas terrorist attacks often lead to the implementation of more stringent migration policies.

This research utilizes both historical and comparative methods to examine the impact of the September 11<sup>th</sup>, 2001 attacks on immigration policies in the United States and Britain. The historical method provides an overview of both governments' immigration policies

before and after 9/11 and a comprehensive understanding of the attacks and their aftermath, including significant events that ensued. Meanwhile, the comparative method allows for a comparison of the key changes implemented in immigration policies by both countries and their border enforcement in the aftermath of 9/11. By employing these methods, the study aims to shed light on the effects of 9/11 on immigration policy in the US and UK.

The dissertation includes three chapters, the first chapter is entitled “A Historical Overview of the U.S. Immigration Policy”, it focuses on the US and discusses the US’s pre-9/11 immigration policies while looking at the 9/11 attacks. In addition, it explores the establishment of the Department of Homeland Security and analyzes the subsequent impact of 9/11 on immigration to the US.

The second chapter, entitled "A Survey of UK Immigration Policy Prior to 9/11", provides an overview of immigration policies in the UK before the events of 9/11. Moreover, it observes the asylum system and sheds light on the controversies surrounding the detention of asylum seekers.

The third chapter, entitled "Post-9/11 Immigration Policies in the US and the UK", gives a comprehensive analysis of the immigration policies implemented in both countries since the attacks. It compares the changes brought by the events of 9/11, particularly the heightened enforcement and border control measures introduced through new laws and strategies. The chapter also explores the interconnection between immigration and security, shedding light on the evolving dynamics within the immigration systems of the US and the UK in response to security concerns after 9/11.

## **Chapter One**

### **A Historical Overview of the U.S. Immigration Policy**

The US immigration policy has undergone so many changes since the early days of the republic. President Harry S. Truman put it: “In no other realm of our national life are we so hampered and stultified by the dead hand of the past as we are in this field of immigration” (Truman). Since the creation of the United States through the industrial revolution, the Roaring Twenties, and the Great Depression, fundamental changes have been applied to immigration policy.

Like many other aspects of American life, immigration policy has witnessed several changes since the September 11<sup>th</sup> terrorist attacks, dictating how the United States approaches immigration and homeland security. The chain of events created by that day affected the immigration narrative permanently, redefining it as a risk and a tool for US national security efforts. Over the past two decades, policymakers have made decisions that sparked a national discourse about how the US chooses those arriving on its land, using the legislative motivation driven by the attacks and the newly established Department of Homeland Security (DHS) as a way to achieve its immigration reform goals. However, by ignoring the lessons of the immigration process over the past 80 years and adopting an overloaded and unwieldy immigration system that contradicts its economic needs, cultural growth, and national values, the United States is returning to its starting point (Mackler).

For a while, the Immigration and Naturalization Service (INS) has been the black sheep of the executive department. Small agencies tasked with administering and enforcing the country's immigration laws were pushed from the Department of Labor to the Department of Justice (DOJ) without a clear idea of where they fit best. Chronically underfunded and under-resourced, the INS, like immigration itself, has disrupted many Congressional and

White House administration sessions. None of them knew exactly where it belonged or how to deal with it (Mackler).

Moreover, during the 1990s, the contours of the immigration debate started to sharpen. Consistent with that decade's "war on drugs" and "tough on crime" policies, immigrants have become increasingly punished and criminalized. The broad INS mandate, which acted as both a judge and an enforcer of immigration law, showed a growing focus on law enforcement (Mackler).

### **1.1 The US Pre-9/11 Immigration Policy**

The first immigrants that landed in the United States were Asians, between 12,000 and 30,000 years ago. Several other waves of migration from Asia continued over the following few years, contributing to the increase of the Native American population from around 2 to 10 million when Christopher Columbus landed in the Bahamas in 1492 (Ewing 2). The largest forced migration to North America was by 388,000 African slaves.

#### **1.1.1 The First Exclusion Laws and Centralized Control of Immigration: 1861-1920**

With the start of the Civil War in 1861, the need for military workers increased. Thus, pro-immigration Republicans wanted to dishonor the Nativists<sup>1</sup>. During the Lincoln Administration, Congress passed both the Homestead Act of 1862 and the Contract Labor Act of 1864. The 1862 Act provided land grants to U.S. citizens and immigrants eligible for naturalization and ready to settle and develop their lands for five years. While the 1864 Act allowed the use of foreign workers, paid for their charges, and provided their labor contracts (Briggs 24).

During the 1870s, the U.S. government started applying regulations at the state level that were rarely enforced. Walter A. Ewing claims that the first federal law to exclude certain classes of immigrants as "undesirable" was applied in 1875; it included criminals, prostitutes, and Chinese indentured servants that worked in near-slavery conditions. In 1882, the Chinese

Exclusion Act suspended the immigration of all Chinese workers to the US for around 10 years, barring Chinese immigrants from becoming U.S. citizens, and it provided for the deportation of illegal Chinese immigrants. However, it was renewed for another ten years in 1892 and 1902, with no ending date. Another law in 1882 expanded the scope of unacceptable immigrants to include "lunatics" and those unable financially to support themselves (3).

According to Ewing, the first federal attempt to centralize immigration control was in 1864 when a law was passed requiring the appointment of a Commissioner of Immigration, who would report to the Secretary of State and be appointed by the President. The Immigration Act of 1891 was such a success that it became the first comprehensive national immigration law. It created a Bureau of Immigration office within the Treasury Department, which authorized the deportation of immigrants entering the country illegally and added polygamists and those suffering from certain communicable diseases to the list of permitted immigrants. The Naturalization Act of 1906 consolidated the functions of immigration and naturalization within the Bureau of Immigration and Naturalization in the Commerce Department, which made English proficiency a requirement for naturalization (3-4).

In the decades that followed, U.S. immigration law witnessed extra-centralized federal control over immigration. A growing list of reasons for exclusion from the U.S., and obvious racial and religious unfairness against Asians and Southeast Europeans (Ewing 3-4).

The 1903 Anarchist Exclusion Act, banned anarchists and other political extremists from entering the country. This was the first immigration act to prohibit immigrants based on their political beliefs. The Immigration Act of 1907 included imbeciles<sup>2</sup>, people with physical or mental disabilities that may affect their ability to earn a living, persons suffering from tuberculosis, children unaccompanied by parents, and those guilty of moral corruption. In the same year, the "Gentleman's Agreement" with Japan ended the immigration of Japanese

laborers to the US. In 1917, an immigration act defined "barred zones" of countries within the Asia-Pacific Triangle where immigration was banned (Ewing 4).

This proliferation of exclusive immigration laws coincided with an unprecedented rate of immigration to the United States. More than 30 million immigrants arrived between 1870 and 1930, and nearly nine million in the first decade of the 20th century alone. According to reports, the foreign-born percentage of the US population reached historic highs of 14.8% in 1890 and 14.7% in 1910. In contrast, foreign-born people made up 12.5% of the population in 2009 (Ewing 4).

### **1.1.2 The National Origins Quota System and End of Anti-Asian Exclusion: 1921-1964**

Ewing states that the Quota Act of 1921 was the first immigration law to impose numerical limits on immigration, limiting the total number of immigrants to about 350,000 per year and limiting immigrants from certain countries to 3% of the number of their ancestors living in the United States in 1910. This law favored immigrants from northwest Europe. However, immigrants from Western Hemisphere countries were excused from the number limit (4).

The Act of 1924 greatly reduced the number of legal immigrants entering the United States. Five years before, about 554,920, legal immigrants arrived each year. However, five years after the law was passed, the average yearly number of legal immigrants dropped to 304,182. By 1932, the number of legal immigrants had dropped to 35,576. During the 1930s, legal immigrants were around 69,938 annually. The number of immigrants arriving in the US declined by 90% from 1924 to 1940. The annual influx of immigrants in 1924 was around 0.63% of the total US population. Yet, in 1940, the number had dwindled to 0.05% of the population (Baxter and Nowrasteh).

By 1933, an Executive Order created the Immigration and Naturalization Services (INS) by combining the Bureau of Immigration and the Bureau of Naturalization, along with

the Department of Labor. During the Great Depression, William N. Doak, the Secretary of Labor, believed that deporting illegal immigrants would create jobs for locals (Hoffman 39). Consequently, the federal government has deported more than one million Mexicans in what was called a "repatriation". Even though about 60% of those deported are U.S. citizens or born in the United States to Mexican parents (Johnson 215). Despite the planned goal, repatriation efforts have increased the unemployment rate for American-born citizens.

In 1940, Congress approved the Alien Registration Act, which required noncitizens to register with the federal government, provide fingerprints, and notify the government of any change of address. Two months after the United States joined World War II, President Franklin D. Roosevelt passed Executive Order 9066, creating concentration and detention camps for Japanese and Germans within the United States (Baxter and Nowrasteh).

The United States has been a haven for refugees and those fleeing persecution. Yet, the immigration laws of the 1920s made no exceptions to the quotas<sup>3</sup> for refugees. In the United States, Congress was so uncaring of the World War II refugee crisis that it rejected a 1939 proposal to expedite the emigration of 20,000 children from Nazi Germany (Briggs 189). From 1933 to 1940, the federal government allowed approximately 127,000 German Jews to enter the United States. However, the quota of German immigrants set in the immigration laws of the 1920s, declined to 110,000 (Breitman and Kraut 74). Probably more German Jews could have fled Germany before World War II if the meager quota had been well utilized.

According to Henry L. Feingold, about 62,000 to 75,000 Jewish refugees may have left Europe between 1940 and 1942, but they were unable to do so due to the enforcement of the U.S. public charge rule. Therefore, if pre-1920s immigration laws were used, there was a chance that all German Jews and many other Jews from Eastern Europe could have fled to the United States before WWII started.



In 1942, an executive order called the Mexican Farm Labor Program led to the creation of the Bracero Program, which is a series of agreements between Mexico and the United States that allowed many Mexicans to work legally in the United States on temporary contracts. Both countries have agreed to a group of procedures to protect braceros<sup>4</sup> (arms) from discrimination and underpaid wages. However, the braceros continuously faced discrimination, extra charges for housing and food, underpayment, and exposure to deadly chemicals (Chavez and Partida). By its end in 1964, illegal immigration had risen due to the failure of the American Congress to replace it with another effective lower-skilled guest worker visa program (Ferriss and Sandoval 168).

The Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, combined many previous immigration laws into one comprehensive law. The law eliminated race as a basis for deportation from the United States but retained the racial prejudices of the national quota system. Since 1920, annual quotas for countries outside the Western Hemisphere have been specified within one-sixth of the number of people of the same race living in the United States. Therefore, most immigrants were from the UK, Ireland, and Germany (Ewing 5).

The Act also removed the ban on Asian immigration and many due-process guarantees that protected immigrants from abusive deportation (Kanstroom). The bill favored Europeans, and since few wanted to immigrate at the time, many visas issued between 1952 and 1965 went unused. In addition, the act introduced nonimmigrant visa categories that are still used today, for example, treaty traders (E), students (F-1), temporary workers of distinguished ability (H-1), and others.

### **1.1.3 Reopening the Immigration System: 1965–2000**

The Immigration and Nationality Act of 1965 abolished the national quota system and replaced it entirely with a system that prioritized immigrants from the Eastern Hemisphere.

The act allowed the creation of new categories of immigrants; it issued fewer green cards for family members and more for workers. Unlike other laws before the 1965 Act, the 1965 Act did not count spouses, minor children, parents, or age (Briggs 64). Supporters of the national origin system and opponents of non-European immigration called for expanding the family-based immigration system to preserve European priority in law.

Rep. Michael Feighan believed that the current stock of European-American immigrants would use green cards to establish and maintain ties with Europe, so the 1965 law banned 74% of green cards from families (Gjelten). However, he did not predict that Latin Americans and Asians would benefit the most. Legal immigration expanded under the 1965 Act. Between 1966 and 1980, the annual average number of immigrants increased to 150,000 compared to the years before (Gibson and Lennon). On the other hand, illegal immigration increased; one reason for this is that the 1965 law did not allow low-skilled workers to enter and work legally. An estimated 28 million illegal immigrants entered the United States between 1965 and 1986 (Massey and Singer).

Illegal immigration has led to a political alliance between Democrats, who were interested in amnesty for illegal immigrants, and Republicans, who wanted to end illegal immigration. This led to the creation of the Immigration Reform and Control Act (IRCA) by Senator Alan K. Simpson and Rep. Romano Mazzoli, which was based on the policy recommendations of the 1980 Select Commission on Immigration and Refugee Policy (Zolberg 360-68). This law was grounded on two main elements: amnesty for illegal immigrants who have resided continuously in the US since January 1, 1982, and penalties for employers willing to hire illegal immigrants.

The act allowed nearly 3 million illegal immigrants and created 109 INS offices to enforce immigration laws (Kanstroom 227). The act tried to reduce illegal immigrants' salaries; however, employer sanctions forced illegal immigrants to buy fake documents on

the black market, steal identity documents, and get valid documents from the ones with legal work permits (Zolberg 373-74). By 1988, IRCA had increased the number of border guards along the southwest border to about 3,350, yet illegal immigration was still rising.

By 1989, legal immigration exceeded one million for the first time since 1914. In 1990, the number of immigrants reached 19.8 million, making up 7.9% of the US population. In 1960, 84% of the foreign-born US population living in the US were from Europe or Canada. In 1990, around 7% of green cards were issued to Europeans, 22% to Asians, and 59% to Mexicans, Central Americans, or South Americans (Radford and Noe-Bustamante). The Immigration Act of 1990 led to liberalizing immigration for skilled workers and increasing annual green cards to 675,000 (Zolberg 376-80). Like previous laws, this one permits immediate immigration for relatives, such as children, spouses, and parents of U.S. citizens. It provided at least 226,000 additional green cards for family members and 140,000 green cards for employed immigrants.

In addition, the 1990 Act created nonimmigrant visas for skilled workers, such as the H-1B visas for skilled workers and the O-1 visas for workers of exceptional ability and performance. The bill granted 55,000 immigration visas to citizens of countries with low immigration to the US. However, it was not created to increase immigration from Africa and Asia but instead from Ireland. Therefore, in 1994, nearly all diversity visas were given to European countries (Wasem 1-4). Between 1995 and 2000, an average of 42% of diversity visa immigrants were from European countries; however, the composition of recipients has changed over time (Wilson 3). In addition, the number of illegal immigrants in 1990 increased from 3.5 million to 5.7 million in 1995 (Krogstad et al.).

The Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 supported penalties for illegal entry, introduced mandatory detention, and expedited deportation procedures. In addition, the acts

limited judicial review of some types of deportation and permitted secret evidence in deportation proceedings against noncitizens suspected of terrorist activities (Kanstroom 10). Furthermore, the Illegal Immigration Reform and Immigration Responsibility Act strengthened the U.S. domestic deportation mechanism and prohibited illegal immigrants from obtaining green cards legally (Huang 389-90).

In 1997, Border Patrol guards along the southwestern border reached 6,315, which is nearly double the number in 1987. Additional enforcement measures increased the cost for illegal immigrants that were crossing the border and prevented them from returning home after entering the United States; they also increased charges for smugglers (Massey et al.). Jill H. Wilson claims that in 2016, the proportion of diversity visas issued to European countries decreased to 24%, while the proportion of diversity visas issued to Africans and Asians increased to 40% and 31%, respectively (3).

## **1.2 The 9/11 Attacks**

Islamists regard Islam as a guiding ideology for societal and political structure. That is, they hold that a nation's legal system, as well as its cultural and social life, should be solely based on strict devotion to religious law. Many Muslims do not share this belief, while some do. Islamic extremists think that using violence to accomplish these goals is justified. One of the numerous Islamist extremist organizations is Al-Qaeda (9/11 Memorial and Museum).

The tragic incident that took place on September 11, 2001, in the United States of America is one of the most terrible, humiliating, and surprising events of the early 21st century. As it had severe repercussions on various sections in different parts of the world generally, and it is one of the worst attacks on American land, particularly since the attack on Pearl Harbor 60 years ago. The attacks marked a big tension and were a shifting point in the United States, which inflicted a negative impact on all fields such as the economy, world

market, and military power, in addition to human losses and other materials. The 9/11 attacks were the biggest terrorist attacks in US history. It was committed by 19 youths from the Al-Qaeda group that was responsible for the crash of four commercial flights in the nation. (BU Today).

On the morning of that day, both the North Tower and the South Tower of the World Trade Center in New York City were destroyed when American Airlines Flight 11 and United Airlines Flight 175 collided after taking off from Boston. At 8:46 a.m., Flight 11 hit the North Tower, and at 9:03 a.m., Flight 175 hit the South Tower. American Airlines Flight 77, departing from Virginia's Dulles International Airport, crashed into the Pentagon at 9:37 a.m. after passengers rushed into the cockpit and attempted to subdue the hijackers. While the last flight, United Airlines Flight 93, was leaving from Newark, New Jersey, at 10:03 a.m., it crashed in a field in Shanksville, Pennsylvania.

### **1.2.1 Al Qaeda**

Peter Neumann states that the origins of Al-Qaeda may be traced back to a group of foreign warriors who helped the Mujaheddin<sup>5</sup> in the 1980s during their victorious campaign against Soviet domination of Afghanistan. Osama bin Laden, a Saudi national, created this Islamic extremist organization in 1988, though it is unclear when it truly started operating. (Burke qtd. in Knight 1). According to Neumann, the phrase Al Qaeda means "the base" in Arabic, as used by some of the so-called Afghan Arabs who pledged to join an Islamic "quick reaction force" that would be prepared to support local forces anytime Muslim countries were threatened by an invasion or occupation by a foreign power. In addition to that, Neumann claims that the organization seeks to liberate and reunite the world's Muslim believers, whose rights, interests, and allegations are being suppressed by a coalition of Christians, Jews, and apostate Muslim leaders. Esposito states that they claim that every Muslim must defend fellow Muslims by force or armed conflict, which is known as jihad.

Alga Mihail Raul argues that the Iranian Islamic Revolution and the Soviet invasion of Afghanistan, which resulted in the overthrow of the Shah in 1979, are two events that can be linked to the founding of Al-Qaeda as an organization. Following the military, these two occasions symbolized the end of the Cold War. Furthermore, at this time, Abdullah Yusuf Adam, a Palestinian scholar, and head of the anti-Soviet Jihad, began to influence Osama bin Laden, a wealthy Saudi Arabian family's son. It was at this time that Bin Laden officially recognized Adam as his mentor and began to take an active role in raising money and recruiting new Jihadists. In this sense, they were both in charge of Mujahidin al Khidmat (MAK), also known as the Afghan Service Bureau, which would later become Al-Qaeda, in Peshawar, Pakistan (1-2).

In addition, Raul proclaims that after the assassination of Adam, Al-Qaeda's leadership changed to Osama bin Laden. In his capacity as a leader, he began his campaign by restructuring the MAK and Al-Qaeda with his ideals, concepts, and philosophies. He created Al-Qaeda with the intent of destroying America and Israel and re-establishing the Caliphate through an international jihad. Al-Qaeda was modeled after an unrelentingly hostile global terrorist force. Rohan Guarana argues that Al-Qaeda was founded to mobilize all Mujaheddin to fight for persecuted Muslims around the world and prepare them to quickly come to the aid of their fellow believers. Consequently, the role of Al-Qaeda in the Islamic world can be seen as a way of defending the lives of Muslims, and in addition to that, it also serves as a means of uniting Muslims from different areas around the globe (qtd. in Raul 1-2).

Furthermore, the organization had begun to operate by using terrorist techniques, such as key figure assassination schemes, suicide bombings, and other distinct procedures utilized by terrorist groups, to achieve its goals. Apart from these terrorist attacks, Osama bin Laden's character, origin, and education were going to have a big impact on Al-Qaeda (Raul 2).

Raul states that Bin Laden did not ascend to prominence primarily as a religious, military, or political figure, in contrast to the terrorist leaders of other extremist organizations. He was a leader with a good education who came from an affluent Saudi Arabian family with ties to the USA. Based on his understanding of the economy and his wealth of \$200 million, Bin Laden was able to establish a terrorist group that was unmatched in human history and was supported by a highly developed, intricate, adaptable, and powerful financial network. To aid the Mujahedeen combatants in Afghanistan during the Soviet invasion and aid them in establishing a pan-Islamic Caliphate by Quranic Law, a financial system was developed (2).

Al-Qaeda does not rely on Bin Laden's financial support, as Mark Basil states. Instead, Al-Qaeda has a substantial financial network estimated to be worth over \$300 million and disburses between \$30 and \$40 million annually. By this assumption, it is abundantly obvious that Al-Qaeda's financial network is not just dependent on Osama bin Laden's wealth but has instead developed into a decentralized network of financial capabilities that receives funding from a variety of financial sources.

Rohan Guarana claims that it consists of a central base or bases in Afghanistan, satellite terrorist cells around the world, a collection of Islamist political groups, and other large independent terrorist groups that it seeks to recruit for aggressive operations and other engagements. It is neither a single group nor a coalition of groups. In other words, it means that Al-Qaeda relies on a variety of groups and associations that take, for example, different offensive actions and responsibilities in the use of specific technical and operational procedures represented by the use of bombs in their offensive action (qtd. in Raul 2-3).

### **1.3 The Department of Homeland Security**

The 9/11 terrorist attacks have not only led to a policy rethink within the US but a bureaucratic shift as well. This can be evidenced by the rethinking of the role of borders within US security policy, which led to the rise of a new form of security based on the idea

that borders no longer protect us but instead create new vulnerabilities. The securitization of terrorism has two main consequences. First, it makes terrorism a security issue, which in turn affects the way security policy is made within the US. Second, the "war on terror" has had a major impact on what security is like in the US, particularly in terms of how threats are created and responded to. Therefore, founding the Department of Homeland Security (DHS) provides a new way of conceptualizing "borders" for US national security (Mabee 1).

Shortly after the attacks, President Bush signed the Homeland Security Act of 2002, creating the Department of Homeland Security, which brought together 22 federal agencies to improve the coordination and management of homeland security resources. The establishment of the DHS in 2002 was the largest reorganization of the federal government since the creation of the Defense Department after World War II. Its primary goals are preventing terrorist attacks and reducing vulnerability to terrorism in the United States. The department's overarching objectives for immigration include controlling the US border and expanding the "zone of security" beyond US borders, enforcing immigration laws, and improving security by denying immigration benefits to those who pose a danger to the United States (Mittelstadt et al. 2).

### **1.3.1 The Creation of the Department of Homeland Security**

Bryan Mabee states that the creation of the Department of Homeland Security (DHS) was a major point in reforming the US government. This involved the consolidation of 22 government agencies with a combined workforce of 180,000 people (1). As President Bush states, "ensuring that our efforts to defend this country are comprehensive and united" (qtd. in Mabee 1). Likened to the National Security Act of 1947, DHS promised to have an equally significant impact on how future US security would be defined. While not a single institutional feature of the "war on terror", it was and still is the new "home front".



Essentially, the 9/11 attacks led to the reinventing of the "national security state", perhaps far beyond what the architects of the National Security Act could have hoped for (1).

Ranging from the US Coast Guard and Secret Service to the Federal Emergency Management Agency and US Customs Service. Most of the functions of the US Immigration and Naturalization Service (INS), which was linked to the US Department of Justice (DOJ), were merged into the DHS, which ultimately split into three components. US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS) (Mittelstadt et al. 2).

According to Mittelstadt, Michelle, et al., Congress and the Bush (later Obama) administration, in addition to creating a coordinated homeland security capability in the new Department of Homeland Security, presided over a noteworthy increase in homeland security spending from \$19.5 billion in 2002 to \$55.3 billion in 2010. This increase was 183.6 percent, from 2002 to 2010 (2). Furthermore, they reveal that the DHS, which started operating on March 1, 2003, has seen its civilian workforce grow from 181,875 employees that were transferred to new divisions in Fiscal Year (FY) 2004 to an estimated 230,000 in FY 2010, with 39 percent of them devoted to immigration functions. However, these figures do not include the use of contractors, which Homeland Security Secretary Janet Napolitano estimated in her 2010 report at about 200,000.

### **1.3.2 The Department of Homeland Security and the Global Risk Environment**

The establishment of DHS was a major rearrangement of the engineering of the US government. Before 9/11, there was not a strong reason to reform the outdated Cold War security system; due to institutional inertia and the absence of large-scale external threats, what already seemed to work continued. As Douglas T. Stuart suggests, "Absent a crisis comparable to Pearl Harbor, the American people were content to focus on their 401(k)s and stock options" (306-07). Despite several changes to the network of security organizations, the

situation remains largely unchanged. such as the Goldwater-Nichols reform of the Department of Defense and President Clinton's creation of a National Economic Council (NEC), which mirrored the National Security Council (NSC) in an organization, security arrangements still had a clearly Cold War flavor (Locher).

The DHS itself was created to incorporate the many diverse agencies that provide the different aspects of "homeland security", such as immigration, border control, disaster management, the Coast Guard, and intelligence (11). Peter Andreas argues that the focus on transnational actors (especially terrorist groups) as a security threat marks a shift in security concepts within the US security community. Identifying cross-border threats before 9/11 was reflected in activities ranging from President Reagan's "war on drugs" to President Clinton's focus on transnational crime. Yet, he explains that the creation of the DHS will help institutionalize these efforts by bringing together the many organizations already involved in the security efforts of multinational actors (Coast Guard, Customs Service, INS, etc.) and emphasizing their focus on terrorism (92). As the 9/11 Commission states, "9/11 has taught us that terrorism against American interests "over there" should be regarded just as we regard terrorism against America "over here". In this same sense, the American homeland is the planet" (Department of Homeland Security 362).

One way that global insecurity has been characterized, is as a "world-risk society". Roy Boyne defines risk as "the modern approach to foreseeing and controlling the future consequences of human action" (qtd. in Beck). In this sense, the risk is knowing the possible consequences of actions and attempting to control them. As Anthony Giddens states, globalization has increased the intensity and scale of risks. These risks range from highly local (such as self-ontological insecurity) to global (such as the risk of nuclear war).

Christopher Coker uses sociological literature on risk to shed light on today's world of safety and insecurity: "Risk increasingly determines the discourse of security" (60). The

significance of this line of thinking is that it indicates an increasing awareness of risk and uncertainty on a global scale. Issues within society are no longer just part of the immediate community. As he argues, “Globalization has drawn us out of our self-contained national or local communities into a larger world that offers none of the old protections” (59). Overall, seeing the world as a community at risk shows the importance of secure globalization, indicating that risk is a part of our world.

The 9/11 terrorist attacks have often been linked to globalized risk. For example, Audrey Kurth Cronin argues that globalization has led to the exploitation of new terrorist methods: “Important changes in terrorist methods are apparent in the use of new technologies, the movement of terrorist groups across international boundaries and changes in the sources of support” (46). Identifying new threat contexts that fit the notions of globalization and risk is critical to reshaping the security discourse. This has become very clear with the emergence of new ideas about the role of borders.

In the traditional approach to security, characterized by realism, borders are significant because threats are externalized, so borders are the protection of territorial states. However, this view on security is important; it does not recognize the potential for such security concepts to change over time. As Andreas explains, “As a result, there is a widening gap between the traditional realist conception of the security of borders and what many states are doing in the realm of security and border defenses” (82). A move away from defining borders and security in terms of military threats, preparing for war, or police and transnational law. With the continued importance of globalization in creating a global risk environment, actual security practices are moving from this highly militarized concept of security to what can only be labeled as policing (Andreas and Price). Therefore, not to indicate that military security has become irrelevant, but in industrialized democracies,

warfare between nations has become less relevant and the military is becoming more of a police force.

Links to globalization extend beyond protection from terrorism. The problem facing DHS is redesigning national borders as filters to allow beneficial movements of the products of economic globalization (movement of goods or people) while eliminating the undesirable (Naim qtd. in Flynn). Overall, DHS has played a key role in creating the new risk environment, which is defined by the context of globalization and the movement of people and goods across borders. While this requires rewriting boundaries as barriers, it also adds a dimension (12-13). As Didier Bigo argues, “Security is not only a state affair; it is a boundary function” (91). However, rather than viewing national borders as rigid barriers that can be easily defended against external threats, in a global risk environment, security is all over the globe.

Therefore, Mabee argues that the creation of the Department of Homeland Security must be taken very seriously because it fundamentally changes the security discourse and public perception in the United States of what security is. Perhaps the creation of DHS did not put an end to the pursuit of national security through military means, but the broader security context has changed to fit the context of the global risk environment (13). Thus, it should come as no surprise that such an environment calls for new political approaches to the pursuit of security. In the broader context of security, practical implementations, risk management, and policing capabilities are becoming increasingly important when dealing with the context of globalization. The securitization and subsequent institutionalization of this new threat are of paramount importance to security analysts.

#### **1.4 The Impact of 9/11 on Immigration to the US**

After the September 11, 2001, terrorist attacks, the number of business and leisure travelers arriving in the United States dropped. From October 2002 to September 2003,

nonimmigrant visitors decreased by more than 17 percent compared to 2000. In contrast, since 9/11, illegal immigration has declined due to increased security measures; however, the number of legal permanent immigrants has not changed significantly (Passel). The US government increased the number of border security measures. Harder actions were taken, including changes to security procedures at airports and other points of entry as well as visa issuance policies that affected those who must have a visa to enter the United States. The 9/11 terrorists entered the United States on legal visas, so the change in visa policy in the wake of the attacks was not surprising.

Stricter visa regulations were a major factor in the decline in travel to the United States; post-9/11 visa regulations hurt businesses and badly affected relations with clients. According to the National Foreign Trade Council, Tightening immigration laws and the decline in foreign tourists cost government businesses \$31 billion from 2002 to 2004 (Neiman and Swagel 2-3). Changes in visa policy had a major role in the decline in foreign visitors in the aftermath of 9/11. In December 2006, in a report by a travel industry group, the first Secretary of Homeland Security, Tom Ridge, suggested that the United States needs to review its current visa and border control regimes.

This matter is also attracting the attention of politicians. Dallas Federal Reserve Bank highlights business' concerns over new post-9/11 visa regulations (Orrenius). In 2006, a hearing was held on the issue and found that visa policies delayed several cultural exchanges. Foreign officials have also expressed frustration at changes in visa policies since 9/11. To discover the impact of visa policies, a study by Alison Siskin looked at the impact of the attacks on the travel of visitors who required a visa to enter the US and the travel of visitors who did not require a visa. By comparing the citizens of the countries participating in the Visa Waiver Program, which includes citizens of 27 countries (as of 2007), to those temporarily traveling to the United States without having a visa. Citizens eligible for the Visa

Waiver Program are not expected to pose a security threat and are expected to leave the United States in time, respecting the rules. In 2003, nearly half of all foreign visitors to the United States were enrolled in this program.

While all travelers are subject to regular security restrictions such as passport and baggage, changes to nonimmigrant visa policies affect visitors from countries that are not participating in the Visa Waiver Program. Some of the changes in the security policies are applied to all visitors to the United States, but changes to visa policies are only applied to certain travelers. The difference in treatment between visa-required and visa-free travelers represents a policy-led change to measure the impact of changes in the visa regime after the 9/11 attacks. Arrivals from visa-required countries did not decrease below those from non-visa-required countries. Thus, the stricter visa policies during the two years after the attacks did not directly reduce travel to the US. The decline was significant for travelers from visa-waiver countries, who do not require a visa to enter the United States (Neiman and Swagel 4-5).

Several factors may have contributed to the decline in visa-free visitor travel. One possibility is that the September 11<sup>th</sup> attacks had a profound psychological effect on citizens of visa-waiver countries, making them more unwilling to travel to the United States than citizens of other countries. Another possibility is the increased security controls and other weighty informal barriers that contribute to the roughness of travel, which result in a large additional burden for visa-free travelers. Thus, it led to a significant decrease in the number of arrivals from these countries (Siskin 5-6).

Given this view, visa-required travelers were truly affected by the new obstacles post-9/11. However, visa-free visitors such as French and British nationals, among other visa-free travelers, did not need visas, but they were being scrutinized as well. Before 9/11, the British

and French were poorly scrutinized, so the relatively large change in treatment may be related to the large impact on their travel to the United States.

To sum up, considering economic and country-specific factors, the decline in the arrivals of visa-free travelers since 9/11 has been as great as, and often significantly greater than, that of visa-required visitors. This suggests that changes in the formal visa process cannot explain the significant decline in travel to the United States. What was more important was the change in attitudes toward foreigners and changes in the security regime after 9/11, not just toward those who needed to apply for visas but all tourists and businesspersons considering traveling to the United States.

## Endnotes

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<sup>1</sup> Nativists: is a term used to describe individuals or groups who advocate for the protection of native-born citizens' interests and privileges over those of immigrants. They often support policies that restrict immigration and promote cultural assimilation (Merriam-Webster).

<sup>2</sup> Imbeciles: is an offensive and outdated term historically used to describe individuals with intellectual disabilities or low intelligence. Its usage is highly discouraged today due to its derogatory nature (Merriam-Webster).

<sup>3</sup> Quotas: refers to numerical limits or restrictions imposed on the number of individuals allowed to enter a country or participate in a particular program. It is important to note that the use of quotas in immigration policies has been a subject of debate and can carry different connotations in different contexts (Cambridge Dictionary).

<sup>4</sup> Bracero: refers to a manual laborer, typically a farm worker, who is hired to work temporarily in another country, particularly in the United States. The term is often associated with the Bracero Program, which was a guest worker program implemented between 1942 and 1964 that allowed Mexican agricultural workers to work in the U.S. (Merriam-Webster).

<sup>5</sup> Mujaheddin: refers to Muslim guerrilla fighters engaged in a jihad, or holy war, usually against non-Muslim forces. The term gained prominence during the Soviet-Afghan War (1979-1989) when Afghan resistance fighters, supported by the United States and other countries, were referred to as Mujaheddin (Encyclopedia Britannica).



## **Chapter Two**

### **A Survey of UK Immigration Policy Prior to 9/11**

The world is currently witnessing an unparalleled surge in global migration, with various factors contributing to this phenomenon. These factors encompass a range of positive and negative elements, including opportunities and freedoms, as well as poverty and violence. In recent times, persistent conflicts, the impacts of climate change, outbreaks of diseases, and inadequate food availability have resulted in a rise in forced migration, compelling individuals to seek refuge in other countries. In certain circumstances, individuals who have fled their home countries and are unable to return have the option to seek asylum in another nation (Nylander 2).

UK immigration legislation governs the entry, residency, and permitted activities of individuals in the country. This extensive body of law is expansive, diverse, intricate, and subject to frequent modifications. Alongside the legislation, the UK immigration legal framework is also shaped by comprehensive rules and guidance documents, further contributing to the multitude of sources that regulate immigration in the UK (Morris).

Since the 1990s, asylum seekers in the UK have faced a growing number of limitations on their fundamental rights. While the Refugee Convention establishes comprehensive rights for individuals acknowledged as refugees by the state, it does not specifically address the rights of those who are in the process of seeking refugee status, known as asylum seekers. In the absence of explicit protection for asylum seekers, the Human Rights Act of 1998, which incorporates the provisions of the European Convention on Human Rights (ECHR), has been employed to uphold the rights of asylum seekers (Justice).

## **2.1 The Pre-9/11 UK Immigration Policy**

UK immigration laws originate from various sources. Alongside numerous statutes and dynamic Immigration Rules, there exist numerous statutory instruments that encompass various procedural rules and regulations. Furthermore, Home Office guidance and a significant body of case law contribute to this legal framework. Additionally, relevant international and EU law, which continues to apply post-Brexit<sup>1</sup>, forms an integral part of UK immigration law. As a result, the overall structure of immigration law in the UK is a complex mosaic of legislation, comprising diverse elements from these various sources (Morris).

### **2.1.1 UK Immigration Policy during 1905-1960**

The year 1905 marked the start of a fresh legislative approach toward immigration, signifying a shift in attitude. Before this year, there was no established tradition of imposing restrictions on entry into Britain during peacetime, except for quarantine measures that were implemented based on public health concerns. While legal differentiations existed before 1900 between individuals categorized as British subjects (including those from the wider British Empire) and aliens<sup>2</sup>, referring to non-British subjects, these distinctions did not determine access to mainland Britain. Similar to many other countries worldwide, foreigners had the freedom to move in and out of the country. The development of immigration law in the first half of the 20th century was characterized by the aforementioned distinction between British subjects and "aliens" (Grivan 1).

Alyssa Grivan claims that the mass immigration waves originating from southern and Eastern Europe and the Balkans, starting in the 1860s resulted in millions of individuals crossing the Atlantic to the United States and arriving in Western Europe. This influx of people began to strain the concept of free movement. In Britain, particularly from the 1880s onward, the arrival of a significant number of Jewish immigrants from Russia and Poland, who were fleeing pogroms and economic oppression, triggered public campaigns advocating

for immigration restrictions. Debates in the media, Parliament, and public gatherings primarily revolved around concerns regarding competition for housing and employment and fears that the influx of migrants posed a threat to British culture, often described as an "invasion". During the World Wars, these anxieties were further compounded by fears of "enemy aliens", leading Britain to erect barriers to entry that were based on a sharp differentiation between those considered "British" and those classified as "aliens" (1).

The violent state-sanctioned anti-Jewish riots, commonly referred to as pogroms, along with economic and political marginalization, led to the mass exodus of over 2.5 million Eastern European Jews between 1870 and 1914. Seeking refuge, a significant number migrated to Western Europe and the United States, with approximately 120,000 to 150,000 finding their way to Britain. As a response to this influx, the British government enacted the 1905 Aliens Act, which aimed to impose restrictions on immigration (Dresser).

The introduction of the 1905 Aliens Act marked the implementation of measures to prohibit the entry of "undesirable immigrants" into Britain. While the act was not explicitly targeted at specific groups, it predominantly affected Jewish and Eastern European immigrants. The act did not show bias against immigrants from the Indian subcontinent, as they were afforded unrestricted mobility as British Empire subjects at that time. However, prior legislation, such as the Navigation and Merchant Shipping Acts, had already exhibited discriminatory provisions against seafarers from the Indian subcontinent. It was only after the First World War that amendments to immigration regulations and the imposition of restrictions on "colored seamen" more formally discriminated against South Asian migrants (Karatani).

The implementation of the Aliens Act in 1905 marked the end of an era characterized by open immigration policies in British history. Although the legislation referred to foreign migrants as "aliens" rather than specifically targeting Jews, the debates surrounding it were

rife with prevalent anti-Semitic prejudice. The discussions of the time often associated poor Jewish individuals with crime, deteriorating labor conditions, anarchism, uncleanliness, and disease (Dresser).

As the minority ethnic population in Britain started to rise in the early 1900s, there was growing unease among the public regarding interracial relationships. The British Nationality and Status of Aliens Act in 1914 introduced new regulations, requiring foreign-born residents, referred to as “aliens”, to possess an alien registration card. Additionally, British women across the Empire who married foreign-born men would automatically lose their British nationality. However, no such restrictions were imposed on British men, and, interestingly, any foreign woman marrying a British subject would automatically acquire British nationality (Baldwin 522-56).

According to government records dated 1923, the revocation of nationality was identified as the sole deterrent for British women considering relationships, particularly with individuals of Oriental descent. The documents emphasized that any amendment to the laws would encourage mixed marriages of this specific nature, which were generally regarded as highly undesirable for women (Baldwin 583). The Act remained unchanged until 1948 when reforms were eventually introduced.

The powers conferred by the 1914 Wartime Act, which mandated foreign nationals to register with the police, enabled deportation and imposed restrictions on their residential locations, were expanded through the 1919 Aliens Restriction Act. Initially, the primary focus of the 1914 Act was to target individuals considered "enemy aliens" residing in Britain during the First World War. The 1919 Act extended these restrictions beyond the wartime period, affecting peacetime as well. It restricted the employment opportunities available to foreign residents in the UK, prohibiting them from engaging in specific occupations such as

civil service roles, and had a notable effect on foreign seamen working on British ships (Tabili).

The Act also targeted criminals, destitute individuals, and those deemed "undesirable", while making it illegal for aliens to promote industrial action. One of the motivations behind the extension of these restrictions was the resolution of wartime labor shortages and the subsequent aim to safeguard employment opportunities for native white Britons<sup>3</sup>. Although South Asians were not officially categorized as "aliens" due to their status as citizens of the British Empire, they still faced harassment and discrimination because of immigration legislation (Tabili).

The British Nationality Act of 1948 brought about the notion of the United Kingdom and the colonies' citizenship. Individuals from other Commonwealth<sup>4</sup> countries were granted the status of British subjects or Commonwealth citizens, ensuring their entitlement to enter and live in the United Kingdom. Until January 1983, all citizens of Commonwealth nations held the status of British subjects (McMahon). The underlying motivations of the 1948 Act were primarily driven by imperial considerations, aiming to maintain unity among the colonies and independent Commonwealth states in terms of nationality and preserve the membership of a future republican India within the Commonwealth. However, even as Britain's formal empire declined significantly by 1965, subsequent governments chose not to dismantle these imperial frameworks of British nationality and citizenship. Instead, they implemented immigration laws as temporary measures to address nativist sentiments, while the multicultural heartland continued to attract an increasing number of non-white migrants (Patel).

### **2.1.2 UK Immigration Policy during 1960-1990**

In the early 20th Century, immigration policy in Britain revolved around differentiating between British subjects and aliens. However, by the 1960s, the focus shifted

towards making increasingly nuanced distinctions among various categories of "citizens of the UK and colonies". Initially, immigration from Britain's empire and newly independent nations were encouraged to aid in post-war reconstruction and economic growth. Yet, despite this encouragement, newcomers to the UK faced not only hostility and racism but also growing restrictions on their entry (Grivan 4).

As it became apparent that "post-colonial immigration" would become a permanent fixture of British society and as socioeconomic disparities between Britain and its former colonies widened, the British government felt compelled to limit and eventually sever future immigration pathways. The once-inclusive term "British citizen", which encompassed individuals from the mainland to the colonies, underwent redefinition in response to the changing political climate, resulting in heightened exclusivity regarding the right to reside in the United Kingdom. Concurrently, while Commonwealth rights were gradually reduced, the rights of individuals from the European Community, later known as the European Union (EU), expanded following Britain's accession to the European Community in 1973 (Grivan 4).

In 1960, the British government, led by Home Secretary Richard "Rab" Butler, initiated discussions on addressing immigration concerns. A committee was established by the Cabinet to develop legislation in response to these concerns. This led to the drafting of the Commonwealth Immigration Act, which was enacted in 1962 (The National Archives). The Commonwealth Immigrants Act of 1962 marked the end of the right for individuals from the British Commonwealth and Colonies to settle in the United Kingdom. Initially, when these measures were announced, they provoked a widespread wave of anger that seemed capable of overturning them. Even the government's supporters expressed discontent, and Prime Minister Harold Macmillan, in a moment of apprehension, worried about the potential downfall of the government itself. However, despite the initial uproar, the storm eventually

subsidized, and five months later, the measures that were ultimately passed into law did not significantly deviate from the original proposals (McKay 90).

In 1967, individuals of Asian descent from Kenya and Uganda, concerned about potential discrimination from their respective national governments, started immigrating to Britain. Since they had retained their British citizenship after the independence of their countries, they were not affected by the previous immigration legislation. However, this influx of immigrants prompted calls from conservative politician Enoch Powell and his supporters for stricter immigration controls. In response, the Labor government introduced the second Commonwealth Immigration Act in 1968. This new act expanded the scope of immigration control to include individuals who did not have a parent or grandparent born in or holding UK citizenship. The aim was to further regulate and limit the entry of individuals into the country (The National Archives).

Three years later, the Conservative government introduced the Immigration Act of 1971. The Act attempted to bring a sense of organization and structure to Britain's immigration system. It introduced a unique concept known as patriality<sup>5</sup>, which primarily referred to a person's birth or ancestral connection to the territories of the British Isles. This concept of patriality became crucial in determining the right of entry into Britain. The rights of citizenship, including entry and residence, were now tied to patriality. Being recognized as a patrial meant that an individual was considered to truly belong in Britain, granting them certain rights and privileges (Patel). Additionally, the act aimed to strengthen the administration of immigration control by imposing stricter regulations and procedures. It also included certain provisions to facilitate voluntary repatriation for those who wished to return to their home countries voluntarily (The National Archives).

### **2.1.3 UK Immigration Policy during the 1990s**

As British citizenship criteria became more defined and the free movement of European citizens was established due to Britain's membership in the European Union, the focus of immigration policy shifted towards addressing laws related to refugees and asylum seekers. This shift became more pressing as immigration patterns changed following the end of the Cold War. The 1990s witnessed a notable increase in the number of individual asylum applications in the UK. Alongside a rise in people fleeing from war, political instability, and natural disasters, stricter immigration laws also led to individuals attempting to exploit asylum legislation as a means to enter the UK labor market. Consequently, this period was characterized by a growing emphasis on distinguishing between the categories of “refugee”, “asylum seeker”, and “economic migrant”, each involving different rights to remain, access welfare, and work (Grivan 6).

The 1993 Asylum and Immigration Appeals Act aims to address various aspects related to individuals seeking asylum in the United Kingdom and their dependents. It includes provisions for their rights and welfare, as well as amending the existing law regarding certain appeal rights under the Immigration Act 1971. Additionally, the act extends the scope of the Immigration (Carriers' Liability) Act 1987 to cover transit passengers (UK Government). The 1993 Act incorporated two significant elements that had positive implications. Firstly, it incorporated the principles outlined in the 1951 Convention, which commits participating nations to uphold the rights of refugees. Secondly, it introduced the right of appeal, allowing individuals facing removal to challenge the decision. It may initially seem contradictory that these elements were included in a bill aimed at reducing the number of people entitled to such rights. However, upon closer examination, there was a rationale behind their inclusion (Schuster and Solomos 7).



The 1996 Immigration, Asylum, and Nationality Act introduced a provision that criminalizes the employment of individuals without permission to reside or work in the UK. This means that it is against the law for employers to hire such individuals. The Act also mandates that all employers in the UK must conduct basic document checks on every prospective employee to verify their right to work in the country (Denbighshire County Council). The adoption of the 1951 Convention into British law was followed by a series of measures aimed at restricting the ability of individuals to obtain refugee status. One such measure was the 1996 Asylum and Immigration Act, which weakened the appeals process by implementing a "white list" of countries, deemed to have no significant risk of persecution. This approach undermined the protection of refugees by limiting their access to the appeals system (Nicholson).

The Human Rights Act passed in 1998, grants individuals the ability to protect their rights within the UK legal system. It imposes an obligation on public entities, such as the Government, police, and local councils, to treat all individuals fairly, with dignity and respect, ensuring equal treatment for everyone. This law applies to all individuals residing in the United Kingdom, regardless of their citizenship, nationality, age, or legal status, including both British citizens and foreign nationals. It can even be invoked by children, adults, prisoners, and members of the public, even companies, and organizations to safeguard their rights (Liberty). The Act established the essential rights and freedoms that are guaranteed to every individual in the United Kingdom. It incorporates the rights outlined in the European Convention on Human Rights (ECHR) into the domestic legal framework of Britain. The Human Rights Act was implemented and became effective in the UK in October 2000 (Equality and Human Rights Commission).

Despite the revisions made to the 1996 Act, it was recognized that the asylum process in the UK continued to suffer from delays and inefficiencies. Both the individual applications

themselves and the subsequent opportunities for appeal were considered time-consuming, resulting in many unsuccessful asylum seekers remaining in the country for extended periods while their cases were being heard. To address these concerns, the 1999 Asylum and Immigration Act introduced a streamlined procedure known as the “One Stop Appeal”. Under this provision, individuals were required to present all grounds for appeal at once, eliminating the possibility of further appeals (Grivan 7).

Additionally, the Act imposed harsher penalties on individuals involved in the transportation of "clandestine entrants", including the confiscation of vehicles, fines, and imprisonment. To ensure clarity and precision in the law, the legislation included a comprehensive list of definitions for transport containers and vehicles, ranging from "train" to "detached trailer". The new system faced strong criticism from various quarters, including refugee rights organizations and even within the Labor Party. The Refugee Council expressed concern that the voucher scheme would marginalize and degrade one of the most vulnerable segments of society. Bill Morris, the leader of the Transport and General Workers' Union, went further and accused the policies of fueling racist sentiments (The Guardian).

## **2.2 Understanding the Asylum System in the UK**

Peter William Walsh states that Asylum refers to the safeguard provided by a country to individuals who have left their nation due to significant risks to their life or freedom. Refugees, on the other hand, are individuals who have received this protection based on the guidelines outlined in the United Nations 1951 Convention Relating to the Status of Refugees, commonly known as the "Refugee Convention". However, the term "refugee" is frequently used more inclusively to encompass anyone who has left their home country to escape persecution, conflict, or catastrophic circumstances, irrespective of whether they have officially obtained refugee status under the Refugee Convention (2).

According to the Refugee Convention, a refugee is an individual who is outside their own country of citizenship and is unable or unwilling to seek protection in that country due to a justified fear of persecution based on factors such as ethnicity, nationality, religion, membership in a particular social group, or political beliefs. An asylum seeker, on the other hand, is someone who has applied for refugee status by following the provisions of the Refugee Convention, which has been signed by over 140 countries (UNHCR).

Refugees and asylum seekers arrive in the UK through two primary ways. The first involves asylum seekers who independently travel to the UK and submit their asylum applications while already in the country. These individuals may enter the UK through various means, with or without proper documentation. The second way relates to individuals who seek asylum upon their initial entry into the UK, which can occur through different documented or undocumented routes. Additionally, a portion of refugees is resettled in the UK through government programs that collaborate with the United Nations High Commissioner for Refugees (UNHCR). However, this option is limited to a specific number of individuals who are considered highly vulnerable or at risk, often originating from refugee camps in countries with limited resources (Nylander 3).

Refugees who arrive in the UK through the Government's formal resettlement programs are not required to apply for asylum upon their arrival. They receive a comparatively high level of official support, which includes assistance in registering with a General Practitioner<sup>6</sup> (GP). However, despite these provisions, they may encounter challenges when accessing healthcare services. Resettled refugees undergo a comprehensive health assessment before they arrive in the UK, although their medical records might not be readily available to GPs (Nylander 6).

On the other hand, many asylum seekers reach the UK through long journeys by land or sea, sometimes entering the country illegally due to limited legal pathways. Their

circumstances can vary, including being unable to return home or being victims of trafficking. The asylum process can be lengthy, taking months or even years to reach a decision. Usually, asylum seekers receive a daily allowance of £5.39 per person, often in the form of vouchers or a prepaid card, making it challenging to meet basic needs and access healthcare services, leading to health risks such as malnutrition. The prolonged period of stress and uncertainty can also negatively affect mental health, even among those who were in good mental health. Although asylum seekers can register with a local GP, they often face difficulties in accessing healthcare services (Nylander 6).

There is no legal obligation for asylum seekers to lodge their claim in the first safe country they reach after fleeing their home country. However, the Dublin III Regulation, an EU regulation, theoretically allows for the relocation of asylum seekers to the first European Union member state they entered. Due to Brexit, the UK is no longer part of the Dublin arrangements, but it has implemented new regulations regarding "inadmissibility". These regulations prohibit individuals from seeking asylum in the UK if they have previously resided in or have a connection to a safe third country (Walsh 3).

In order to seek asylum in the UK, individuals must be physically present within the country. It is not possible to apply for asylum from outside the UK, and there is no specific visa category for asylum seekers to enter the country and submit their applications. As a result, those without visa-free travel to the UK may enter irregularly, using methods such as small boats, Lorries, false identification, or on a visa for another purpose, such as tourism or study, to make an asylum claim. It is important to note that if the government perceives applicants as a threat to national security, they may be denied asylum (UK Immigration Rules 334).

Walsh claims that there are four possible outcomes for an asylum application in the UK. The first is being accepted as a "Group 1" refugee, granting the applicant asylum and

five years' leave to remain in the country. After this period, they can apply for permanent residency without paying any fees. The second outcome is being designated as a "Group 2" refugee, which grants fewer rights, including a 2.5-year leave to remain and the option to apply for permanent residence after ten years. The third possible outcome is when the applicant is considered ineligible for refugee status but is granted permission to remain in the UK based on humanitarian grounds or other reasons. This includes situations such as Un-Accompanied Asylum-Seeking Children (UASC) leave, Discretionary Leave (DL), leave based on family or private life regulations, or Humanitarian Protection (HP). The fourth outcome is a denial of the asylum application. If the claim is rejected, the applicant can challenge the decision and, if successful, request a stay of the rejection (3).

All asylum applications aim to secure protection for the primary applicant, and some applications also seek protection for the primary applicant's dependents, including their spouse, civil partner, or unmarried partner, as well as any children below 18 years of age. However, the application does not cover dependent parents (Immigration Rules 349). Individuals seeking asylum in the UK are advised to make their request promptly upon arrival at a designated port of entry. However, those who fail to do so have the option to apply for asylum in person at the Asylum Intake Unit located in London (Walsh 3).

During the processing of their asylum claim in the UK, asylum seekers are not permitted to work. However, if they are homeless, they have the option to request free housing and receive asylum support, which amounts to £40.85 per week or £5.84 per day. In certain cases where an asylum application remains unresolved for over 12 months through no fault of the applicant and the job falls under the list of shortage occupations, the Home Office may grant permission to work (Migration Advisory Committee 32). In addition, advocacy groups have argued that asylum seekers and their adult dependents should be allowed to work in any job after waiting six months for a decision on their claim or subsequent submission.

However, during the period of awaiting an asylum decision, asylum seekers are permitted to pursue studies.

The process of seeking asylum differs from the resettlement of refugees. To initiate the asylum procedure, individuals need to apply while they are physically present in the UK. In contrast, there is no formal application process for refugee resettlement. Instead, refugees are selected by the UN for resettlement and are transferred to the UK with the approval of the Home Office. Upon their arrival, they are granted refugee status (UK Visas and Immigration).

### **2.3 Controversies in Detaining Asylum Seekers**

The majority of European Union (EU) countries are currently obligated to adhere to the European Convention on Human Rights. Within this Convention, Article 5 specifically safeguards the right to personal liberty and security. Nevertheless, the Convention does allow for the detention of individuals to facilitate their removal (Schuster). Before the 1990s, the concept of permanent detention centers did not exist in Britain, as detention was considered an exceptional measure. In situations involving large groups of individuals, makeshift accommodations such as barracks, camps, or commandeered buildings were often utilized, as seen during periods such as the two world wars. Otherwise, individuals would be detained in prisons (Cohen).

The practice of detaining individuals under immigration control in the UK was initially established through the 1920 Aliens Act and further expanded under the 1972 Immigration Act. These acts granted authority to immigration officers to detain various categories of individuals. Including those who have recently arrived in the UK and are awaiting a decision on their entry, individuals who have been refused entry or are suspected of being refused entry and are awaiting removal instructions, illegal entrants and those reasonably suspected of being illegal entrants pending removal, and individuals who have

violated the conditions of their entry permit (including overstaying). The powers of detention are extensive and do not undergo automatic or independent scrutiny regarding their lawfulness, appropriateness, or duration (Welch and Schuster 337).

In 2001, new rules were implemented regarding detention centers, which addressed issues such as the conditions within the centers and the requirement to provide reasons for detention. These rules are noteworthy as they establish statutory provisions for the operation of detention centers. However, the detailed standards outlining how these rules should be implemented have not been finalized yet, resulting in variations between different centers. Under the 1972 Act, individuals who were commonly detained were over-stayers, referring to those who had entered the country on a temporary visa but stayed beyond its expiration. They often came to the attention of immigration authorities through reports, traffic incidents, or involvement in criminal activities as victims or offenders (Welch and Schuster 337-38).

Before 1988, the number of asylum seekers was relatively low, averaging around 5,000 per year, and they were seldom deported or detained. Those who were granted refugee status usually arrived through resettlement programs or were from the Soviet Bloc and received asylum more easily. Occasionally, individuals would be stopped upon entry and detained pending removal, but typically, the number of people in detention would range from 200 to 300 at any given time. However, this situation changed significantly in the 1990s, with the number of detainees increasing from approximately 250 in early 1993 to just over 2,260 a decade later (Schuster).

As the number of detainees increased, the decision was made to establish a dedicated facility to accommodate them. The first purpose-built camp specifically for immigration detainees in the UK, known as Campsfield, was opened in Oxfordshire in November 1993 with a capacity of 186 places. However, it was under the New Labor government that the detention estate significantly expanded. Around the 10th anniversary of Campsfield, the

government reversed its decision to close the center and instead opted to add another 100 places (Welch and Schuster 338).

The 1999 Immigration and Asylum Act played a significant role in intensifying the practice of detention and substantially increasing the number of available places. Following the implementation of the Act, three purpose-built detention centers were established: Oakington in March 2000 (with up to 400 places primarily for families), Harmondsworth in October 2001 (530 places, including some for families), and Yarl's Wood in November 2001 (900 places). Additionally, Lindholme RAF Base was converted into a removal center with a capacity of 110 places, Dungavel Prison became a detention center with 150 places, and a closed induction center was opened in Dover with 20 places. Holding centers were also established at Waterloo, Heathrow, and Manchester Airport. Between March and December 2000, Oakington received 3,000 cases within its first nine months of operation. By 2001, the number of asylum applicants passing through Oakington increased to 9,125 (Heath and Hill).

Unlike many other European countries and against the advice of the UN Working Group on Arbitrary Detention, which conducted a visit to the UK in 1998, there is no specified legal duration for which a person can be detained in the UK (United Nations). The case of Karamjit Singh Chahal, an Indian national who was detained for six years and two months, brought attention to the absence of a legal time limit for detention in the UK. His release was prompted by a ruling from the Strasbourg Court, which deemed his deportation unlawful. In response to this decision, the UK government introduced the 2000 Terrorism Act. Home Office statistics indicate that by June 2002, 42% of detainees had been held for less than a month, 21% for one to two months, 18% for two to four months, and 19% for four months or longer. Non-Governmental Organizations (NGOs) working with detainees express significant concerns about the issue of bail, as the right to automatic bail hearings promised in the 1999 Immigration and Asylum Act was never implemented and later withdrawn in the



2002 Nationality, Immigration, and Asylum Act. Detainees now need to request a bail hearing, and many are unaware of this option. Additionally, it is challenging for individuals detained upon or shortly after arrival to find sureties for their release (Welch and Schuster 339).

While specific figures on annual totals for detainees, families, or children are not available, as of February 2004, the UK Detention Estate had a capacity for 2,260 individuals. Expansion plans approved by the government would increase the capacity to 2,996. It is important to note that at the beginning of 2004, 91% of asylum detainees were men. According to Section 38.8 percent of the Operational Enforcement Manual, detaining pregnant women, individuals with serious medical conditions, those with mental illness, or victims of torture should only occur in exceptional circumstances. However, there have been cases where pregnant women were detained for months, even when there was no immediate prospect of removal. Similarly, individuals with HIV, serious psychological problems, or suicidal tendencies have also been detained, despite the guidelines (United Nations; Jackson).

According to the Home Office, only individuals deemed likely to escape are detained, typically towards the end of the immigration process. As a reflection of this, detention centers have been renamed as removal centers. However, an increasing pattern has been observed where individuals are being subjected to detention immediately upon their arrival. This suggests that the key aims of this approach, pursued by both the New Labor administration and the preceding Conservative government; revolve around discouraging migration and expediting the process of deportation. (Welch and Schuster 339).

## Endnotes

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<sup>1</sup> Brexit: refers to the withdrawal of the United Kingdom from the European Union, following a referendum held on June 23, 2016, in which a majority of voters supported leaving the EU (Hunt and Wheeler).

<sup>2</sup> Aliens: in the context of immigration refers to individuals who are not citizens or nationals of a particular country and are residing or entering the country. It is worth noting that the term has been subject to criticism for its dehumanizing and exclusionary implications (International Organization for Migration 8).

<sup>3</sup> Britons: refers to individuals who are citizens or nationals of the United Kingdom. It specifically denotes people who are native to or have citizenship in Britain (Office for National Statistics).

<sup>4</sup> Commonwealth: refers to the political association of independent countries, mostly former territories of the British Empire, that have chosen to cooperate and maintain diplomatic and cultural ties with each other (The Commonwealth).

<sup>5</sup> Partial: refers to individuals who have the right to reside in a particular country by virtue of their ancestral connections (Home Office).

<sup>6</sup> The term "General Practitioner" refers to a medical doctor who provides primary healthcare services, including to refugees in the UK (NHS England).

## Chapter Three

### Post-9/11 Immigration Policies in the US and the UK.

In 2000, while running for president, George W. Bush attracted Hispanic voters by promising to expand legal immigration and legalize illegal immigration (Zolberg). A strategy that was used to gain popularity among Hispanics even after the 9/11 attacks. The terrorist attack on September 11, 2001, had a great impact on the public's view of immigration. About 20 foreign-born terrorists were responsible for the attack that led to the deaths of 2,974 civilians. Using tourist and student visas, the terrorist arrived in the US. However, four of the terrorists violated the terms of their visas and became illegal immigrants. The attack revealed some weaknesses within the immigration system, including visa processing, internal enforcement, and information sharing (Central for Immigration Studies). The Immigration Laws of 1996, 2002, and 2006 addressed concerns about terrorism and illegal immigration. These procedures have highlighted border controls, enforced immigration employment laws, and strengthened eligibility charges (Cohn).

As all the 9/11 terrorists were foreigners, some observers quickly assumed that the US vulnerability to terrorist attacks was due to the fragility of immigration laws (Krikorian and Camarota). Such a reaction was predictable; however, it somehow led to an overreaction. Proposals to shut down the borders, cancel the Diversity Lottery visa program, apply tougher immigration laws, and other similar actions reveal a conflicting relationship between immigration policies and national security (Stock and Johnson 3). While the attacks have revealed severe management and resource gaps in the administration of the U.S. borders, immigration laws were not a major reason. In reality, US immigration laws are one of the strongest in the world and have allowed the American government to defeat different external threats.

As in the US, after the September 11, 2001 attacks, terrorism has topped the political agenda in Britain. In the last few years, the British government has introduced a range of anti-terror measures, including detention without trial for foreigners suspected of terrorist activities, boundaries for public protesters, and exclusions on speech acts that praise terrorism. Despite the bourgeois libertarians' disapproval, the government maintained that it was necessary to respond to the threat posed by al-Qaeda and other terrorist organizations. Prime Minister Tony Blair argued that Britain was facing a new security threat and needed to protect its territories and citizens from terrorism. In his speech after the July 7 London bombings, he states: "Let no one be in any doubt, the rules of the game are changing" (qtd. in Givens et al. 109).

### **3.1 The Post-9/11 Immigration Policy**

More than 20 years after the attacks of September 11, 2001, and with the last US troops withdrawing from Afghanistan, actions and plans taken in response to the attacks, continue to have a significant and lasting impact on the immigration system, the lives of immigrants, and American society. The fact that all 19 hijackers were foreigners in the United States on nonimmigrant visas. Therefore, immigration was inevitably seen as an obvious tool in the "war on terrorism". Two decades later, national security is still the dominant lens of all immigration policy. The result, based on vastly improved data sharing among federal, state, and local law enforcement agencies, is a significant increase in budgets and a large-scale immigration process with mass arrests, detentions, and deportations of noncitizens (Chishti and Bolter).

Since 2001, the British government has reversed decades of multicultural policy at the level of political discourse. The 9/11 attacks, the July 7, 2005, London bombings that followed, and the 2001 Northern England riots raised debates in both governments and the media about the integration of immigrants and minorities. Multiculturalism was criticized for

encouraging different ethnicities to promote illiberal values, which led to racism, separatism, and violent extremism among some populations. The new political discourse emphasized shared values, the restoration of Britain's national identity, and intercultural dialogue. However, within this shift, the persistence of understanding immigrant inclusion can be noticed. This can be seen in the notions of “community cohesion<sup>1</sup>”, which requires immigrants and minorities to embrace the dominant values of Britain (Garbaye and Latour).

### **3.1.1 The Post-9/11 US Immigration Policy**

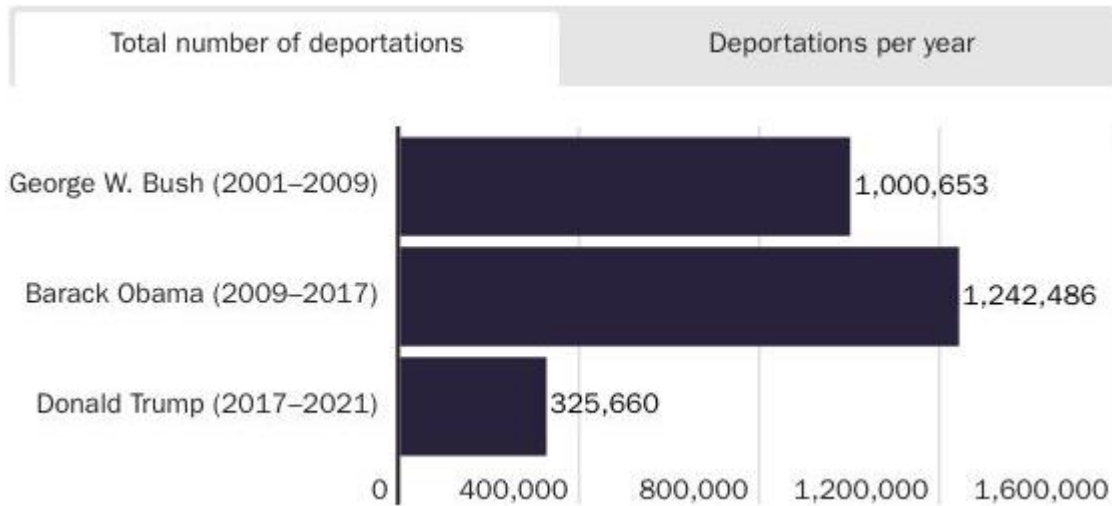
Shortly after the 9/11 attacks, Congress passed the USA PATRIOT Act. The Act limited immigration rights by extending deportation controls for terrorism suspects and allowing the Attorney General to detain foreigners without charge or due process (Spickard 475). After the INS issued visa extensions to two of the 9/11 terrorists, Congress passed the Homeland Security Act, forming the Department of Homeland Security in 2002 (Bier). The act combined 22 federal agencies in charge of enforcing immigration laws under the department's control and reorganized them into Immigration and Customs Enforcement, Border Protection, and Citizenship and Immigration Services.

President Bush signed both the Enhanced Border Security and Visa Entry Reform Act of 2002 and the Secure Fences Act of 2006 and renewed the USA PATRIOT Act, which authorized the government to detain immigrants without trial, permitted approximately 850 miles of fences along the southwest border, and increased the scale of the Border Patrol (Kanstrom 230). In addition, Congressional actions have increased the security of nonimmigrant visas by reforming various programs, including Automated Biometric Identification systems, Electronic Systems for Travel Authorization, and Visitor Information Systems for students (Mittelstadt et al. 5-6).

Congress passed the H-1B Visa Reform Act of 2004, granting 20,000 additional H-1B visas to highly qualified temporary workers with advanced degrees from U.S. colleges. In

2006, The Republican- Senate passed the Comprehensive Immigration Reform Act of 2006, which aimed at legalizing illegal immigration and expanding legal immigration, however, the House of Representatives did not approve it. The number of illegal immigrants increased to 12.2 million in 2007, and the problem surfaced during the 2008 presidential election. Democratic presidential candidate Barack Obama has called for tougher sanctions on employers and the legalization of non-criminal immigration. Republican opponent John McCain helped create the failed immigration bill of 2007 (Carter). After Obama's won the elections in 2009, Congress reintroduced the DREAM Act, which legalized many illegal immigrants who arrived in the US as children, but the Senate disapproved it (Miranda).

In 2012, President Obama announced the Deferred Action for Childhood Arrivals (DACA) program, which allows illegal immigrants who have many of the requirements of the DREAM Act, two years of work permits, and suspension of deportation (Batalova et al.). By the presidential election of 2012, Republican candidate Mitt Romney rejected DACA, arguing that strict enforcement of immigration laws would lead to voluntary deportation of illegal immigrants. In contrast, Obama supported comprehensive immigration reform and deporting illegal immigrants. Obama earned the nickname “Deporter-in-Chief” because his administration deported illegal immigrants more than any other before (Nowrasteh). During his presidential term, Obama deported 1,242,486 illegal immigrants from the U.S., which equals 155,311 immigrants annually. While President George W. Bush deported 1,000,653 illegal immigrants during his presidency, averaging 125,082 per year. On the other hand, President Trump has only evacuated 325,660 people from the United States during his entire term. With an annual average of 81,415 illegal immigrants per year. Figure 1 shows what the data is suggesting.



**Fig.1.** Illegal Immigrants Deportation by Presidents

**Source:** Immigration and Customs Enforcement, TRAC, and author’s calculations.

In 2013, eight senators created the Border Security, Economic Opportunity, and Immigration Modernization Act, also known as the “Gang of Eight<sup>2</sup>” Bill, which offered countless immigration reforms. These include allowing many illegal immigrants to have Registered Provisional Immigration status, which will enable their naturalization. It also freed immigrant families with work-related green cards from the numerical cap, created a merit-based system for the admission of low-skilled and high-skilled workers, and ended the diversity visa program. In addition, low-skilled immigrants can have temporary work visas. The Congressional Budget Office estimated that the bill would reduce the federal deficit, increase legal immigration, and reduce illegal immigration (Page and Reichling). However, the bill passed the Senate, but it was defeated in the House of Representatives.

In 2014, President Obama announced the Immigration Accountability Executive Action, which extends the number of parents of U.S. citizens that benefited from DACA, giving about five million illegal immigrants temporary relief and work authorizations for almost three years. This procedure increased enforcement resources and send them to the southern border. However, deportation is also a priority in the memo “National security threats, serious criminals, and recent border crossers” (White House). The executive actions

allowed illegal immigrants that are married to U.S. citizens to process visas without leaving the country, as well as to facilitate career transitions for highly skilled workers with H1-B visas and decrease barriers to foreign immigration. In late 2014, the courts blocked Obama's executive action. By 2016, 654 miles of fences were installed at the southwest border, 17,000 border guards were deployed, and the illegal population in the U.S. had fallen to 10.7 million (Krogstad et al.).

Immigration was a crucial point in the 2016 presidential elections. Democratic candidate Senator Bernie Sanders criticized the opening of the borders as "a Koch brothers' proposal" (Klein). Sanders admits that the U.S. free immigration policy would improve the welfare of immigrants, but he believes America's children should be a priority and that immigration would harm them. On the other hand, Republican candidate Donald Trump states that he will "put America first" by banning immigrants who take the jobs of Americans, commit crimes and threaten national security (Time Magazine). After winning the elections, Trump decided to build a wall on the southern border, abolish birthright citizenship, banned Muslims from entering the United States, and ended DACA (Los Angeles Times). On the contrary, Instead of increasing the enforcement, Democratic candidate Hillary Clinton promises that she would introduce comprehensive immigration reform, protect DACA, and extend Affordable Care Act aids to all immigrants.

When Trump became president, he issued several executive orders, suspending visas for immigrants and non-immigrants from several Muslim-majority countries because he believed they threaten national security. He also suspended DACA and supported the RAISE Act, which reduced legal immigration to half in 2017. During Trump's administration, various federal agencies used the regulatory state to decrease legal immigration. For instance, both the Department of Justice and the Department of Homeland Security are attempting to enforce immigration laws within the US and along the border. Likewise, the Citizenship and



Immigration Service has changed the grounds for refusal of public charges, which reduced the number of new green cards issued (Batalova et al.). By the end of 2019, even with the wall along the southern border, the number of legal permanent residents entering the United States had not decreased.

In April 2020, during the wake of the COVID-19 pandemic and the resulting economic recession, President Trump passed the biggest immigration procedures yet. He halted the issuance of green cards to people abroad, who normally make up about half of the green cards issued each year. During the second half of 2020, the U.S. government issued only 29,000 green cards. In comparison in the same period in 2016, it issued approximately 309,000 green cards. From January 2017 to February 2020, the number of monthly issued green cards decreased by 0.5 percent under Trump, compared to January 2013 to February 2016 during Obama's administration (Nowrasteh). Thus, President Trump's COVID-19 regulations affected the issuing of green cards significantly. This idea is further represented in the following figure.



**Fig. 2.** Immigrants' Visas Issued Abroad per Month

**Source:** U.S. Census and authors' calculations.

Similar to immigrant visas, President Trump has decreased Non-Immigrant Visas' (NIVs) issuance in response to the COVID-19 pandemic. During the last six months of 2020, the U.S. issued 397,596 NIVs. While at 2016, in President Obama's office, he issued more than 5.6 million NIVs. A decline of nearly 93 percent. Before the COVID-19 pandemic, during Trump's time in office from January 2017 to February 2020, the number of NIVs issued per month was about 12 percent down, compared to January 2013 to February 2016 under Obama. In March 2020, the Trump administration stopped issuing NIVs to people abroad. Comparing the number of visas issued under Trump with the second term of the Obama administration, Trump issued about 418,453 green cards, an 18 percent decline, and about 11,178,668 NIVs. Which is a 28 percent decline compared to Obama's second term

(Nowrasteh). Therefore, COVID-19 has affected Trump's immigration policies the most.

Those numbers are clarified in Figure 3.



**Fig.3.** Non-Immigrants' Visas Issued Abroad per Month

**Source:** U.S. Census and authors' calculations.

The number of refugees admitted under Trump has plummeted from 84,995 in 2016 to just 11,841 in 2020 (Bier). This decline occurs every year under President Trump's mandate. Using the 1980 Refugee Act, he decides global and regional refugee numbers. President Trump lowered the numbers each year; his controls on legal immigration and the decline in refugee intake have shown how much power the executive branch has over immigration (Bier and Nowrasteh). Since Congress gave the president great power over the immigration policy. Thus, the greatest change in the immigration department is the increasing power of the executive branch while the declining importance of Congress. Therefore, it will affect future immigration policy and political debates.

### 3.1.2 The Post-9/11 UK Immigration Policy

The UK operates several programs for refugees that are seeking protection or entry into the UK. This section focuses on programs available to refugees and asylum seekers (Tudor). Asylum seekers are individuals who leave their own country for another country and apply for asylum (international protection) in that country.

During 2000, a time when much media attention was focused on the large number of asylum seekers that were trying to enter through the Channel Tunnel from the Sangatte refugee camp, the bodies of 58 Chinese were found in a refrigerated truck arriving in Dover. The Home Office learned two lessons. First, immigrants who were looking to join the UK labor market abused the asylum system. Second, tightening immigration controls for low-skilled workers will restrain illegal immigration. In February 2002, the white paper "Secure Borders, Safe Haven" introduced the concept of "managed migration"<sup>3</sup>. This idea improved the Immigration and Asylum Act of 1999. It recognized that immigration is an important resource for the economy and imposed more regulations on economic immigration to the UK. The government has tried to stop asylum seekers from entering the UK by denying them access if they do not apply for asylum soon after arrival (The Guardian).

The Nationality, Immigration, and Asylum Act 2002 was a response to criticisms about the asylum system. The Labor Government created some slight changes, yet the institutional structure is still intact. It replaced "the voucher system"<sup>4</sup> with cash payments and introduced a refugee integration program as well as housing centers for asylum seekers. The term "removal center" replaced "detention center", but with no change in their function. To enable asylum seekers to obtain official identification, the Labor Government issued the Asylum Seeker Registration Card (Girvan 8). The decision to end aid to asylum seekers was criticized because now they must prove they are destitute to claim asylum, and it has to be made as soon as possible upon arriving in the UK. In addition, the Home Secretary may

refuse applicants who are unable to explain how they arrived and what life has been like since their arrival or who do not cooperate with the authorities. In 2002, the Refugee Council was concerned that refugees would be forced to choose between persecution and poverty. It states that this could affect the lives and well-being of thousands of asylum seekers in the UK, pushing them into extreme poverty by making it more difficult to pursue asylum applications.

The 2002 Immigration Act was planned to be New Labor's inclusive law. However, in 2003, the tabloids kept calling for government action on asylum, and The Sun started a campaign to persuade the government to block illegal immigration. One million vouchers gathered in Downing Street and called on the government to "end asylum madness now". Tony Blair promised to change the law on asylum to "cut back the ludicrously complicated appeal process" and deport illegal immigrants "without further judicial interference". According to the Home Office, the new bill was considered the end of the asylum system. The law made changes to encourage more legal immigration while reducing illegal immigration (The Guardian).

The Asylum and Immigration Act of 2004 mainly focused on documentation and trafficking. It permitted to arrest those who did not have asylum documents. The Act introduced Electronic monitoring for individuals under residence restriction. It removed refugees from the UK to countries with a reputation for protecting refugees and respecting their human rights. The bill was in use from 2004 to 2009, and even with the many additions to the immigration law; it still failed to keep out unwanted immigrants and "bogus"<sup>5</sup> asylum seekers (Girvan 8-9). Technological developments introduced biometric identification in immigration law. The Immigration Regulations of 2008 introduced a points-based system to be eligible to immigrate to the UK, covering all categories of immigrants. After 2008, there have been a few changes to immigration policy, but the most significant ones were until the outcome of the Brexit negotiations (9).

Home Office Hostile Environment Policy, introduced by Home Secretary Theresa May in 2012, is a series of actions aimed at making life in the UK difficult for illegal immigrants. As she remarked, “The aim is to create, here in Britain, a hostile environment for illegal immigrants”. To achieve this, the government has banned illegal immigrants from accessing basic services such as the National Health Service (NHS), the police, working, and renting property from landlords. On the other hand, doctors, property owners, police officers, and teachers must verify their immigration eligibility, and individuals that look or sound "foreign" are obliged to provide their documentation to rent a home or receive medical treatment. The Home Office also has access to data used by public-sector organizations. Thus, when someone is a patient consulting a general practitioner, a victim reporting a crime, or an abused worker reporting their superior to authorities, immigration officers will verify their information. However, the Home Office itself has stated that the “vast majority” of illegal immigrants have done and will do nothing wrong (The Joint Council).

As of January 2021, Brexit has led to the introduction of a new immigration system. Free movement will end, and EU citizens wishing to live and work in the UK will now be subjected to the same rules as the rest of the world, so they must apply for a visa. Except for the Irish citizens, who are still coming to the UK with no restrictions under separate conditions. For non-EU citizens, especially those migrating for work, the rules become less restrictive. They allow a wider range of mid-level jobs to be eligible to work in the UK, and the required minimum wage is around £25,600 instead of the usual £30,000, and in some cases even lower. The restrictions for family migration will now apply to EU nationals as well, with a minimum income of £18,600 and an annual fee of £624 per person, including NHS surcharges. Previously, the rules and fee structures applied to EU students were the same as for UK students. However, now they must be sponsored by a licensed educational institution and also pay international tuition, visa fees, and health aid. The British Nationals

Overseas (BNO) visa route will allow some immigrants from Hong Kong who have relatives and have lived in the UK for five years to be qualified for residency. Other immigration policies are being created in response to economic, demographic, and political challenges, especially in light of the COVID-19 pandemic (Sumption and Kierans).

The COVID-19 pandemic had a significant effect on the UK, affecting the health sector, economy, society, and, of course, immigration. The UK's migrant key workers were instrumental in saving lives and keeping the country functioning. Everyone was affected, but some were at greater risk than others due to certain types of work, social interactions..., etc. Entering and getting out of the UK has been seriously disrupted, forcing many businesses to close temporarily or permanently, creating a tremendous struggle for both local and migrant workers (McNeil).

The Home Secretary's actions during the pandemic resulted in avoidable delays, administrative burdens, enormous costs for public funds, and a flow into already large backlogs, with serious consequences in the coming years. It continued the detention and deportation of immigrants during the pandemic, unlike the government's statement to protect vulnerable people during the crisis. The government, on the other hand, has made significant changes to the asylum system, increasing the criminalization of asylum seekers. In addition to promoting several policies that endanger and dehumanize immigrants, undermining public health efforts and basic human rights (The Joint Council).

### **3.2 Border Security and Entry Control in the US and the UK after 9/11**

Many countries were already battling irregular migrant flows and transnational crimes like smuggling and human trafficking before 9/11. Since 2001, one of the primary worries of the government has been the mobility of foreign terrorists. The international community has driven most advancements in border and border security. Recent years have seen an increase in entry regulations with an emphasis on border security as well as supplementary activities,

from changes in travel papers to greater information gathering about travelers (International Organization for Migration 9).

Whereas the specific border measures implemented by each country will vary depending on a variety of factors, including the nature of the borders (land, sea, or air), the volume of crossings, the situation in neighboring countries, and the number of accessible employees and resources. Besides the use of layered controls, with the increasing number of nations carrying out pre-inspection measures to gather information and screen travelers before their arrival. This type of policy has the potential to improve security by giving border officers more time and data to make comprehensive decisions. At the same time, it promises to make travel easier for the vast majority of low-risk travelers (International Organization for Migration 9).

The US implemented the Secure Border Initiative, focusing on strengthening border security, constructing barriers, and employing technology for surveillance. In contrast, the UK concentrated on enhancing border controls and immigration enforcement measures at ports of entry. Jack K. Riley states that four distinct sections, or points of entry, make up the US border. Official segments include airports, ports, and guarded land points. Unofficial segments that are frequently used by migrants, traffickers, smugglers, and perhaps terrorists. In addition to unprotected land borders and shorelines. Due to the quantity of activity and the physical space that needs to be safeguarded, each section is somewhat permeable (587).

The 9/11 attacks brought into sharp relief the urgent need for better border control at the airport, but it also made clear that the other components also needed tighter control. Meeting that demand will be difficult and expensive, and it will necessitate the involvement of many stakeholders, including international allies and trading partners, the private sector, and local governments that have a significant interest in taxes and profits from ports and airports (Riley 587).



In addition, Riley claims that around 88 million foreign tourists pass through more than 100 international airports in the United States each year. It also boasts many important ports; for example, Long Beach and Los Angeles combined make up one of the largest container port complexes in the world, processing about half of the seaborne goods entering or departing the nation. At American ports, more than 16,000 huge shipping containers arrive each day. The US guards tens of thousands of miles of land borders with Mexico and Canada, and at important land ports of entry like Detroit (Michigan), Vancouver (Washington), and San Diego (California), everyday truck and passenger movement numbers are in the millions. All genuine cargo traffic crosses these borders, bringing in money from customs and other fees. In this regard, the boundary trade, which is becoming more vital to the American economy, should be made much easier (587-88).

Likewise in the UK, Frank Gregory and Jean Monnet claim that the British border strategy since 2001 seeks to export the border, enhance the integrity of border control documents, and make better use of data as a border management tool. It outlines five principles of effective border control: act early, target effort, manage bottlenecks, maximize depth and breadth of protection, and relieve and deter (6).

The US and the UK both experienced an increased emphasis on information sharing and cooperation with international partners to prevent terrorism and enhance border security. According to Steven Greer, the British government monitors the security of land borders and airports because it has been a major source of concern since the September 11 attacks. Trusted partners, international organizations, the Schengen information system, European police, and INTERPOL all share traveler data, including biometrics. The UK insists that the flight information exchange system will continue after Brexit, but security procedures raise privacy concerns.

In Britain, according to Part 54 of the British Immigration, Refugees, and Nationality Law of 2006, people who are suspected of perpetrating, plotting, or encouraging terrorist acts may have their immigration and asylum requests dismissed. This complied with the United Nations Refugee Convention of 1951. A deportation is an option for those who pose a security risk to the host nation (Gregory and Monnet 7-8).

Similarly, in the US the monitoring of people's entry and exit is choked off at the American border. Taking proper action against visitors who have overstayed their visas is a difficult subject, even though 9/11 compelled Americans to focus on terrorists trying to enter the country. Approximately 400,000 people who are allegedly living in the U.S. unlawfully and have absconded are currently the subject of deportation orders, and control is extremely challenging due to the volume of activity at the borders. The various participants in the control processes make matters worse. Other tendencies are exerting pressure on borders, even in the climate of caution that has emerged since 9/11. For instance, to lower the expenses of holding and storing inventory, many manufacturers and merchants now employ the "just-in-time" method. Where they want retail and intermediate goods delivered as soon as possible. Yet, over the previous two decades, efficiency gains and sharp drops in shipping costs have made this business model possible (Riley 588).

According to Riley, after the September 11, 2001, attacks, the American government made explicit moves to strengthen the nation's border security through two essential themes. The first was about pushing the border out; border protection was deemed necessary but insufficient after 9/11, and to stop threats from crossing borders, there was a major attempt to relocate some security operations farther offshore. For instance, mandating advance notice of cargo and passenger manifests, stationing Customs and Border Protection (CBP) agents at foreign ports, and creating several tools to trace stolen passports and make passports and visas tamper-resistant (588-89).

The second theme was about profiling, which quiets the environment and concentrates resources on problem areas. Finding reliable individuals or organizations that will be permitted to avoid routine inspections is a trait shared by all programs that profile out. For instance, at land borders, Canadian and American authorities run a program called NEXUS that enables visitors who have passed a background check to skip the usual inspection lines. This trade is given easier entry into the nation because of the Customs-Trade Partnership Against Terrorism (C-TPAT), which requires manufacturers to self-certify their security protocols for items transported to the US (Riley 589).

The US and the UK adopted measures to enhance the screening and vetting of visa applicants, implementing stricter eligibility criteria and background checks. Riley states that numerous security precautions used in American airports and airplanes might be viewed as extensions of border protection. The government included the Northern Command, which developed after 9/11 to fill a security gap in civil aviation. Now it monitors 100% of traffic, maintains a direct link to the Federal Aviation Administration (FAA), and has the authority to shoot down flights that appear to threaten targets in the US. In addition, the Computer-Assisted Passenger Prescreening System (CAPPS) had been designed to check passengers against “watch” lists that the government had handed to airlines to verify travelers’ identities and evaluate danger. Additionally, CAPPS II would have signaled unusual travel and purchase habits, such as purchasing a one-way ticket or paying with cash, as well as travelers having specific outstanding criminal warrants (590-92).

Moreover, screening of checked baggage led all airports to be obliged to examine every piece of checked baggage by December 31, 2002, under the Aviation and Transportation Security Act, which Congress enacted in November 2001. The rule was used to stop terrorists from hiding an incendiary or explosive item in checked baggage. Furthermore, the air marshal program was transferred from the Transportation Security

Administration (TSA) to a component of the Immigration and Customs Enforcement (ICE), for protecting flights (Riley 592).

Riley claims there were some changes in border control across the nation using the US-VISIT system, which captures electronic fingerprints, digital photos, and passport information from arriving passengers. It was first used in late 2003 and then at all 115 international airports in the United States on January 5, 2004. It can also be used to assess visa overstays and track departures. The U.S. Visa Waiver Program (VWP) requires citizens of VWP nations to adhere to US-VISIT procedures and provide their citizens with machine-readable and biometric-enabled passports by October 26, 2004. The monitoring of visas and exits is a critical element of security (592).

Also, the creation of the Maritime Transportation Safety Act of 2002 (MTSA) is an important legislative step to protect port facilities and associated infrastructure. It requires facilities and ships to develop security and response plans, and the United States Coast Guard (USCG) is the primary executive entity for MTSA. Reinforced cockpit doors, arming pilots and air marshals, and increased awareness among passengers have improved the security of the air border (Riley 592).

Customs and Border Protection (CBP) is a federal agency that focuses on the process of shipping and moving goods. It has led to significant changes in the security of the supply chain, such as the Container Security Initiative (CSI) and the Customs-Trade Partnership Against Terrorism (C-TPAT). CSI uses CBP workers with the help of automated information to identify and target containers that pose a risk of terrorism. C-TPAT allows manufacturers and shippers to conduct a security self-assessment and implement a security plan that eases the entry of their goods into the United States. By May 2003, over 3,000 importers, transporters, forwarders, and other businesses had started taking part in C-TPAT. Further, the

known shipper program and customs-trade partnership against terrorism were designed to reduce the need for air cargo inspection (Riley 592-97).

Justin C. Glon states that despite criticism of the nation's border security measures, it is crucial to remember that since September 11<sup>th</sup>, the government has made several advancements. Money has been allocated for agents for the Border Patrol to be hired and trained. Just in 2002, more than 500 Border Patrol personnel were hired. Additional funds were allocated to enhance the technologies used to spot unauthorized border crossings. Moreover, a "comprehensive preparedness program" was put into place to aid in educating and supplying border security personnel to prevent terrorist attempts to import Weapons of Mass Destruction (WMD) into the country. The expanding collaboration between North American nations is also essential. Meetings have been held to assess the viability of creating an intergovernmental network allowing all of North America's countries to share data (369).

The US introduced the Visa Waiver Program and the US-VISIT system to enhance screening procedures for visitors, while the UK implemented the e-Borders program to gather information on individuals traveling to and from the country. In the United Kingdom, The Immigration (Passenger Information) Order expanded immigration officers' authority to require carriers to disclose data on travelers traveling in and leaving the country. The Immigration, Refugees, and Nationality Act of 2006 reinforced the legal foundation for the United Kingdom's Advance Passenger Information (API) system, which is part of e-Borders, a broader concept of a modernized border management system. All cross-border transportation, whether by air, sea, or the Channel Tunnel rail link, was obliged to submit APIs as part of e-Borders. However, the UK was gradually implementing the system while also implementing technological advances in control at the border, particularly in biometrics, which was the second main component of e-Borders. The e-Borders program was planned to

be operational by 2014, covering both entry and exit (International Organization for Migration 13-14).

Frequent flyers in the UK have the option to participate in an ABC program called IRIS. Although the UK plan performs the same function as the Schiphol program, it keeps the template data in a secure database, eliminating the requirement for a token such as a smart card or chip. Instead, the traveler peers into a camera at border control, and the acquired IRIS data is utilized in a one-to-many check against a database to determine the passenger's identification. Under its license program, the United Kingdom has also conducted trials with fingerprints as the preferred biometric. Border restrictions that use fingerprints as the biometric of choice have also been adopted in the Hong Kong Special Administrative Region of China, Singapore, and Malaysia (International Organization for Migration 26).

### **3.3 The Impact of 9/11 on the Securitization of Immigration in the US and UK**

Both the US and the UK implemented stricter immigration policies and enhanced border control measures after the 9/11 attacks as immigration has become a security threat. The link between security and migration has existed since before 9/11, and emerging concerns about terrorism affected Immigration policy (Bigo; Huysmans). The 9/11 events led to a reconsideration of the risks associated with immigration since the terrorists, used immigration loopholes to enter the US. While, in Britain, three of the London bombers were British. The growing concern about security risks linked to immigration is justified. Some scholars argue that the "securitization" of immigration is driven by broader fears and anxieties (Huysmans; Tirman). The resulting measures have a very negative impact on most of the immigrants who are not affiliated with terrorist organizations.

In the US, It is not hard to tie 9/11 to the securitization discourse. The event was horrifying and constantly repeated on American television, thus deeply affecting public opinion. The 9/11 Commission also saw similarities to Pearl Harbor. The Executive branch

statements have shown that 9/11 was not just significant to the terrorism-related securitization process, but also the awareness of the new threat environment that required exceptional responses, such as the development of new security agencies. On September 20, 2001, in a joint session of Congress, President Bush emphasized the uniqueness of the event:

On September 11<sup>th</sup>, enemies of freedom committed an act of war against our country. Americans have known wars – but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war – but not at the center of a great city on a peaceful morning. Americans have known surprise attacks – but never before on thousands of civilians. All of this was brought upon us on a single day – and night fell on a different world, a world where freedom itself is under attack. (see “Appendix A”)

This statement reflects a sense of surprise, danger, and threat. In addition to a comparison to Pearl Harbor. Therefore, the nature of the attack required a new type of response (Clarke).

Any identification of new means of conducting international relations is compatible with the transition to emergency measures. However, one of the most important measures has been the institutionalization of domestic responses. In his address to Congress, President Bush announced the creation of the Department of Homeland Security through the Homeland Security Act, which made him the head of the reorganized U.S. government bureaucracy. As he stated at the signing of the Act, “Today, we are taking historic action to defend the United States and protect our citizens against the dangers of a new era”.

9/11 and the "war on terror" not only put an end to international terrorism but also created a new security environment. Symbolically, it did what Pearl Harbor did 60 years ago. Alerting the American public to the dangers of a new era. This era required a new response and a new approach to security. Bush's emotional speeches and the repeated airing of the attacks on TV have further dramatized the symbolism of the threat. Affecting supporters of

securitization, inside and outside the US. Therefore, the emergency actions seemed appropriate (Ornstein and Mann). The legitimacy of the new security narrative centered on terrorism willingly facilitated a new political response that became more institutionalized through restructuring the US national security bureaucracy.

The US introduced the USA PATRIOT Act, which expanded surveillance powers and allowed for the detainment and deportation of individuals suspected of terrorism-related activities. Similarly in the UK, the 2001 Anti-Terrorism, Crime, and Security Act (ATCSA) was the government's immediate legislative response to the 9/11 attacks. The deportation of foreigners suspected of terrorist activities and the abuse of the asylum system were prominent problems in the parliamentary debates that created the ATCSA. On October 4, Prime Minister Tony Blair highlighted that the main goal of the legislation was to "increase our ability to exclude and remove those whom we suspect of terrorism and who are seeking to abuse our asylum procedures" (qtd. in Givens et al. 120). The Home Secretary was able to identify foreign nationals as "suspected international terrorists" and detain them without even a charge or trial. The government argued that it was necessary to detain those who "threatened national security".

In addition, the ATCSA caused a great deal of controversy when it sought exemption from the application of Article 5 of the European Convention on Human Rights (ECHR), which stipulates the right to liberty. The government claimed that, unlike other European countries, the country is in a "public emergency" and that they are in extraordinary times that demand extraordinary responses. David Blunkett, Home Secretary, states, "Those who drew up the European Convention and the Refugee Convention could not have dreamt of the act that took place on September 11, but they did envisage some act of that kind that would at some point require us to be able to take the necessary steps".



Both countries faced debates and controversies surrounding the treatment of detainees and the balance between security measures and civil liberties. According to Bernard Lewis, transnational Diasporas, such as some Islamic groups, are seen as havens of violence to escape the impasse of what they perceive to be Western values, political orders, and lifestyles. Two main points have dominated the security debate since the 9/11 attacks: nothing has changed or external threats require internal policy changes. The first view was supported by many realists who sought to place the events of 9/11 in a broader historical perspective. The second perspective takes this event more seriously and focuses on policy options. Thus, the events of September 11 mark the realization of a new threat and, therefore, a new response (Mabee 3).

After 9/11, the US federal government implemented a series of law enforcement actions targeting certain nationalities and using national security as an excuse. In 2002, the government introduced a "special registration" system called the National Security Entry-Exit Registration System (NSEERS) and a "voluntary interview" program that targeted foreign-born Muslims, Arabs, and South Asians. In addition to these administrative actions, several new laws were passed that combined anti-terrorism concerns with further attempts to regulate illegal immigration. The Enhanced Border Security and Visa Entry Reform Act of 2002 introduced unique measurements for screening visa applicants and required entry documents to be machine-readable, tamper-proof, and contain biometric identifiers. The 2005 REAL ID Act required states to request proof of citizenship or legal immigration status before delivering a driver's license and to protect it from fraud and tampering. The Safe Fence Act of 2006 required the construction of an additional 850 miles of fence along the US-Mexico border (Ewing 7).

The United States is still in conflict over immigration, as it has in the past. Since the mid-'80s, the US government has spent billions of dollars to stop illegal immigration through

law enforcement. Still, there were 11.2 million illegal immigrants in 2010. In 2006 and 2007, legislative attempts to comprehensively reform the US immigration system and adapt it to the economic and social realities of increasing immigration failed. Therefore, many state and local governments are considering suggestions to turn police officers into immigration agents to “crackdown” on illegal immigrants and those who provide them with jobs and housing. In short, the United States remains conflicted with its historical identity as a nation of immigrants.

Similar to the US, parliamentary deliberations in the UK linked immigrants with terrorism, a public emergency was declared, and unusual laws were passed providing for detention without trial. However, Liberty and Justice, a civil liberties group, in addition to several media critics and academics, have strongly criticized the government's attempt to ignore civil liberties in the fight against terrorism.

The Privy Counsellor Committee was set up to review the ATCSA in 2003. The Newton report argued that it should not discriminate between citizens and non-citizens (Privy Counsellor Review Committee). The Joint Committee on Human Rights also criticized the Act and its arguments. Yet the government did nothing, arguing that there is still a state of emergency, justifying its uncommon actions. David Blanket claims that detention activities were an integral part of the government's strategy against terrorism.

Some of the detained men challenged the validity of their detention, and they succeeded in their first appeal to the Special Immigration Appeals Commission (SIAC). Where the court ruled that the law was unequal and biased, thus it was illegal. Subsequently, the Home Secretary refused this decision and appealed to the Court of Appeal, which supported the men's detention. Then the detained men appealed to the House of Lords, which reversed the previous decision and argued that the detention without trial policy was a violation of human rights. The Law Lords ruled that the racist nature of the law, which only

allows foreigners to be detained indefinitely without charge, is unsuited to the ECHR (Givens et. al 121).

In response, the British government created a system of "control orders" that could be applied to anyone regardless of their nationality, allowing terrorism suspects to be placed under house arrest. However, this decision was also challenged in court. The judiciary kept limiting the government's ability to detain foreigners, which shows a growing willingness by the executive branch to challenge decisions that limit the pursuit of anti-terrorism laws. As these court appeals unfolded, the link between security and immigration started to weaken. The Newton report found that almost half of the people suspected of involvement in terrorist activities were British citizens (Privy Counsellor Review Committee 53–54).

The report argued that more efforts were required to address internal threats and that the unfairness towards foreigners was unnecessary. Between 2002 and 2005, parliamentary debates on immigration law barely addressed the link between immigration and terrorism. Above all, the 2002 debates did not discuss the Nationality, Immigration, and Asylum Bill. Early depictions of immigration as a security threat have given way to more general depictions of migrant workers and asylum seekers. While there are similarities in the approaches taken by the US and the UK regarding immigration policies after 9/11, there are also notable differences in the specific measures and strategies employed by each country.

## Endnotes

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<sup>1</sup> The concept of "community cohesion" emphasizes the importance of fostering social integration, inclusivity, and harmony within diverse communities (Cantle).

<sup>2</sup> Gang of Eight: refers to a bipartisan group of senators who played a significant role in shaping comprehensive immigration reform efforts in the United States (Rosenblum & Meissner).

<sup>3</sup> Managed migration: refers to the approach taken by the United Kingdom to regulate and control immigration flows through various policy measures and mechanisms (Migration Advisory Committee).

<sup>4</sup> The voucher system: refers to a mechanism used in the United Kingdom for providing financial support to asylum seekers, where they are given vouchers instead of cash to meet their essential needs (Home Office).

<sup>5</sup> Bogus: is often used in the context of UK asylum seekers to refer to individuals whose asylum claims are believed to be fraudulent or not genuine (Home Office).

## Conclusion

In conclusion, the immigration policies in the United States and the United Kingdom before the 9/11 attacks were characterized by varying approaches and priorities. The US immigration policy placed significant emphasis on border control and enforcement measures, aiming to prevent unauthorized entry and ensure national security. However, there were also efforts to address the needs of certain immigrant populations through policies such as the Diversity Visa Program and temporary worker programs.

On the other hand, the UK immigration policy before 9/11 focused on managing the flow of immigrants through visa systems and entry clearance procedures. The country had a complex asylum system to handle refugee claims, and controversies surrounding the detention of asylum seekers were present.

Both countries experienced challenges and controversies in their immigration systems, including issues related to the treatment of asylum seekers and the effectiveness of border control measures.

The events of 9/11 had a profound and lasting impact on immigration policies in both the United States and the United Kingdom. Following the tragic attacks, both countries faced increased concerns about national security and the potential infiltration of terrorist elements. As a result, immigration policies underwent significant changes, aiming to enhance border control, strengthen screening procedures, and prevent the entry of individuals deemed a security threat.

In the United States, the implementation of the USA PATRIOT Act and the establishment of the Department of Homeland Security signaled a shift towards stricter immigration regulations. The creation of the Immigration and Customs Enforcement (ICE) agency led to intensified enforcement efforts, focusing on identifying and deporting individuals suspected of terrorism or immigration violations. The implementation of the

Secure Communities program further aimed to enhance information sharing between local law enforcement and federal immigration authorities.

Similarly, the United Kingdom witnessed a shift in its immigration policy post-9/11. The government introduced new legislation, such as the Anti-Terrorism, Crime, and Security Act (ATCSA), granting authorities greater powers for immigration control and surveillance. The Immigration Act of 2006 further tightened regulations and aimed to curtail illegal immigration and potential security threats. The government's focus on counter-terrorism measures led to increased scrutiny of visa applications, stricter border controls, and the introduction of biometric residence permits.

The creation of the Department of Homeland Security (DHS) following 9/11 reshaped security measures in the US. It consolidated various agencies to address emerging threats and adapt to a globalized world. Risk became central to security discussions, and borders evolved into dynamic filters. The DHS transformed the security discourse, shaped public perception, and emphasized the importance of effective risk management and strong policing capabilities. Securitizing the global risk environment has become crucial for ensuring national safety in the twenty-first century.

The terrorist attacks had a significant impact on travel to the United States. Stricter visa regulations and increased security measures led to a decline in both visa-required and visa-free travelers. However, the decline in arrivals from visa-waiver countries, who did not require a visa, was particularly significant. This suggests that changes in the formal visa process alone cannot fully explain the decrease in travel. Psychological effects, increased security controls, and informal barriers also played a role in deterring travelers. The decline in travel had economic implications, affecting businesses and straining international relations. The changes in attitudes toward foreigners and the overall security regime after 9/11 affected

not only visa applicants but also all tourists and businesspersons considering travel to the United States.

After the 9/11 terrorist attacks, both the United States and the United Kingdom implemented stricter border control measures. These measures aimed to enhance security and prevent the entry of potential threats. In the US, changes included enhanced screening procedures, visa issuance policies, and increased collaboration between intelligence and immigration agencies. The UK implemented similar measures, such as stricter visa requirements, increased passenger screening, and improved information sharing among security agencies. The goal was to strengthen border security and improve the ability to identify and intercept individuals involved in terrorism or other criminal activities. These changes reflect the global shift towards prioritizing security in the wake of the 9/11 attacks.

Overall, the impact of 9/11 on immigration policies in the US and the UK cannot be underestimated. The desire to enhance national security and protect citizens from potential threats resulted in significant changes to immigration regulations, border control measures, and enforcement strategies. While these policies aimed to address security concerns, it is crucial to ensure that they are applied in a fair and non-discriminatory manner, respecting the rights and dignity of individuals seeking to enter these countries. Balancing security concerns with the principles of inclusivity, diversity, and respect for human rights remains an ongoing challenge for both nations.

To conclude, this study, by comparing immigration policy in the US and UK after 9/11, highlights the need for future studies in this area. Long-term analysis is necessary to assess the constant impact of post-9/11 policies on immigrant communities. Comparative policy evaluations can provide insights into the effectiveness of specific measures. Exploring public opinion, human rights considerations, and adopting different approaches are essential for a comprehensive understanding of immigration policies. Addressing the data gap in UK

sources and fostering collaborations between researchers and organizations is crucial. By conducting further research, policymakers and scholars can make informed decisions, promote human rights, and enhance immigration management and social integration in the aftermath of 9/11.



## Appendices

### Appendix A

6/11/23, 1:30 PM

President Declares "Freedom at War with Fear"



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For Immediate Release  
Office of the Press Secretary  
September 20, 2001

#### Address to a Joint Session of Congress and the American People

United States Capitol  
Washington, D.C.

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9:00 P.M. EDT

THE PRESIDENT: Mr. Speaker, Mr. President Pro Tempore, members of Congress, and fellow Americans:

In the normal course of events, Presidents come to this chamber to report on the state of the Union. Tonight, no such report is needed. It has already been delivered by the American people.

We have seen it in the courage of passengers, who rushed terrorists to save others on the ground -- passengers like an exceptional man named Todd Beamer. And would you please help me to welcome his wife, Lisa Beamer, here tonight. (Applause.)

We have seen the state of our Union in the endurance of rescuers, working past exhaustion. We have seen the unfurling of flags, the lighting of candles, the giving of blood, the saying of prayers -- in English, Hebrew, and Arabic. We have seen the decency of a loving and giving people who have made the grief of strangers their own.

My fellow citizens, for the last nine days, the entire world has seen for itself the state of our Union -- and it is strong. (Applause.)

Tonight we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done. (Applause.)

I thank the Congress for its leadership at such an important time. All of America was touched on the evening of the tragedy to see Republicans and Democrats joined together on the steps of this Capitol, singing "God Bless America." And you did more than sing; you acted, by delivering \$40 billion to rebuild our communities and meet the needs of our military.

Speaker Hastert, Minority Leader Gephardt, Majority Leader Daschle and Senator Lott, I thank you for your friendship, for your leadership and for your service to our country. (Applause.)

And on behalf of the American people, I thank the world for its outpouring of support. America will never forget the sounds of our National Anthem playing at Buckingham Palace, on the streets of Paris, and at Berlin's Brandenburg Gate.

We will not forget South Korean children gathering to pray outside our embassy in Seoul, or the prayers of sympathy offered at a mosque in Cairo. We will not forget moments of silence and days of mourning in Australia and Africa and Latin America.

Nor will we forget the citizens of 80 other nations who died with our own: dozens of Pakistanis; more than 130 Israelis; more than 250 citizens of India; men and women from El Salvador, Iran, Mexico and Japan; and hundreds of British citizens. America has no truer friend than Great Britain. (Applause.) Once again, we are joined together in a great cause -- so honored the British Prime Minister has crossed an ocean to show his unity of purpose with America. Thank you for coming, friend. (Applause.)

On September the 11th, enemies of freedom committed an act of war against our country. Americans have known wars -- but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war -- but not at the center of a great city on a peaceful morning. Americans have known surprise attacks -- but never before on thousands of civilians. All of this was brought upon us in a single day -- and night fell on a different world, a world where freedom itself is under attack.

Americans have many questions tonight. Americans are asking: Who attacked our country? The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al Qaeda. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for bombing the USS Cole.

Al Qaeda is to terror what the mafia is to crime. But its goal is not making money; its goal is remaking the world -- and imposing its radical beliefs on people everywhere.

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The terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics -- a fringe movement that perverts the peaceful teachings of Islam. The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military and civilians, including women and children.

This group and its leader -- a person named Osama bin Laden -- are linked to many other organizations in different countries, including the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan. There are thousands of these terrorists in more than 60 countries. They are recruited from their own nations and neighborhoods and brought to camps in places like Afghanistan, where they are trained in the tactics of terror. They are sent back to their homes or sent to hide in countries around the world to plot evil and destruction.

The leadership of al Qaeda has great influence in Afghanistan and supports the Taliban regime in controlling most of that country. In Afghanistan, we see al Qaeda's vision for the world.

Afghanistan's people have been brutalized -- many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.

The United States respects the people of Afghanistan -- after all, we are currently its largest source of humanitarian aid -- but we condemn the Taliban regime. (Applause.) It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder.

And tonight, the United States of America makes the following demands on the Taliban: Deliver to United States authorities all the leaders of al Qaeda who hide in your land. (Applause.) Release all foreign nationals, including American citizens, you have unjustly imprisoned. Protect foreign journalists, diplomats and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities. (Applause.) Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion. (Applause.) The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.

I also want to speak tonight directly to Muslims throughout the world. We respect your faith. It's practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah. (Applause.) The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them. (Applause.)

Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated. (Applause.)

Americans are asking, why do they hate us? They hate what we see right here in this chamber -- a democratically elected government. Their leaders are self-appointed. They hate our freedoms -- our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.

They want to overthrow existing governments in many Muslim countries, such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa.

These terrorists kill not merely to end lives, but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us, because we stand in their way.

We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions -- by abandoning every value except the will to power -- they follow in the path of fascism, and Nazism, and totalitarianism. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies. (Applause.)

Americans are asking: How will we fight and win this war? We will direct every resource at our command -- every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war -- to the disruption and to the defeat of the global terror network.

This war will not be like the war against Iraq a decade ago, with a decisive liberation of territory and a swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat.

Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place,

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until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. (Applause.) From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

Our nation has been put on notice: We are not immune from attack. We will take defensive measures against terrorism to protect Americans. Today, dozens of federal departments and agencies, as well as state and local governments, have responsibilities affecting homeland security. These efforts must be coordinated at the highest level. So tonight I announce the creation of a Cabinet-level position reporting directly to me -- the Office of Homeland Security.

And tonight I also announce a distinguished American to lead this effort, to strengthen American security: a military veteran, an effective governor, a true patriot, a trusted friend -- Pennsylvania's Tom Ridge. (Applause.) He will lead, oversee and coordinate a comprehensive national strategy to safeguard our country against terrorism, and respond to any attacks that may come.

These measures are essential. But the only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows. (Applause.)

Many will be involved in this effort, from FBI agents to intelligence operatives to the reservists we have called to active duty. All deserve our thanks, and all have our prayers. And tonight, a few miles from the damaged Pentagon, I have a message for our military: Be ready. I've called the Armed Forces to alert, and there is a reason. The hour is coming when America will act, and you will make us proud. (Applause.)

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.

We ask every nation to join us. We will ask, and we will need, the help of police forces, intelligence services, and banking systems around the world. The United States is grateful that many nations and many international organizations have already responded -- with sympathy and with support. Nations from Latin America, to Asia, to Africa, to Europe, to the Islamic world. Perhaps the NATO Charter reflects best the attitude of the world: An attack on one is an attack on all.

The civilized world is rallying to America's side. They understand that if this terror goes unpunished, their own cities, their own citizens may be next. Terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments. And you know what -- we're not going to allow it. (Applause.)

Americans are asking: What is expected of us? I ask you to live your lives, and hug your children. I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat.

I ask you to uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith. (Applause.)

I ask you to continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, [libertyunites.org](http://libertyunites.org), to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.

The thousands of FBI agents who are now at work in this investigation may need your cooperation, and I ask you to give it.

I ask for your patience, with the delays and inconveniences that may accompany tighter security; and for your patience in what will be a long struggle.

I ask your continued participation and confidence in the American economy. Terrorists attacked a symbol of American prosperity. They did not touch its source. America is successful because of the hard work, and creativity, and enterprise of our people. These were the true strengths of our economy before September 11th, and they are our strengths today. (Applause.)

And, finally, please continue praying for the victims of terror and their families, for those in uniform, and for our great country. Prayer has comforted us in sorrow, and will help strengthen us for the journey ahead.

Tonight I thank my fellow Americans for what you have already done and for what you will do. And ladies and gentlemen of the Congress, I thank you, their representatives, for what you have already done and for what we will do together.

Tonight, we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying, with direct assistance during this emergency. (Applause.)

We will come together to give law enforcement the additional tools it needs to track down terror here at home. (Applause.) We will come together to strengthen our intelligence capabilities to know the plans of terrorists before

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they act, and find them before they strike. (Applause.)

We will come together to take active steps that strengthen America's economy, and put our people back to work.

Tonight we welcome two leaders who embody the extraordinary spirit of all New Yorkers: Governor George Pataki, and Mayor Rudolph Giuliani. (Applause.) As a symbol of America's resolve, my administration will work with Congress, and these two leaders, to show the world that we will rebuild New York City. (Applause.)

After all that has just passed -- all the lives taken, and all the possibilities and hopes that died with them -- it is natural to wonder if America's future is one of fear. Some speak of an age of terror. I know there are struggles ahead, and dangers to face. But this country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world. (Applause.)

Great harm has been done to us. We have suffered great loss. And in our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom -- the great achievement of our time, and the great hope of every time -- now depends on us. Our nation -- this generation -- will lift a dark threat of violence from our people and our future. We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail. (Applause.)

It is my hope that in the months and years ahead, life will return almost to normal. We'll go back to our lives and routines, and that is good. Even grief recedes with time and grace. But our resolve must not pass. Each of us will remember what happened that day, and to whom it happened. We'll remember the moment the news came -- where we were and what we were doing. Some will remember an image of a fire, or a story of rescue. Some will carry memories of a face and a voice gone forever.

And I will carry this: It is the police shield of a man named George Howard, who died at the World Trade Center trying to save others. It was given to me by his mom, Arlene, as a proud memorial to her son. This is my reminder of lives that ended, and a task that does not end. (Applause.)

I will not forget this wound to our country or those who inflicted it. I will not yield; I will not rest; I will not relent in waging this struggle for freedom and security for the American people.

The course of this conflict is not known, yet its outcome is certain. Freedom and fear, justice and cruelty, have always been at war, and we know that God is not neutral between them. (Applause.)

Fellow citizens, we'll meet violence with patient justice -- assured of the rightness of our cause, and confident of the victories to come. In all that lies before us, may God grant us wisdom, and may He watch over the United States of America.

Thank you. (Applause.)

END 9:41 P.M. EDT

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