

## IEPS MASTER THESIS OPPONENT REVIEW FORM

STUDENT NAME: Christine Hernandez

THESIS TITLE: Comparative Analysis of Policies and Practices of Border Control and the Detention of Illegal Immigrants in the United States and the European Union

OPPONENT NAME: Krystof Kozak

OPPONENT GRADE: 1-2, depending on the defense

### REVIEW

The thesis by Mrs. Christine Hernandez addresses an important question of approaches to illegal immigration from a comparative perspective, focusing on the land border between U.S. and Mexico in the North American context and Turkey and Greece in the European one. The main research question of the thesis is whether the approach of the EU is more liberal than the approach of the U.S. with respect to this public policy problem. The author first defines the problem and provides some conceptual background of the issue, including principal theoretical approaches. Then she moves on the U.S. case, where she describes the evolution of immigration legislation with particular emphasis on recent developments. The focus is on organization of border control as well as actual handling of illegal immigrants, where she highlights the conflicts between federal and state laws as well as conditions of detained migrants. Next chapter is devoted to the

European case, which is in many ways different, because national governments traditionally dealt with immigration issues independently. Only recently the EU became much more active in issuing directives in this area and trying to coordinate the policies of its member countries. That is why the main emphasis is on the case study of using the European FRONTEX agency on the borders of Turkey and Greece, which was actually the first deployment of personnel of this agency in an actual critical situation on the ground. The thesis concludes with a comparative analysis of US and EU approaches, where the author finds that even though the language of EU directives and regulations is much more liberal, the actual application on the ground is less so due to limited resources of national governments and insufficient capabilities of the EU. This finding is valuable as it brings our attention to the fact that both US and EU are presented with serious dilemmas when confronting the issue of illegal immigration that can undermine some of the rhetorical values that are otherwise officially promoted.

Methodologically, the thesis is based on a comparative analysis and is structured accordingly. The author is well aware of the important distinctions between the US and European context and that is why the historical overview of immigration policies is relevant as well. Nevertheless, the notion of liberal immigration policies could be operationalized with more care, as it is not always clear which aspects or facts lead to this description. Respect to human dignity and individual human rights are often mentioned, but the reader can be at times confused as to what policies are counted as liberal (for example the construction of the border fence). The term liberal approach to immigration policy is sometimes used also to signify permissive or open regime at the borders, which

is very different from actual treatment of illegal immigrants. The author also claims on page 24 that the understanding of the term liberalism varies slightly, which is quite an understatement in the US and European context, and this problem could have been explored in more detail.

With regards to the substance of the thesis, it is very well researched and contains detailed information about the legal framework as well as actual implementation of the policies. It is very good in demonstrating the differences in emphasis in US and EU official documents, with EU materials being much more sensitive to the rights of migrants as individuals. The part about implementation of policies on the ground could have been more specific with problematic examples demonstrating the gap between the official declarations and reality, which would also strengthen the main argument. It would probably be beyond the scope of the thesis, but individual experiences of migrants could have been included as well, which would provide a counterpoint to the rhetoric of the official norms and regulations. Some parts of the historical overview are not that necessary for the main argument, for example the various Titles of the INA legislation on page 32. The strong point of the thesis is the discussion of the underlying sources of approaches towards illegal immigrants in the US and EU, going deep into the core values and ideas about the political community.

Formally, the thesis is well written, but could use even more careful proofreading. There is “contants” on page 12, “whist” 14, “tt” instead of “it” on page 40, “Human dignity” with capital H on page 70, “closet European equivalent” instead of closest on the

same page or “aliening” on page 81. Some sentences could be stylistically improved, for example: “If protecting the security of the United States as a whole is the number one concern than there are undoubtedly going to be situations where illegal immigrants are going to have unpleasant situations to deal with.” Some statements can be confusing for the reader, such as: “Instead of focusing their resources on all illegal immigrants, even those who pose no threat to the public.” This can easily be corrected, but it is important if the thesis or some parts of it are going to be published. The thesis contains adequate reference material and otherwise complies with formal requirements.

Overall, I think the thesis is a detailed and coherent analysis of a relevant comparative research topic, which offers convincing conclusions. I am suggesting the grade between excellent and very good mainly because I think the author should explain more fully the criteria chosen when comparing how liberal various public policies are. During the defense, I would ask about the specific instances where we can prove that actual policies are not as liberal as they sound. I would also raise the question of the wider and more general implications of the main findings, how do they change the way we look at immigration policy both in the US and the EU?