# TERRORISM, INTERNATIONAL MIGRATION AND BORDER CONTROL

# Huseyin Cinoglu, PhD Nurullah Altun, PhD

Turkish National Police Academy, Turkey

### **Abstract**

In this article the relationship between migration and terrorism will be scrutinized. This study revealed that to deal with the situations that create social crises and public unrest such as terrorist attacks, governments are generally inclined to adopt heavy security policies, which usually include force. Public expectations and public pressure play an important role on this inclination. The study also proved that security based policies usually satisfy the expectations of the masses, but the same policies raises anxiety and fear for the immigrants and foreigners who live in that particular country. Since these tight security applications have been frequently encountered in the USA and EU after large scale terrorist attacks, this article will focus on these two countries.

**Keywords:** International migration, terrorism, border control

### 1. Introduction

The relationship between migration and security concepts has regained its importance after the events of post September 11. The fact that the perpetrators of the attacks were foreigners has left question marks in the minds as to the effectiveness of the border security and migration control systems. As a result of this, a number of states especially the USA and EU Member States have taken a series of measures with a view to enhance the border security and migration control systems to fight against international terrorism. There exists a general understanding and belief that although effective migration-control policies will not eradicate all acts of terrorism but nevertheless will play a key role in combating terrorism (IOM, 2002:2; Martin and Martin, 2001). To give an example, many countries adopted laws

<sup>&</sup>lt;sup>30</sup> For the list of measures taken by the Western countries, namely by the USA and the EU, see International Organization for Migration (IOM) *International Terrorism and Migration*, 1 Mart 2002, Annex 1 Summary of Responses to the Events of 11 September 2001, pp. 12-13.

to: "Prevent terrorists from entering or remaining in the country, Prosecute those who commit terrorist acts or support terrorists, and take steps to Protect residents from terrorist threats", which were nicknamed as 3P Laws (Prevention, Protection and Prosecution) afterwards. Most of the times these laws give vast rights to governments, such as refusing entry to the country, deportation of the foreigners and sharing detailed information about the foreigners (Martin, 2004).

Due to its trans-border and trans-national characteristics, international terrorism has been viewed as an issue closely linked to international

terrorism has been viewed as an issue closely linked to international migration. Issues such as border control and security, illegal migration, asylum, integration of foreigners and immigrants, inter-ethnicity/cultural relationships and citizenship are considered to be common areas of interest for both combating terrorism and managing international migration. However, it must be emphasized that measures relating to migration policies and border control constitute only part of the national and international measures to be taken in response to terrorism.

Relevant migration control policies for combating international terrorism within this context focus in the first place on intelligence gathering, identity checks, data exchange and inter agency/states cooperation. Further, pre-entry migration control, border control and security as well as internal migration control measures are among the main instruments used to fight against international terrorism. However, it must be taken into account that isolation, alienation and exclusion of foreigners and immigrants in the receiving countries might also increase the likelihood of their involvement in terrorist activities. terrorist activities.

In this presentation, first of all I would like to consider the national security concerns arising from international migration and ensuing alienation phenomenon being formed consequently as well as the historical and philosophical foundations of such concerns. Within this context, the changing security concept of post September 11 and its impact on the implications of international migration have been discussed. Thus, an explanation into the background of national reflexes for combating international terrorism and the reasoning behind the measures applied will have been provided. have been provided.

The following part of the presentation provides an account of how migration control policies and measures have been applied to combat terrorism especially in countries, namely the USA and the EU countries. The impact of such measures on individual freedoms, whether or not such measures will in fact facilitate to the prevention of terrorism or to what extent they will facilitate and finally the possible negative repercussions of such measures will also be discussed.

### 2. International Migration and Security

Alienation may be defined as the identity formation composed of persons left outside of the group possessing some basic values and characteristics from a sociological point of view. It may be regarded as a kind of natural process to view the outsiders not belonging to the common identity with some degree of suspicion and exclusion. Similarly, it has been the case for centuries to regard non-nationals as unwanted guests and sometimes even barbarians who owe allegiance to another sovereign. They are often looked at with suspicion and tear, as they are viewed as an inferior group having distinct religious, cultural and social behavior and regarded to be acting as potential spy or agent of other states (Dawson and Head, 1971)

group having distinct religious, cultural and social behavior and regarded to be acting as potential spy or agent of other states (Dawson and Head, 1971).

Blessing self ethnicity and culture and putting these notions at the center of life creates a negative view against others and results in the alienation and marginalization of others. Diversity can't be reflected as a positive value within the society and national identities are created based on singular values. These problems feed the hostile views against the others. Homogeneity, uniformity and extra emphasis on singular identities results in the alienation of the immigrants and their integration to the social system becomes unsuccessful. Singular classification is another negative blow to the societal relationships, which goes through a crisis due to the terrorist attacks.

societal relationships, which goes through a crisis due to the terrorist attacks, and creates sharp boundaries between societal groups. (Sen, 2006)

In the 20 Century, states have adopted a number of measures against foreigners and other groups having distinct characteristics from the dominant population in line with the adopted national security interests (Lillich, 1984:30-33; Larkin, 1996:201). For instance, the leaders such as Hitler and Stalin had the impression and belief that their states were in a constant war against the opposing groups and individuals both inside and outside (Larkin, 1996:202). Their approaches were affected by the ideological interests as well as their understanding of national security and totalitarian security approach.

It is emphasized that discrepancies between the systems of state and government are important determinants in the assessment of the nature of the threat perception concerning national security (Larkin, 1996:205). Despite discrepancies among the systems of states and governments in monarchic, totalitarian and democratic models of administration, it may be said that all these states receive strong threat perceptions from the existence of foreign individuals and groups. It is normally expected that the responses towards such threats in liberal and democratic societies will be more rational and in conformity with the democratic principles. However, the reactions directed towards foreigners and immigrants after September 11 in the USA and other Western countries proved otherwise.

Despite the earlier efforts to widen the concept of security not only understood as state security and to develop the concept of human security, we see that the security concept has once more turned into a militarist character especially after September 11 (Bhattacharyya, 2002). Views and arguments implying the necessity to secure the nation and protect the state from the terrorists have regained their prominence in the daily discourse.

The national security perception of state is closely linked to its internal and external threat assessment as well as its historical experiences.

The national security perception of state is closely linked to its internal and external threat assessment as well as its historical experiences. For instance, the countries such as Israel and the former Soviet Union have focused on military security actions and planning due to the existence of threats to their physical security. Further, the factors such as cultural, social and economical background of a state, the personalities of the elite governing national policy, ideology and internal politics also influence the threat perception whether real or imaginary in a country.

perception whether real or imaginary in a country.

Following September 11 and especially in the USA and the EU, there has been a dramatic increase in the perception of foreigners and ethnic minorities both as an internal and external threat. Within the new threat perception, both "foreign" or "immigrant" population settled inside the country and those coming from outside constitute risk factors for the national security.

Creating an artificial link between the immigrants and terrorism creates anxiety and rage in the immigrant societies and increases the hostile feelings against the state. In these situations, hostility against foreigners (xenophobia) rises along with the possibility of clashes between societal groups. Creating a balance between the human rights and security is not an easy task for the countries which seek more security. Immigrants usually have a disadvantaged position in their countries and terrorist groups can abuse this situation or the boundary policies of the countries. Thus it is understandable for the countries which faced the sour results of terrorism, to take precautions against the possibility of these exploitations. But all these precautions are expected to be legal, proportional and in compliance with the human rights (IOM, 2010a).

Many states have in fact developed legal instruments and policies on international migration and especially on illegal migration and thus regarded the issue within the concept of border security and control. However, the securitization of the migration phenomenon may not necessarily transform the society into a more secure one. To the contrary, a state of "insecurity" might be increasingly created as a paradox. The handling of the migration issue under the guise of security will give rise to a vicious circle of improved security need caused by increased insecurity perception.

3. Use of Migration Control Policies for Combating Terrorism

It is a known fact that terrorism is increasingly becoming more transnational due its causes, sources, operations and targets and so on and not only limited to a single territory or jurisdiction. It has clearly more transnational dynamics. In fact, this is the precise reason why migration control instruments are seen as appropriate tools to fight against international terrorism.

Although it is not possible to confirm a natural link between terrorism and international migration, it is nevertheless true to say that checks and controls exercised at the border or prior controls of movement of people across the borders may help to monitor and prevent possible terrorist activities. Following September 11, a number of migration control policies and instruments have been increasingly developed and deployed as part of a strategy to combat terrorism, especially in the West, namely in the USA and the EU countries.

The US government decided to implement the 3 P's at the end of 2001. Initially, immigration authorities intensified to control sensitive facilities such as airports, power plants and alike. Secondly, the government made a great effort to identify aliens who are likely to relate to terrorism in order to deport them from the US. Finally foreigner-tracking system was implemented to monitor students and visitors coming from foreign countries especially Muslim countries (Martin, 2004).

On the other hand, the attacks on September 11 show that the perpetrators of such terrorist attacks are in many cases the persons who have regular residence and even citizenship of the country in which they live. This suggests that they operate in some cases outside the reach of classical migration control. Therefore, the checks conducted under the present migration policies should be considered only as an alternative strategy of combating international terrorism.

3.1 Identity Checks, Data Exchange and Cooperation

3.1 Identity Checks, Data Exchange and Cooperation

The focus of many states for fighting against terrorism especially after September 11 has been reinforcing identity checks, data exchange and international cooperation with a view to strengthen migration control systems. Many states relying on tourism, foreign investment and trade have to strike a right balance between the flow of persons through the borders and taking into consideration the security needs. This is also an area of activity which might violate individual privacy, as it may have some consequences through storage and exchange of data between the institutions.

3.1.1 Development of Identity Check Systems

More secure handling of passport and visa issuance and increasing cooperation among states to ensure this are among the first priorities of governments for combating terrorism in this regard. A number of measures

have been proposed and sometimes applied which includes the integration of security features into the passenger and immigrant identity and travel documents and other protections against forgery and falsification.

These measures and techniques may require high or simple technologies depending on the specific proposal. Many countries have plans to use and/or require passports and other identity cards which include electronically readable bar codes. For instance, the USA has required from all non-visa countries to use machine readable passports as of 1 October 2007 (Migration Policy Institute, 2001:12). Biometric or fingerprint identity checks are among the main systems requiring some kinds of advanced technology. technology.

Biometric identity checks are being used in common areas of migration and security for such purposes as identity determination, pursuit and data comparison. The countries such as the USA, United Kingdom, the Netherlands and Canada are carrying out experimental checks on such methods as iris inspection, face and hand geometry and finger print checks (IOM, 2002:3-4). Each of these methods has advantages and disadvantages. Face geometry was experimented at an airport in the USA (Fresno) but later abandoned due to false determination. As regards iris checks, despite quick and true determinations, they are found to be more expensive than finger print checks. print checks.

Finger print checks are more widely used across different countries (IOM, 2002:4). Finger prints of all asylum seekers are taken in the United Kingdom, which also enhances general migration control. Countries such as Switzerland, Germany and the Netherlands are considering using finger print checks in residence permits for foreigners and in passports. The EURODAC system in the EU also ensures that finger prints are taken from all the asylum seekers and illegal immigrants and they are deleted from the system when refugee or citizenship status is given (Migration Policy Institute, 2001:8-9).

3.1.2 Data Exchange and Cooperation

Many immigration countries are exploring the possibilities of data exchange and increased cooperation between the home institutions and their counterparts as well as passenger carrying firms. In the EU, the development of a European visa format supported by a data bank accessible by the Member States is proposed, which would include digital photographs. Further, a European border police agency is being in the process of formation in the EU.

The Schengen Information System is providing an essential support for the operation of a system without internal borders in the Schengen area. The system is composed of a data bank which also includes a 'warning list' for criminals. The Member States supports the system with information

received through SIRENE network composed of national bodies such as police, customs and judiciary.

EUROPOL has also been very active in collecting information and intelligence in the area of law enforcement across the EU, which has also mechanism to exchange data through a common data bank. Further, an Additional Agreement was signed between the USA and EUROPOL on the "Exchange of Personal Data between EUROPOL and the USA" in 2002. <sup>31</sup> There has been criticism that EUROPOL has exceed the limits of its power by signing such an agreement and that the system of personal data exchange has defects in terms of transparency and accountability and not being subject to efficient democratic control (Peers).

# 3.2 Border Control and Security

Enhancing border control through physical protection surveillance means are also increasingly becoming significant measures. The classical method of guarding the national territory is coming back to the fore once more as an aid to prevention of terrorism.

There's a dramatic increase in the number of immigrants in the last few decades. The estimated number of 155 million international migrants in 1995 has climbed to 214 million in 2010. USA is one of the foremost countries in hosting the immigrants (UN DESA, 2009 and IOM, 2010b). Especially during the first years of 1990s, USA employed deterrent policies against the immigrants coming from Mexico, to increase the costs of illegal migration (Cornelius, 2001). After the 11 September attacks, these precautions are heightened to a new level. After the international terrorism hit some countries, boundaries were once more emphasized as an indication of national sovereignty. On the one hand countries took precautions against the immigrants and refugees, but on the other hand these policy and laws limiting legal entry to the developed countries, sometimes negatively affected the basic rights and freedoms of the immigrants and refugees (Crépeau, Nakache and İdil, 2007).

An agreement was signed in 2002 between the US Ministries of Justice and National Defense to help the Immigration and Nationality Department to secure the effective control of Southern and Northern borders. 32 The USA has been heavily investing into the areas of border control and security by establishing physical barriers, allocating funds for electronic surveillance and qualified personnel deployment (Migration Policy Institute, 2001:5). The USA is also trying to secure effective cooperation with such neighboring countries as Canada and Mexico.

See Council Docs. 13689/02; 13689/02 add 1; 13996/02; 13696/02.
 INS signs Agreement with Department of Defense, 79 Interpreter Releases 371, 371.

Similarly, the EU is also paying closer attention to the development of its border control. The underlying logic in the EU is that dismantling of internal border controls within which freedom of movement is secured necessarily requires stricter checks at the external borders (Kuijper, 2000). The application of common visa and integration of migration and asylum policies will support the control of external borders and thus terrorist threats will be reduced. The EU has also been insisting on the candidate countries of especially Central and Eastern Europe to develop "integrated border management systems".

Is it going to be any help or a plausible solution to strengthen the border control and security by means of physical means in the examples of the USA and the EU. Such border control measures, although certainly effective in terms of control of illegal movement of persons across the borders, may not be so for actually capturing the terrorists (Migration Policy Institute, 2001:5). Many factors which could be deterring for usually poor and unsophisticated illegal immigrants may not be so for the sophisticated terrorists or other networks of organized crimes.

### 3.3 Pre-Entry Control

The developments taken place in the area of transport have turned the attention of states to move the control of borders beyond national border and prior to departure from the source country. Various mechanisms of pre-entry control are being considered and applied depending on the specific circumstances of each country. These mechanisms can be analyzed under two categories: migration control in the source country and sanctions imposed on passenger companies.

3.3.1 Migration Control in the Source Country

The main instrument used for carrying out migration control in the source countries the visa policy and practice. The visa regimes of the USA and the countries have become even stricter after September 11 and there has been an increase in the number of visa refusals (Gedda, 2002). The USA also changed its student visa rules in 2002 requiring them obtaining visa prior to enrolment and passing through security checks before entering the country<sup>33</sup>.

It may not be sufficient or reliable to adopt terrorist pursuit policies only based on the nationality criteria. First of all, the control of the nationals

of visa free countries will not be done effectively. The fact that one of the suspects once tried in the US due to the alleged affiliation with El Qaeda terror group was French national and the other British national supports the argument that citizenship criterion is not sufficient (Fitzpatrick, 2002:5).

<sup>&</sup>lt;sup>33</sup> Chronology of Events Since September 11, 2001 Related to Immigration and National Security, Released December 1, 2002, prepared by MPI with assistance of the law firm Cleary & Gottlieb, Steen & Hamilton and Cornell Law School student Sarah Schuette, www.migrationinformation.org/chronology.pdf, p. 9.

It appears that the measures taken within this context has especially targeted the Arabic countries and countries of Muslim population. The USA in this context has put into force a new migration control system entitled as 'National Security Entry-Exit Registration System'. 34 The new system has put under close scrutiny of those foreigners or immigrants who are either nationals of some Arabic countries or born in those countries. The system

lists Iran, Iraq, Libya, Saudi Arabia, Sudan, Syria and Yemen as such but new countries may also be added into the system.

The entry and exit of such foreigners are kept under close control and the fingerprints and photographs of those perceived as problematic from national security considerations are taken. They may be asked to report regularly to the immigration officers and submit the documents concerning residence, education or employment. The selectivity of this entry-exit system and its torgeting of nationals of participals of countries and concerning the targeting of nationals of countries and countries and countries. and its targeting of nationals of certain countries and especially the Arabs and Muslims have portrayed them as potential terrorist and thus caused some kind of resentment among these populations.

There are other "trans-border" migration control strategies applied by the states in order enhance visa policies: (IOM, 2002:5-6) Prior conduct of travel formalities, assigning immigration liaison officers and airline liaison

officers abroad and setting up advance passenger information systems are among such mechanisms.

Immigration liaison officers are especially appointed to prevent irregular or illegal immigration and to combat the respective criminal organizations in the migrant sending countries in cooperation with the local and international law enforcement authorities.

Airline liaison officers are composed of personnel posted abroad in order to work together with airline companies for detecting and preventing the use of forged document or identity cards and to provide appropriate training. The UK, USA and Canada have decided to increase the number of immigration personnel to be employed abroad with a view to support the struggle against terrorism. Many EU countries are employing airline liaison officers especially at airports from which irregular immigrants mainly come from. Such officers conduct the prior checks of the passengers before moving onto the plane and aim at preventing irregular migration and especially human smuggling and human trafficking.

Early passenger information system enables immigration authorities of the receiving state to conduct checks on the passenger manifestation lists

<sup>&</sup>lt;sup>34</sup> See Attorney General. Announces Reg Requiring Registration. Monitoring of Certain Nonimmigrants, Releases 899 Registration and Monitoring of Certain Nonimmigrants. 67 Fed. Reg. 52584

prior to flight on the basis of agreements between states and airline companies.

## 3.3.2 Sanctions Imposed on Carrier Companies

3.3.2 Sanctions Imposed on Carrier Companies

Through legal regulations imposing liability on passenger companies, it is aimed that the international, air, sea and railway transport companies be held responsible for accepting and carrying as passengers of those immigrants having forged document or no document at all. Carrier companies are being subject to fines for the passengers they carry as undocumented or without document and also under the responsibility to return the passenger so carried to the source country (Cruz, 1995).

States are forcing passenger carrier companies to carry out prior entry checks and thus treating them as if they are the states' own immigration or visa officers. Such a legal regime and practice supported also through training by airline liaison officers is viewed by some as an extra defense cordon to combat terrorism (IOM, 2002:6).

The conduct of passport controls and other checks by the airline

The conduct of passport controls and other checks by the airline company personnel has been rightly criticized by some as an illegitimate privatization of security services (Migration Policy Institute, 2001:10). Despite such criticism, the airline companies have no other option but to apply the checks to avoid heavy fines that they might face.

Such strict control of immigrants and foreigners prior to departure might certainly have successful result for preventing irregular or illegal migration. It may equally have negative impacts on the possibility of those who have good reasons to flee from a country for seeking asylum elsewhere. Therefore, it constitutes a significant barrier for asylum seekers to seek a refugee status abroad.

# 3.4 Internal Migration Control

Applying migration control policies within the national jurisdiction is also viewed as an effective instrument to combat terrorism. It is often witnessed that security forces or law enforcement officials are given extraordinary powers under state of siege or state of emergencies resulted from the necessity to combat terrorism. Countries such as Northern Ireland, Spain and Turkey have had recourse to such mechanisms in the past years.

The emergency measures taken immediately after September 11

events in the USA have targeted foreigners and immigrants and especially those having an Arabic or Islamic background. The President Bush ordered in 13 December 2001 the establishment of military courts to try foreigners for their alleged involvement with terrorism. The Aviation and Transport Security Act" of 2001 has set up a Transport Security Agency responsible for

<sup>&</sup>lt;sup>35</sup> Chronology of Events, p. 4.

gathering information about the persons constituting threat from national bodies and prevent their boarding if necessary. 36

Among the most significant reactions to September 11 in the EU in this context are the adoption of "the Framework Decision on Combating Terrorism" and "the Framework Decision on the European Arrest Warrant" and the subsequent developments under these two frameworks (Warbrick LMCC 11 in 2002 254) and McGoldrick, 2003:254).

The definition provided under Article 1 of the Framework Decision on Combating Terrorism is so wide that it could even include the simple protests within the scope of terrorist acts (Bunyan, 2002:3). Under the Framework Decision on the European Arrest Warrant, a person can be arrested, his home searched, his property seized and himself extradited upon a request and pending a trial in the requesting state for the 32 offences listed in the Parisian (Parasan 2002:4).

in the Decision (Bunyan, 2002:4).

The practice of administrative or preventive arrests and detentions in the US has also been a matter of criticism. The definition of those carrying out terrorist activities has become so wide in the Patriot Act (Article 412)

that the representatives of foreign terrorist organizations approving terrorist activity and spouses and children of inadmissible terrorists will not be allowed to enter the country (Fitzpatrick, 2002:9).

Under the new anti-terror regulations in the USA, the period of detention without official charge has been prolonged and around 700-800 persons of mainly immigrant and Muslims origin have been detained during the period of immediate reactions (Miller, 2001:16). The custody period has been increased from 24 hours to 48 hours and it has become possible to keep the suspects under custody for indefinite period of time in amergancy cases.

been increased from 24 hours to 48 hours and it has become possible to keep the suspects under custody for indefinite period of time in emergency cases (Fitzpatrick, 2002:11). There have been many reports that those being arrested had been detained without any official charge.

In fact, most of the arrests of foreigners and immigrants were resulted not from terrorist involvement but from the violation of immigration rules (Fitzpatrick, 2002:13). It has also become a kind of persistent governmental policy to prosecute foreigners and immigrants on the basis of violation of immigration rules when it is suspected but not established that they have links with the terrorist groups.

It appears that the USA and some EU countries in particular hairs.

It appears that the USA and some EU countries in particular, being under a considerable public pressure, are taking measures targeting foreigners and immigrants in order to show that they are doing something to prevent and suppress terrorism. However, it also carries very dangerous implications to target immigrants of certain background by using such

<sup>&</sup>lt;sup>36</sup> See Aviation and Transport Security Act, 107th Congress, Public Law 107-71, November 19, 2001.

methods as ethnic or religious profiling. The exclusion of communities and causing resentment and dislike among them, whose successful and effective cooperation is essential to prevent new terrorist activities, will not be the way forward (Fitzpatrick, 2002:14).

### 4. Conclusion:

It is crystal clear that post-September events have made a negative impact on the development of migration and asylum policies of the USA and the EU. After September 11, a slowdown has been witnessed on the development of positive migration and asylum policies such as enhancing family reunifications, rights of long term immigrants, migration for employment, definition of refugee and asylum procedures. Instead, increasing efforts are being strived for developing negative instruments of migration and asylum policies such as the use of state power, expulsion and entry controls. Thus, there has been a disproportionate inclination from more positive migration policies towards more negative migration policies.

Migration and border control policies have been used as main instruments for combating international terrorism in the post-September 11 period. Despite the fact that there is no organic link between international migration and terrorism, why is it that the USA and EU countries are focusing mainly on migration and border control policies in the fight against terrorism?

terrorism?

It is not possible to provide an answer to this question only within the context of combating terrorism. In fact, the USA particularly seems to view the issue not only within the context of an imminent threat of terrorism but also in a wider framework of national security. The policy seems to be trying to create an effective mechanism of control worldwide through visa policies, border controls and control of legal migration. It may be that post-September phenomenon has proved to be a very good justification for the USA in particular to regulate and control international migration and combat illegal migration. migration.

Similarly, it has also been emphasized that the measures thought to be directed towards prevention of terrorism in the EU are in fact to a lesser degree relevant for fighting against terrorism. Measures taken in this regard target to a significant extent crime in general, refugees and asylum seekers, settled migrant population, protestors and border control, extradition and other issues of cooperation (Bunyan, 2002). Use of migration control instruments under the guise of prevention of terrorism has particularly hit the rights of settled third country nationals and weakened their legal status.

It may sound reasonable (and in fact taken on board by many states (the USA and the EU in particular) to have recourse to migration control instruments as an important counter-strike mechanism in the fight against international terrorism. However, the same policy may also carry some

significant negative impacts when used in a strict manner and for other purposes. One could identify two main repercussions: damaging national interests and violation of individual rights and freedoms.

The strict policies and practices adopted within the framework of combating international terrorism might cause a gradual decrease of positive contributions of migration to the receiving societies. International migration literature is almost unanimous over the positive contributions of immigrants or foreigners to the economies of receiving countries. Foreigners or immigrants contribute significantly to the receiving societies for the purposes of education, training, health and so on.

More importantly, the policies and practices aiming at foreigners and immigrants within the context of combating terrorism have particularly impaired the basic rights and freedoms in the USA in particular. The damage over liberties has been further intensified due to the war in Iraq as well as the actual terrorist attacks and threats across the world. Targeting specifically certain categories of immigrants and foreigners for the sake of prevention of terrorism can be reconciled neither with the theories of liberal democracy that the West has been defending for many years nor with the preached approach of combating terrorism within the limits of respect for human rights.

Use of migration control instruments as a specific tool for combating the global terrorism phenomenon might lead to a policy which may somehow include biased and racist approaches within it. The planned or unintended formation of such policy in multi-cultural societies composed of different religion, ethnicity, race and so on or even the formation of such an image or perception has the potential to impair the social peace and national integrity.

It may give rise to politicization of cultural factors through labeling all the immigrants or ethnicities from certain regions and beliefs as potential terrorists. This development is equally dangerous to some of the arguments used by the international terrorists. The use of cultural arguments such as religion or ethnicity both as a just cause for acts of invasion and counter terrorist acts appears to be the real ideological threat. Increasing affiliation of terrorist acts with religion, such as Islam in particular, is the most dramatic innovation even the devil could not think about. Clash of the uncivilized in all sides constitutes a real threat.

### **References:**

Bhattacharyya, Suman, 2002. "Migration and Security: September 11 and Implications for Canada's Policies", (Roundtable Report), *Refuge*, Vol. 20, No 4. pp.49-52.

http://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/21274/19945 ( 22 April 2013)

Bunyan, Tony 2002. The War on Freedom and Democracy: an Analysis of the Effects on Civil Liberties and Democratic Culture in the EU, (Statewatch Analysis No. 13), P. 3.

Council Docs. 13689/02; 13689/02 add 1; 13996/02; 13696/02.

Cornelius, Wayne A., 2001. "Death at the Border: The Efficacy and "Unintended" Consequences of U.S. Immigration Control Policy 1993-2000", Working Papers, Center for Comparative Immigration Studies, UC San Diego, http://escholarship.org/uc/item/7mx516pr, (11 April 2013). Crépeau, François, Delphine Nakache, and Idil Atak, 2007. "International Migration: Security Concerns and Human Rights Standards", *Transcultural* 

Psychiatry, Vol 44, no. 3, pp.311–337.
Cruz, Antonio (1995) Shifting Responsibility: Carriers' Liability in the Member States of the European Union and North America, GEMS No. 4, Stoke-on-Trent: Trentham Books and SOAS.

Dawson, Franklin G. and Ivan L. Head, 1971. International Law, National Tribunals and the Rights of Aliens. New York: Syracuse University Press, XI.

Fitzpatrick, Joan, 2002. Terrorism and Migration, The American Society of International Law, October 2002, http://www.asil.org/taskforce/fitzpatr.pdf. Gedda, George, 2002. *US to Review Visa Issuing Offices*, The Associated

Press Online. July 17, 2002.

IOM (International Organization for Migration), *International Terrorism and Migration*, 1 Mart 2002, Annex 1 Summary of Responses to the Events of 11 September 2001, pp. 12-13.

IOM (International Organization for Migration), 2010a. International Migration, **Terrorism** and

http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/tcm/intern ational\_terrorism\_and\_migration.pdf (22 April 2013). IOM, (International Organization for Migration), 2010b. *The future of migration: Building capacities for change* (World Migration Report 2010), http://publications.iom.int/bookstore/free/WMR\_2010\_ENGLISH.pdf (22 April 2012) April 2013)

Kuijper, Pieter J., 2000. "Some Legal Problems Associated with the Communitarization of Policy on Visas, Asylum and Immigration under the Amsterdam Treaty and Incorporation of the Schengen Acquis", *Common* 

Market Law Review, 37. pp. 345-366.
Larkin, LaRae, 1996. The Legitimacy in International Law of the Detention and Internment of Aliens and Minorities in the Interest of National Security, Lewiston/Queenston/Lampeter: The Edwen Mellen Press.

Lillich, Richard B., 1984. *The Human Rights of Aliens in Contemporary International Law*, Manchester: Manchester University Press.

Martin, Phillip and Susan Martin, 2001. *Immigration and Terrorism: Policy Reform Challenges*.

Martin, Philip, 2004. "International Migration And Terrorism: Prevention, Prosecution And Protection", UC-CIIP Seminar, March 5-6, 2004, http://migration.ucdavis.edu/rs/more.php?id=148\_0\_1\_0 (08 April 2013).

Migration Policy Institute, 2001. Bacground Paper: Immigration and National Security, Washington, http://www.migrationinformation.org/chronology.pdf.

Peers, Steve, *The Exchange of Personal Data Between Europol and the USA*, (Statewatch Analysis No. 15), www.statewatch.org/news.

Sen, Amartya, 2006. *Identity and violence: the illusion of destinity*, W.W. Norton&Company, New York.

UN DESA, 2009. http://esa.un.org/migration (11 April 2013).

Warbrick, Cohn and Dominic McGoldrick, 2003. "September 11 and UK Response", International and Comparative Law Quarterly [ICLQ] Vol. 52, pp. 245-268. www.statewatch.org/news/2002/sep/analy13.pdf.