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Mobility and the Security Paradigm: How Immigration Became Securitized in Finnish Law and Policy

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Abstract
Alongside the emergence of the new mobility paradigm (Sheller and Urry 2006), especially in the social sciences, the security paradigm has gained importance as well. It is said that “the security paradigm is now becoming so ingrained that it is impossible to ignore the impact of security concerns on the development of migration policy” (Collyer 2006, 255). The mobility of people is shaped by a variety of formal and informal institutions, such as laws and policies that influence which groups have the right to travel to and reside in a certain country. This article is concerned with Finnish border and immigration regimes and the interplay between mobility and security within law and policy. The paper offers a historical account on the way in which security has been involved in the governance of immigration in Finland. We analyze policy reports, legal texts, case law, parliamentary plenary debates, and minutes of committee hearings that shape and define mobility. By combining political history with legal analysis, the article takes a transdisciplinary approach to mobility and its limits and sheds new light into the discussion of the mobility paradigm.

Our analysis provides empirical evidence that there has been a clear movement toward increased securitization over time. In political speech, restrictive measures are justified by a presumed threat to Finland’s national security. The individual rights of migrants and notions of the human security of migrants appear in these debates on the other end of the spectrum.

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² The authors appear in alphabetical order to indicate equal contribution.
Keywords: mobility paradigm, security paradigm, immigration governance, immigration law, securitization

Introduction
From the perspective of mobility studies, migration law and policy are many times seen as the regulation of boundaries (Adey et al. 2014) or a representation of power (Skeggs 2004, 49; Morley 2000) functioning as a hindrance to mobility (Urry 2007, 36). Forced migrants, in particular, encounter growing restrictions and limitations on their possibilities of moving and staying in another country (Urry 2007, 36). Restricting human mobility through political or legal means is often justified with calls to maintain public order and national security. In this paper, we will describe and analyze the interplay between mobility and security within law and policy, contributing to the growing scholarship of what has been called the mobility turn (Creswell 2006; Urry 2000).

While law and policy are often seen as a hindrance to human mobility, different regulatory paths may either hinder or enhance mobility (Spijkerboer 2009). It is important to note that legal and political concepts embracing mobility, such as cosmopolitanism and humanitarianism, have developed in parallel to the mobility paradigm. Alongside scholarship that captures developments toward more mobility in migration governance, some scholars, however, have argued that immigration policy has been securitized (cf. Buzan, Wæver, and de Wilde 1998), and they refer to the way that security is ingrained in immigration policies as “the security paradigm” (Collyer 2006). However, there is no consensus on the security paradigm, and many observers are critical of the claim that immigration has been securitized (Boswell 2007; Baele and Sterck 2015). Thus, it is vital to analyze whether a securitization of immigration is empirically justified.

Our empirical contribution lies in the combination of political and legal data, as well as in taking a longer perspective and starting our analysis from the enacting of Finland’s first Aliens Act in the beginning of the 1980s. We combine a content analysis of political speech with a study of the way in which security is defined in administrative and legal practice. We ask if and how Finnish immigration policy and legislation became securitized between the 1980s and the present day, and we furthermore ask what meanings security is given by Finnish politicians and the judiciary. By combining an analysis of political speech with the analysis of legal texts, the paper takes a transdisciplinary approach and can shed new light on the discussion of both the security and the mobility paradigms. We have found that within the studies of the securitization of immigration, human security and national security usually represent different and opposing approaches, reflecting dichotomies familiar to many disciplines.

3 We use ‘migration’ when the term has a general meaning and ‘immigration’ when especially referring to inbound movement. The word immigration is a translation of the Finnish word maahanmuutto, which is the word that is used in our data.
In this article, we confirm that in recent times, national security concerns have outweighed individual security concerns.

We will first offer an overview of the most central theoretical concepts from the literature on migration and security studies that are relevant for this analysis, after which we will provide a detailed description of our methodology for gathering and analyzing our various types of data. The analysis is organized chronologically, and we have divided our research findings by decade: 1980s, 1990s, 2000s, and the period from 2010 to the end of 2016. We focus on the points in time when the Finnish Aliens Act was first passed and when it has been renewed, which has been approximately every ten years. Each analytical sub-chapter begins with parliamentary debates, followed by the law and court cases, and closes with an analysis of governmental reports and strategy papers on security. We then, before our brief conclusion, analyze and discuss how securitization and balancing played out in our material throughout the period.

**Mobilities, Securitizations, and Immigration: Existing Literature and Perspectives**

The sedentary bias in thinking has been the paradigm not only in sociology, but in legal and political studies as well (Castells 2000; Sheller and Urry 2006; Sheller 2013, 45). However, the emergence of the new mobility paradigm in sociology (Sheller and Urry 2006; Urry 2007) has been accompanied by similar theoretical developments in law and policy studies. The legal development around the EU is, of course, a prime example of a change in paradigm toward the normalization of certain forms of migration as a social phenomenon. The free-movement regime enshrined in the EU treaty has made the mobility of some citizens normal and even desirable. The “mobility turn” caused by the free movement of EU citizens was predicted to also affect the field of EU immigration law concerning the entry and rights of so-called third-country nationals. However, the spill-over from free movement to immigration policy did not seem to happen, as the free-movement regime has its own logic, separate from migration law (Thym 2013).

Security professionals and researchers have become interested in migration through a broader security concept (e.g., Buzan, Wæver, and de Wilde 1998). According to scholars of the Copenhagen School of security studies, immigration is framed as a security threat that demands exceptional measures (Buzan, Wæver, and de Wilde 1998). Bigo (2000) had already stated, even before 9/11, that in relation to immigration, the threat is not always seen as coming from outside national borders, but that the sphere of internal crime-fighting and external war-making have become blurred. Collyer (2006) indicates that the security paradigm is now becoming so ingrained that it is impossible to ignore the impact of security concerns on the development of immigration policy, and that any understanding of human movement must therefore incorporate notions of security at both an empirical and a theoretical level. However, critics of
the securitization argument have pointed out that not every sub-category of migration does or should face securitization (Baele and Sterck 2015; Messina 2017).

Bigo (2002) reminds us that securitization does not always lead to exceptional measures, but that most of the securitization of immigration takes place through routinized and standardized everyday practices, such as the mechanisms of border control. Guild, Groenendijk, and Carrera (2009) refer to Bigo et al. (2007) when they describe illiberal practices, such as extraordinary rendition, indefinite detention, border controls, and conditionality of integration, as evidence of the securitization of immigration. They say that these illiberal practices are challenging liberalism and the rule of law (Guild, Groenendijk, and Carrera 2009, 2–4). Dauvergne (2007, 535) points out that the security aspect has become normal rather than exceptional. In addition, the security paradigm itself may be a threat to security as it undermines the liberal principles on which society is built (Goodwin-Gill 1999; Collinson 2000). The securitization of asylum seekers has diminished the eagerness to protect refugees and advanced a move away from a rights-based approach (Goodwin-Gill 2001; Squire 2009).

Within security studies can also be found a human security discourse, in which individuals, and not just states, are referents for considering security issues, and in which the point of view of migrants and a human rights perspective are considered (Hoag 2011). This notion is employed, for example, by Lazaridis (2010) when she investigates the possible threat that irregular immigration poses to human security, rather than to state security. Bigo (2002) has identified securitarian and humanitarian discourses, where the humanitarian and human rights discourse is a by-product of the securitization process. Sasse (2005) has suggested that the security-rights nexus in European law and policy needs to be reframed, so that the question would not be polarized between security and securing rights for individuals. According to her, security and individual rights are two sides of the same coin.

We find some scholarly literature on Finnish migration law and policy debates (Lepola 2000; Salmio 2000; Leitzinger 2008), but what is missing is a comprehensive overview of the way in which immigration and security play out in Finnish political and legal regulations and implementations. There has been some limited discussion of the security and migration nexus in Finland. Raitasalo and Sipilä (2007, 3) have given the refugee issue as an example of an area that could be securitized in the future. Kanniainen (2010) has surveyed Finnish MPs regarding their perceptions of immigration as a threat or opportunity, and he later pointed out the security aspect (2011, 15). Keskinen (2014, 479) has shown that the securitization of asylum seekers occurred in Finland in connection with the public discussion around a shooting in a shopping mall by a Kosovar refugee. Pyrhönen (2015, 71–72) has noted the juxtaposition of national security and immigrants’ rights in parliamentary debates. In addition, there is research on criminalization of immigration law and
court practice, also referring to a strong security aspect in immigration policy (Kmak and Seilonen 2015).

Viljanen (2007) has pointed out that the courts are expected to evaluate the Finnish Security Intelligence Service’s confidential information on the applicant and to balance national security interests with human rights. Human rights as part of guiding principles have been emphasized in legal studies on migration law (Kuosma 1997, 116–39) although some observers do not see such a prominent role for human rights (Halme-Tuomisaari 2016). Legal scholars describe the level of human rights afforded to immigrants as the minimum in relation to international obligations (Pirjetanniemi 2014). Kanniainen (2011, 16–17) also argues that, while the discussion in migration studies has focused mainly on human rights, the human security aspect should also be considered. Ollus (2016, 232, 58–59) has described how the issues of labor exploitation of immigrants and human trafficking have been shifted from the realm of human rights to security through criminalization, mainly emphasizing other security issues than the security of the victims. She argues that when dealing with these types of crimes, the state has not given enough attention to the protection of victims (Ollus 2016, 72–74; also Roth 2016, 101–2). In this study, we will complement this discussion of human rights and security by considering the possible securitization of Finnish migration law and policy and by depicting the different security aspects present in the material.

Speech and Practice: Methodology and Research Materials
Speech act in political science and in security studies, especially in securitization studies, is understood as a discourse where the term security is used for moving a topic away from politics and into an area of security (Buzan, Wæver, and de Wilde 1998). While security studies have been criticized for an overemphasis on the speech act (Huysmans 2006; Burgess 2011) and on dominant actors such as political leaders (McDonald 2008), we believe that, in the Finnish context, this aspect needs to be taken into account, but it should also be expanded by other fields of analysis. Boswell (2007) has written that securitization may occur both at the level of political discourse and at the level of administrative practice. We address these two aspects by looking at political speeches as well as legal texts and court cases. Court cases shed light on administrative practice by showing patterns of argumentation used in administrative decisions. We take a longitudinal and historical perspective on changes and present a conceptual history (Koselleck 2006) of the concept of “security” in connection to immigration.

We apply content analysis (Krippendorff 2004) to policy papers on security, such as security reports and strategies, as well as to the parliamentary plenary debates on the Aliens Act. The actual political content of policy papers is usually crafted behind the closed doors of standing committees, and the legal and political weight of parliamentary plenary debate is weak. Yet we find it important to look at the ways in which
the members of Finnish Parliament (MPs) publicly defend their policies, as this is where they potentially try to convince the electorate that a certain topic should be dealt with as a security issue. The research data thus include parliamentary plenary minutes related to the Aliens Acts passed in 1983, 1991, and 2004, as well as amendments made to the 2004 Aliens Act up until 2017. We filtered the data for speeches and texts that used the various grammatical forms of the Finnish word *turvallisuus* ‘security’ or ‘safety’, including the adjective *turvallinen* ‘secure’ or ‘safe’. Security strategies were scanned for words *immigration*, *terrorism*, and *refugees*, and the phrase *illegal immigration*, in order to analyze the presence of different categories related to immigration.

From a legal perspective, the most relevant materials for research are government bills, legislation, and court decisions related to migration law. We scanned through the materials, searching for the word *security*. The use of these materials sheds light on the phenomenon of the securitization of immigration from a legal perspective, although our approach is primarily empirical, rather than legal-dogmatic. However, a legal approach is relevant when analyzing the development of balancing as a decision-making method of the Supreme Administrative Court. The legislative material includes the texts of all three Finnish Aliens Acts in the form in which they were passed (400/1983, 378/1991, and 301/2004), as well as the current form of the latest act (301/2004) as of September 20, 2016. It is worth noting that previous to the first Aliens Act in 1983, many legal rules in the form of governmental decrees already affected immigration, but the first Aliens Act represents the start of the era in which migration issues, and especially the rights of migrants, have been elevated to the status of a law with proper legal protection.

Another set of legal data comes from court cases from the Supreme Administrative Court of Finland, which is the highest court of appeals for issues concerning migration administration. We have analyzed all relevant cases that are electronically available in the Finlex database. The database includes those significant cases published in the Court Yearbook since 2001, as well as short summaries of important court decisions from the 1980s and 1990s. The total number of analyzed cases is sixty-five, giving a comprehensive picture of the development of court practice in the interpretation of migration law. The term *security* appears in three different contexts characterized by the type of decision: international protection (twenty-two cases), deportation (twenty-four cases), and family reunification (nineteen cases).

In order to analyze whether issues related to mobility and migration have featured in Finnish security policies, we considered security strategies from approximately the same periods as the laws, legal practice, and political speeches that we analyzed: 1995, 2004, 2012, and 2016. In the 1980s, security policy was mostly concerned with defense policy and, therefore, not considered in this analysis, but later we can find separate reports on foreign and security policy, as well as on defense policy. In
addition, the government published a new report on internal security in 2016 and also produced the Security Strategy for Society, which prescribed security cooperation between different governmental and non-governmental actors.

Decades of Securitization: Conceptualizations of Security in Migration Policy and Law

The Aliens Act of 1983: Security Concerns and Rights for Foreigners

Finland used to be a country of emigration, rather than a country of immigration. Finland’s structural change and the peak in unemployment in 1967–68 caused mass emigration to Sweden. By the 1980s, Finnish return migrants from Sweden made up 85 percent of those moving to Finland from abroad. Finland had received its first groups of post-World War II refugees, from Chile and Vietnam, between 1973 and 1978. In 1981, this recent arrival of refugees in Finland became a topic in the parliamentary debates.

The stated objective of the government bill for the Aliens Act of 1983 was the fulfillment of international obligations on asylum and the legal rights of migrants (HE 4 186/1981). When discussing security in the parliamentary debates, several MPs suggested that the Aliens Act should be well balanced between protecting the rights of individual migrants and protecting the national security interests of Finland, a statement that is repeated five times at different points in the debate. Thus, it seems that the nexus between individual security and state security was one leading concern when drafting Finland’s very first Aliens Act in 1983. The debate was dominated by those who stated that Finland was infamous for not protecting immigrants’ legal rights and for having made arbitrary immigration decisions with no possibility for appeal.

It is interesting to note that security was seen as having two opposite dimensions: that of the individual migrant and that of the state. Mastering this conflict and ensuring the humane treatment of immigrants was a central challenge (HE 196/1981, 2 k, January 27, 1981). Even MP Vennamo from the Finnish Rural Party (the predecessor to the Finns Party), who took an anti-immigration stance in the debates overall, stated the following: “The law should protect the country, but when implementing the law, there should be common sense and humanity and understanding of the current situation. Foreigners are not a threat to Finland. They are, on the contrary, in need of protection” (Vennamo, HE 196/1981, 2 k, January 27, 1981).5

Despite these efforts to secure the rights of foreigners in Finland, we can observe that immigration was also linked to criminality and questions of terrorism. “In addition to the refugee question, immigration legislation

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5 All translations from Finnish into English are by the authors.
is facing new challenges, such as preventing international terrorism and ever more mobile criminality” (MP Muroma, HE 18/1981, October 29, 1981). Overall, four MPs linked immigration to terrorism and security when drafting Finland’s first Aliens Act. The bill stated that authorities should be able to respond effectively to threats posed by increased mobility, and that the national interest is a central approach to addressing complicated issues (HE 18/1981 vp, 1–2). The draft also includes a mandate for the government to alter rules in the times of crisis, such as war, terrorism, or other threat to national security (HE 18/1981 vp, 21).

Finland’s first Aliens Act (400/1983) makes only three explicit references to security. One refers, in a rather restrictive sense, to the personal security of others as a reason for deportation (Section 18.1), and the other establishes a mandate for the Ministry of the Interior (instead of the police) to decide on deportation in situations of national security (Section 19.2). There is also reference to sabotage, espionage, unauthorized intelligence collection, or actions damaging Finland’s relations with foreign countries (Section 18.1.6), which seems to refer to national security. Interestingly, it is explicitly stated that the deportation of refugees in the aforementioned situations requires special reasons based on public order or national security (Section 18.2).

The prevention of crime also became a topic in court cases of the time. For example, in 1985 the court made three decisions which clarify the application of Section 18.4 in relation to the possible disruption of family life. In one case (KHO 1985-A-II-73), the deportation was justified, and in two cases (KHO 1985-A-II-76 and KHO 1985-A-II-77), the right to respect for family life was given more importance than the preservation of public order and the prevention of criminality.

The 1990s: Finland Becomes an EU Member in a Changing Europe

The total number of immigrants to Finland increased fivefold in the 1990s, with the majority arriving from the former Soviet Union. Yet, it is vital to note that Finland has always had one of the lowest numbers of foreign residents in Europe (Eurostat 2016). In addition to the collapse of the Soviet Union, the facilitated immigration status granted to so-called Ingrian Finns also contributed to the growing immigration from the east. Between 1990 and 1997, about 20,000 Ingrian Finns moved to Finland as so-called returnee migrants. The beginning of the 1990s also marks the period when the first asylum seekers from Somalia arrived in Finland. Insecurity in the areas that people flee from was also discussed in the parliament, and these discussions focused primarily on African countries, as well as the question of whether or not the USSR could be regarded as a safe country (HE 47/1990, 22.5.1990 lk; 8.2. 1991 1. k; 2.k, 12.2.1991). Here, we find several references to questions of human security, usually in connection to the possibility of deportation.

6 KHO = Supreme Administrative Court. Available in the Finlex database.
During the 1990s, the understanding that Finland’s legal responsibilities were restricted to its own citizens started to be challenged (see Lepola 2000, 44–48; Pyrhönen 2015, 45). Finland had in 1989 become a member of the European Council and signed the Human Rights Convention, which required legislators to reconsider the treatment of foreigners in relation to immigration control. The rapid internationalization of Finland, both in terms of the mobility of people, as well as in terms of international human rights engagement, was a major motivation behind replacing the previous Aliens Act. The objectives of the renewal of the act were two-fold: to enhance the processual rights of immigrants, while at the same time preserving the capability of authorities to prevent terrorism and crime (HE 47/1990 vp, 3.)

Finland passed a new Aliens Act in 1991 (378/1991). In this act, a new section, designed to protect the security of refugees and their family members, limited public access to certain administrative documents (Section 65). Section 30, concerning international protection, was amended by, for instance, adding reasons for the refusal of protection status. These reasons were mainly the same as those stated in the 1951 Refugee Convention (adopted in Finland with SopS 77/1968), with the exception of a paragraph allowing the authorities to refuse protection if there were any specific national security reasons (Section 30.2.1). At this point, the conditions for deportation were tightened a bit: the new act allowed for the deportation of criminals with a conviction of at least one year, while the previous act had allowed deportations for convictions of six months (Section 40.1.3). However, a new paragraph was introduced allowing deportation in cases where the immigrant posed a threat to the personal security of others (Section 40.1.4).

When looking at the court cases based on this law, there are six cases related to the 1991 Aliens Act in which security is explicitly mentioned. In these cases, felonies such as an aggravated drug crime and a conviction of sexual violation were enough to fulfill the criteria of being a threat to the personal security of others (KHO 7.3.1997/557 and 7.9.1993/3234). In a case that dealt with family reunification (KHO 13.9.1994/4122), interfering with family life was justified for reasons of general and national security. In the other two cases, the court referred to the European Convention on Human Rights Article 8, which states that public security is a legitimate reason to interfere with family life, but it did not actually apply that provision in deciding the case.

In 1995, the government’s security and defense report dealt with a high number of asylum seekers in Europe following the dismantling of Yugoslavia. Although Finland received only a fraction of those asylum seekers, the report shows that fairer burden sharing between different European countries was a topic of discussion in Finland as well. Immigration was also mentioned in connection with the possible mobility of people because of the collapse of the Soviet Union, which did not,
however, seem to escalate to any considerable numbers (VNS⁸ 1/1995, 16–17). Terrorism as a security threat was mentioned only a few times, and not in connection with mobility toward Finland.

The New Millennium: Intensive Securitization and Anti-Immigration Rhetoric
The turn of the twenty-first century marked an increase in asylum seekers from Eastern Europe. Finland’s Aliens Act was rewritten again in the early 2000s, with many of the changes related to the ratification of international and EU regulations on human rights (Lepola 2000, 77–78; Pyrhönen 2015). Finland’s first migration minister, Astrid Thors, from the Swedish People’s Party, took office in 2007. Finland’s nationalist–populist movement, The Finns Party, gained an electoral victory in municipal elections in 2008, and later in the parliamentary elections of 2011. The party has a clear anti-immigration agenda, and among its members are several prominent politicians who are part of Finland’s far-right movement. In general, it became more common to express quite restrictive views on migration issues in the 2000s, and the debate on immigration intensified (Pyrhönen 2015).

In the parliamentary debates on the new act, we still find the debate dominated (with seventeen out of twenty-seven speeches) by questions of what qualifies as a safe country—for example, the debate now considered whether or not an EU-member state should automatically be considered a safe country. In ten of these seventeen speeches, MPs claimed that applications from safe countries were creating problems for Finland’s asylum system. In seven speeches, it was argued that each case should be analyzed individually, and five speeches concerned balancing Finland’s own security interests and the rights of the individual migrant. In two speeches, MPs were concerned with the security of immigrants, and in two more with the national security of Finland; one speech concerned terrorism and organized crime. In these debates, MP Kari Rajamäki (Social Democratic Party) dominates the discussions on immigration and security. Rajamäki was Finland’s minister of the interior from 2003 to 2007, and he is known for taking strong anti-immigration stands. Rajamäki made nine statements in four parliamentary plenary sessions, stressing that immigration is a question of internal security and harshly criticizing the existing immigration legislation, which he felt did not pay enough attention to Finland’s national security (HE 28/2006, lk 16.6.2003; 1. k 14.4.2003 & 15.4.2003; 2. k 21.4.2004).

In the Aliens Act (301/2004), a certain kind of security turn can be observed. The sections introducing the general requirements for entry and

residence state that a foreigner should not be a threat to public order, security, or health, or to Finland’s international relations (Sections 11 and 36). However, the government bill further explains that ensuring public order and security includes all measures guaranteeing members of society a safe and pleasant living environment, as well as measures preventing crime and disturbance (HE 28/2003 vp, 125, 138, and 215). Several other sections restate this requirement (Sections 42, 44, and 110). The new law no longer contains an obligation to justify a visa rejection if the grounds were related to national security (Section 32). In addition, national security and international relations were introduced as valid grounds for refusal of entry and deportation (Sections 148 and 149). Not even Nordic or EU citizens were spared from this wave of securitization (Sections 156, 165, 168, and 169).

Despite this securitization turn, the 2004 Aliens Act also improved the security of asylum seekers in sections relating to the right to a translator (Section 10) and the confiscation of travel documents (Section 132). The government bill also points out that providing information to support the residence permit application should not endanger the security of the applicant or family members (Section 7; HE 28/2003 vp, 121). In addition, national security as a reason for the refusal of international protection was omitted. In 2007, a new section, 88 a, had been added to the Aliens Act to establish a protection status based on humanitarian considerations such as insecurity, human rights violations, or the humanitarian situation in the country of origin (166/2007 vp, 50).

From the passage of the Aliens Act of 2004 through the rest of the decade, security is mentioned in twelve Supreme Administrative Court yearbook cases. In the deportation cases, the court had to balance “the reasons for deportation and interests speaking against deportation” (KHO 2008:90 and KHO 2008:91), which in these cases were the state’s security interests and the foreigner’s personal security and ties to Finland. In one deportation case (KHO 2009:22), the court applied the EU’s Dublin Regulation when considering if an asylum seeker could be returned to Greece. Although the Greek asylum system faced serious problems, the court found that the personal security of the asylum seeker was not threatened so seriously as to amount to a violation of Article 3 of the European Convention on Human Rights on torture or inhuman treatment.

When we turn our analytical focus to the way in which immigration features in security documents, we find that in the security and defense report published in 2004 (VNS 6/2004), terrorism featured quite prominently, being mentioned 177 times. This is not too surprising, taking into account that the 9/11 terrorist attacks in the United States had taken place only three years earlier. Immigration is mentioned a few times in the report, and a separate chapter is dedicated to immigration management. In this chapter, illegal entry, the misuse of asylum or immigration procedures, and the secondary movement of asylum seekers are presented as challenges to managed immigration. However, the right to seek asylum
and the need to speed up procedures and protect the procedural rights of migrants are also mentioned (VNS 6/2004, 135). The report also briefly mentions illegal border crossing and human trafficking, as well as refugees, who are discussed in connection to fragile states far from Finland.


In 2010s, the government has seen it necessary to revise different parts of the Aliens Act, especially after the sudden increase in the number of asylum seekers in 2015, when Finland received over 30,000 asylum applications (Migri 2016). Some of these amendments include security aspects relevant to this study. During the 2010s, the populist Finns Party gained electoral strength, becoming the third largest party in 2011, and part of the government coalition in 2016. National populist rhetoric has become a growing part of political speech, and references to a shared national interest prevail in anti-immigration statements (Pyrhönen 2015).

In the period between 2010 and 2016, the main topics in parliamentary debates relating to security were the danger posed to the general public by immigration and the question of when a foreigner can be deported or denied entry. There were forty-seven speeches in which the word security is mentioned. Out of these, twenty were related to the human security of migrants and their safety, while twenty-one were related to immigration and its threat to national security in Finland (six were in the category “other”). Most of the speeches on human security were about an amendment made to the law that extended the income requirement for family reunification to immigrants enjoying international protection. Those opposing this law pointed out that tightening the requirements would cut off a safe route to Finland for women and children in particular, leaving them to attempt dangerous journeys with the help of smugglers (HE 43/2016, LK 12.4.2016, and 1.k 16.6.2016). Another point that was raised by several MPs was that constant worry about the safety of one’s family back home would work as an obstacle to integration for immigrants.

The tightening was justified with the increase in asylum seekers in 2015, and with the claim that Finland’s policies need to make Finland less appealing to potential asylum seekers. MPs from the Finns Party were particularly vocal in defending the tightening of family-reunification criteria, stressing that they are merely putting governmental plans into practice and “taking care of Finnish border security” (HE 234/2016, 12.6.2016). Interestingly, the Finns frame the elimination of legal means to come to Finland from conflict zones as a strengthening of border security. Thus, while the Finns propose the use of economic criteria such as income requirements to keep people out, they appeal to national security concerns in their argumentation.

It becomes clear from the legal developments in this period that many amendments were motivated by security considerations. In 2010,
biometric passports were introduced and the Aliens Act was amended with a requirement that fingerprints be taken when applying for a residence permit. The objective of this amendment, besides fulfilling EU legal obligations, was to protect the integrity of the residence permit, in the sense that it is important for public order and security to be sure of the identity of the residence-card holder (HE 104/2010 vp, 20, 22). The general conditions for a residence permit were amended in 2013 and 2015 because of EU-law requirements. In addition to the reasons of public order, security, health, and international relations, obligations stemming from international law or EU cooperation could also be reasons for refusing entry or residence to a foreigner (1214/2013, Section 11.1.5). New rules for researchers’ residence permits were introduced, including the possibility for refusal on grounds of public order and security (Section 47 e). In 2015, a new system of “voluntary” return was introduced to the Aliens Act (Section 147 a) in order to encourage rejected asylum seekers to return independently, even though it is not offered if there is a risk of absconding or a risk to public order and security.

In 2016, humanitarian protection status was removed as a response to the increased number of asylum seekers and the desire not to appear more generous than other EU countries (HE 2/2016 vp, 3). Also from 2016 on, the Finnish Immigration Service replaced the police as the authority responsible for interviewing asylum seekers; however, the police and the Security Intelligence Service can participate in cases relevant to national security, international relations, or public order and security (Section 97). It is clarified in the government bill that the large number of asylum seekers in 2015 demonstrated the necessity for police access to interviews, in order to investigate threats related to public order and security as well as to collect intelligence information and gain informants (HE 64/2016 vp, 42).

Despite the trend of securitization, some aspects of immigrants’ security have also been taken into account. In 2006, Section 136 was added to allow that an alien passport holder’s nationality not be disclosed on the passport if requested for the holder’s security. In addition, authorities must not collect information in a way that could pose a risk to the security of the applicants or people close to them (Section 97 b). Interestingly, since 2013, being a threat to Finland’s international relations has no longer been grounds for the deportation of a foreigner (Section 149). Concerns about national health are also no longer a valid reason for not renewing a residence permit, if other requirements have been met (Section 36.1). In addition, residence permits for family members or long-term EU residents cannot be refused merely on the basis of posing a risk to Finland’s international relations (Section 36.1).

In court cases between 2011 and the end of 2016, security was mentioned in forty-one cases. However, in fourteen cases, the court only referred to security clauses in different legislation, without actually applying them in deciding the case. In many cases, especially in those connected with deportation, the security concerns of the state prevailed.
Here we cannot give exact numbers, because it is in many cases difficult to say what the decisive factors were. However, the personal security of the foreigner and the general security situation in the country of origin were considered relevant in seventeen cases. These human security cases also include applications for international protection. For example, in case KHO 2014:112, the court considered the personal security of a victim of human trafficking if returned to Nigeria, which in this case did not prevail over other requirements for a residence permit. In contrast, in case KHO 2016:53, concerning the application of the EU’s Dublin Regulation, the court observed that “in Hungary there were systemic faults” in the asylum and reception process, and “considering the principle of the benefit of the doubt, as well as the principle of legal interpretation favoring basic and human rights, the case had to be resolved in favor of the applicant.”

As security rhetoric became common in immigration debates, we also find that immigration became a common topic in security strategies, where the securitization of immigration was well established by 2010. In the 2010 Security Strategy for Society, terrorism is mentioned thirty-three times and immigration is mentioned twenty-three times. Separate sections are dedicated to the management of immigration as well as the management of large inflows of asylum seekers (YTS 2010, 76). The strategy finds that illegal entry, a large inflow of immigrants, human trafficking, and human smuggling are serious disturbances of border security. The strategy claims that illegal immigration and illegal residence are the foundation for other threats, such as the shadow economy, illegal employment, and terrorism (YTS 2010, 75–76).

The Finnish Security and Defense Policy 2012 (VNS 6/2012) still mentions terrorism many times (twenty-six), but not as extensively as in 2004. The management of immigration is mentioned a few times but is dealt with as an internal security objective instead of being the topic of a separate chapter (VNS 6/2012, 90). Refugees are mentioned only once, again in connection to fragile states, but this time the policy also acknowledges the possible spillover effects of conflict that can affect other countries. Conflict zones are said to provide a platform for terrorists and other criminals (VNS 6/2012, 16). Human trafficking and illegal border crossing are also briefly mentioned.

In 2016, the Finnish government issued a report on internal security, in which it mentions immigration forty times and asylum seekers fifty-two times. Terrorism and illegal entry are mentioned eighteen times each (VNS 5/2016, 11). The report states that the large inflow of immigrants has increased interruptions to public order and security. In addition, integration is seen as key in preventing criminality and threats to internal security (VNS 5/2016, 17). The 2016 Government Report on Finnish Foreign and Security Policy mentions terrorism nine times and immigration and

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refugees a few times each. It also refers to illegal entry, human trafficking, human smuggling, border security, and asylum seekers. According to the report, uncontrolled immigration can cause risks to internal security through the radicalization of actors such as terrorists, anti-foreigner fanatics, and criminals (VNS 6/2016, 12).

Analysis: Securitization and the Search for Balance
By combining legal and political data, we have been able to provide comprehensive insight into the securitization of immigration. The method of content analysis by scanning for the word *security* provides results regarding the frequency of use, which might indicate that the authorities emphasize certain interests over others. However, there are limitations to this method, especially when the drafter of the legislation has chosen to repeat this requirement of not being a threat to national or public security for each permit category. On the other hand, our method of considering different, rather fragmented categories of data has enabled a more comprehensive analysis of the policy and practice of different time periods. For example, recent years did not show any remarkable increase in securitization within legal texts, while parliamentary debates showed an intense interest in security considerations.

In our analyzed time period, the understanding that immigration poses some sort of threat is unquestioned in the research material. What has changed, however, is the idea that the individual rights of migrants and rule of law need to be written into legislation and upheld in the court. Our material shows that even though immigration was already conceptualized as a security issue in the 1980s, the securitization of immigration took a steep increase in the beginning of the 2000s. The 1990s do not stand out as a period of major securitization, but rather as a period of internationalization and of updating national policies to reflect that. However, the government’s security strategy papers demonstrate a shift from emphasizing refugees’ individual security in the 1980s to increasing references to terrorism, illegal immigration, and immigration control beginning in the 1990s. In the most recent period, since the introduction of the 2004 Aliens Act, we find a dramatic increase in the securitization of immigration. Deportation and denial of entry on the grounds of security feature both in the law as well as in legal practice. Terrorism in connection with immigration as well as the indirect security effects of immigration start to appear more often in strategy papers on security, as illustrated in the figure 1 below. The figure shows how many times certain notions appear in these strategy papers.

In addition to a steady increase in securitizing speech and action, we find that the understanding of the concept of security has broadened. In table 1 below, we categorize different aspects of security presented in our data. Some security concerns are more inclined toward general security and some toward human security. While security tended to be linked to military and state security in the 1980s, as well as to public order and
national security from the 2000s on, understandings of security also start to encompass human security aspects, both the migrants’ and that of other citizens. However, we most often find the polarization of national security and human security as the individual rights of migrants (also Pyrhönen 2015). Therefore, Sasse’s (2005) perspective that security and rights could be conceived of as a dual process and two sides of the same coin does not seem to hold in the Finnish context.

The security paradigm is usually understood as an overemphasis on national security interests in policy-making. We argue that national security is only one aspect, and that security concerns can include human security aspects that actually challenge or are concurrent with national security interests. When it comes to migration policy, it is crucial to consider carefully whose human security is at stake and if the security concerns of people abroad matter. Although we find in the data an increasingly nuanced concern for human security, it seems to be outweighed by the constant characterization of asylum seeking and immigration as a threat to national security or public order. Therefore, it is vital to look at the weight and prominence that each of these security perspectives is given in policy and legal practice. Which factor tilts the scale when lawmakers and judges must balance colliding interests? Although the judiciary also protects immigrants’ security interests, we find that, especially in political discussions, the understanding of immigration as a threat to Finnish society has precedence over the idea that policy and legislation need to protect immigrants.

![Figure 1. References to mobility and immigration in Finnish security plans and strategies.](image)

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Table 1. Different aspects of security presented in our data.

<table>
<thead>
<tr>
<th>General Security</th>
<th>Human Security</th>
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<tbody>
<tr>
<td>Measures Against Criminality (Public Order)</td>
<td>Protecting Security of Private Persons in Finland</td>
</tr>
<tr>
<td>Measures Against Terrorism (National Security)</td>
<td>Protecting Security of Foreigners if Deported</td>
</tr>
<tr>
<td>Measures Against Illegal Immigration (Border Security)</td>
<td>Protecting Security of Family Members Abroad</td>
</tr>
</tbody>
</table>

Our analysis shows that the balancing of different security interests has been at the heart of difficult cases for some time. Balancing has been used by legislators, by the administrative authorities, and by the judges in the court. Balancing is a method to find a fair outcome to a difficult problem. If we look at balancing from a security interest point of view, many times the scale is loaded with national security or public order on one side and the human security of the immigrant on the other side. In a typical case, the human security aspect means the obligation not to deport a person to a country where he or she could face a serious security risk, whereas on the other side of the scale we find the objectives of preventing crime and preserving public order and security. The human security of other persons living in Finland is an interest placed on the same side of the scale as national security and public order.

Pyrhönen (2015, 72) wonders why it is not explicated why migrants’ rights and the security of migrants are in opposition to national security, especially when considering that national and migrant security interests are presented as a balancing act. It is true that in some cases it should be possible to find these security interests on the same side of the scale (Sasse 2005). These kinds of concurrent security interests are present, for example, in the case of social security and health care for undocumented migrants, where the spread of disease is seen as a public security issue. Another example is the case of family reunification, in which a safe route to join family members can be seen as promoting integration and preventing threats to public order and safety, such as radicalization.

Conclusions

Our review of Finnish immigration policy and legislation from the 1980s until today provides empirical evidence that there has been a clear movement toward increased securitization over time. While we already find references to terrorism, cross-border criminality, and the defense of Finland’s national interest in early documents on immigration, we find a clear spike in the securitization of immigration since 2000. In political speech, these securitizing measures are justified by a presumed threat to
Finland’s national security. The individual rights of migrants and notions of the human security of migrants appear in these debates on the other end of the spectrum. The Aliens Act and its legal interpretation presents the regulation of immigration as a balancing act between national and individual security, without actually explicating why and how the regulation of immigration is hindering or enhancing national security.

As this special issue has shown, the mobility of people, things, and ideas is of growing interest in the social sciences. Considering the way in which mobility and migration are linked with security in Finnish policies, the mobility paradigm should be complemented by a security paradigm. Cross-border mobility does not occur in a sphere separate from legal and political institutions, but is closely entangled with them. As Urry (2007, 36) argues, legal and social systems restrict and limit the way in which people can migrate and reside.

As part of the EU and the Schengen area, Finland participates in building the “fortress Europe” against “illegal immigration.” However, in recent security discourse and legislative amendments, the threat increasingly seems to be immigration per se and especially humanitarian immigration on a larger scale. Although we find that securitization does not involve all migrant categories with the same intensity, restrictive practices might also affect the mobility of groups other than those usually targeted by security measures. In times of growing political unease about immigration, scholarship on mobility needs to include an analysis of the ways in which security is used as a political argument to restrict immigration.

References


Lepola, Outi. 2000. *Ulkomaalaisesta suomenmaalaiseksi: Monikulttuurisuus, kansalaisuus ja suomalaisuus 1990-luvun maahanmuuttotopoliitissa keskustelussa* [From a foreigner to a Finn: Multiculturalism, nationality, and finnishness in the 1990s migration policy discussion]. Helsinki: SKS.


Raitasalo, Jyri, and Joonas Sipilä. 2007. *Mikä Suomea uhkka? Laaja turvallisuuskäsitys ja uhkakuvalapoliittika näkökulmista Suomen turvallisuuspolitiikkaan* [What threatens Finland? Broad security concept and politics of threat scenarios as aspects to the Finnish security


