

From 'Stop the Boats' to 'Smash the Gangs': migration and securitisation in contemporary capitalism

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Abstract: While purporting to protect refugees, the Labour government's new Border Security, Asylum and Immigration Bill further criminalises asylum seekers, conflating criminal law with immigration law and equating desperate people forced to use 'irregular routes' to seek safety with 'immigration criminals' and the 'terror threat'. The Bill proposes a range of new criminal offences and the creation of a new Border and Security Command along the lines of the Department of Homeland Security in the US. The article argues that the movement of people follows the labour demands of capital and that racialised borders are crucial to regulate the movement of labour. Neoliberal states have long racialised surplus populations who are deemed to be without market value; today the project of the

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securitisation of borders is seen as a 'fix' for the multiple crises facing contemporary capitalism.

Keywords: Border Security, Asylum and Immigration Bill, regulating the movement of labour, securitisation of borders, 'Smash the Gangs', surplus populations

Introduction

There has long been a drive to racialise notions of 'security' and 'threat' in western nations whereby members of so-called 'suspect' communities (often Muslim) are conflated with terrorism and are the subjects of draconian anti-terror legislation.¹ However, the conflation of migrants and asylum seekers with security and terror is a relatively new development (despite longstanding anti-immigrant sentiments). Recently, on 30 January 2025, the British government presented the Border Security, Asylum and Immigration Bill to the House of Commons. The Bill repeals the Safety of Rwanda (Asylum and Immigration) Act 2024 but replaces it with an equally aggressive response to those entering the UK through irregular routes to seek asylum, by creating new criminal offences and new powers for data sharing. The Labour government is effectively pressing ahead with the Conservative agenda of 'Stop the Boats' albeit under a new mantra - 'Smash the Gangs'.

In a written statement released on the same day, Yvette Cooper, the Labour government's Home Secretary, argued that the Bill is

fundamental to both national and economic security. Threats to the UK from serious and organised crime, including organised immigration crime, from terrorism and hostile state actors, are rapidly evolving. The first duty of government is to protect its citizens - not only to keep up with but stay ahead of these threats.²

In this latest effort to implement 'Stop the Boats', attempts by desperate asylum seekers to cross the Channel searching for safety and survival are recast as a threat to the *national and economic security* posed by organised gangs, terrorists and hostile state actors. The slogan 'Smash the Gangs' is cover for a continuation of government policy that criminalises asylum seekers rather than organised criminal gangs. So although the Bill is short on detail, and says nothing about the causes of involuntary and forced migration and displacement, it does contain a list of new offences and punishments for various groups such as supplying or handling articles for use in immigration crime; accessing, collecting and recording information that can be useful for making the journey; and putting another life at risk during a sea crossing to the UK which will carry a five-year jail term under the Bill.

Although the Bill describes a situation in which offering support to asylum seekers with food, clothing, medicine, bedding and temporary shelter would not be considered a crime, the Law Society has expressed concerns that the new offence of handling relevant articles in immigration crime, criminalises asylum seekers and discourages them from reaching out to state authorities, while the offence of endangering another person could mean that the guardian or parent who takes their children on journeys crossing the Channel could face prosecution. Indeed, the Nationality and Borders Act 2022 criminalised parents who bring their children to UK on small boats. The Law Society has also highlighted the ongoing problem of access to justice for immigration issues.³ Rajeev Syal, the *Guardian* Home Affairs editor, suggested that this upgrade to serious crime prevention orders 'will give law enforcement new powers to impose interim serious crime prevention orders, allowing them to place instant restrictions on organised immigration criminals alongside other serious criminals. This could include bans on travel, internet and mobile phone use, with curbs also leading to social media blackouts, curfews and restricted access to finances',⁴ and to take DNA samples and fingerprints at ports in Scotland in order to bring 'Scotland into alignment with the position across the rest of the UK'. The particular focus on Scotland is addressing its supposed failure in securitisation as opposed to its 'success' in the rest of UK.⁵

The new Labour government could have taken the opportunity of its large majority in the House of Commons to roll back the hostile environment towards migrants and asylum seekers that was ramped-up particularly during Theresa May's Conservative government (2016–2019) and by all Conservative governments thereafter. However, instead of tackling the toxic atmosphere in political and media circles on the question of migration, the new government contributes to it with similar policies and rhetoric. Prior to and during the parliamentary election of 2024, Keir Starmer and his team may have been reluctant to offer a detailed programme for the future, but whatever details were missing,⁶ absent or vague, the Labour Party *was* very bold in addressing what has been dubbed an 'immigration crisis'. Labour's grudge was not that the Conservatives were wrong to create a hostile environment, but that their policies were neither cost-effective nor efficient in tightening borders.

Racialised logic of 'Smash the Gangs'

Alongside the plan to stop the expensive Rwanda scheme (costing £700 million including more than £130 million on IT and data systems that were never used),⁷ Starmer had also promised to 'Smash the Gangs'⁸ by diverting £75 million to fund a new Border Security Command for which hundreds of specialist investigators, intelligence officers and cross-border police officers would work. A Border Security Command is a significant step in following the US model of the Department of Homeland Security (DHS) which was created after 11 September

2001.⁹ The move brought together over twenty agencies including the US Custom Service and the Immigration and Naturalization Service. The establishment of the DHS turned immigration into a 'threat' that required efficient management by the state. The DHS 'six points agenda' included increasing 'overall preparedness, particularly for catastrophic events', strengthening 'border security and interior enforcement and reform immigration processes', enhancing 'information sharing' and realigning 'the DHS organization to maximize mission performance'. In so doing, as Katja Franko Aas and Mary Bosworth have shown, the US government is also consolidating the trend of blurring the line between criminal law and immigration law and replacing them with a new assemblage of law and order and border control powers.¹⁰ As the new Bill makes clear, Starmer's government intends to follow suit.

In addition, in November 2024, Starmer announced an extra £75 million to boost border security, doubling the investment to £150 million. For a government that has insisted on budgetary restrictions for welfare and demanded that every penny spent has to come from somewhere, the sources of these budgetary increases remain unclear. Starmer has promised that as part of his initiative, the government will invest heavily in National Crime Agency technology and capabilities and data exploitation, in order to facilitate closer collaboration with other European countries. At the INTERPOL General Assembly in Glasgow in November 2024 he said: 'The world needs to wake up to the severity of this challenge . . . I was elected to deliver security for the British people. And strong borders are a part of that . . . But . . . security doesn't stop at our borders . . . There's nothing progressive about turning a blind eye as men, women and children die in the Channel.' And he continued by stressing that this 'is a vile trade that must be stamped out - wherever it thrives'.¹¹ The credibility of Starmer's concern for the welfare of those making dangerous journeys is questionable. As part of his plans to bring down net migration, he has pledged to increase the removal of people without asylum or other documentation, and to reduce arrivals by small boats, while offering no specific plans to address the dearth of safe and legal means by which refugees can enter the UK and claim asylum. It is not difficult to predict that the revamped 'Stop the Boats' campaign and the Border Security Command will fail, as has been the case for previous governments. No doubt too, that the Labour government will be as cost inefficient as the Conservatives (and other states across the world). For one thing, as Ruben Andersson points out, 'human smuggling is a market driven by demand. It responds to incentives, and its strongest incentive by far is the disappearance of legal routes. The market is further buoyed by crackdowns of the kind seen around the Channel Tunnel in recent years.'¹² In fact, 'legal routes' were only ever open to a very small proportion of refugees, mostly dissidents from communist regimes during the cold war until their collapse in the late 1980s. But Andersson makes the rather apt point that it is interesting that advocates of the market economy have failed to comprehend the lack of alternatives as a driver of 'illegal' migration. In addition, Colin

Yeo has questioned the very possibility of prosecuting smugglers, who never set foot on British soil, or even if sending people to prison will act as a deterrent.¹³

Misconstruing migration and asylum as part of a national security threat and linking them to terror threats (which are already racialised as Muslim) does little to challenge the dangerous rise of far-right politics – instead it reinforces them – which is particularly reckless in the current climate with the re-election of Donald Trump and the growth of far-right politics internationally. Far-right, anti-refugee think tanks such as the Center for Security Policy (CSP) in Washington, exemplify the nexus between the anti-Muslim industry and anti-refugee sentiments. CSP executive chairman, Frank Gaffney, in a foreword to an anti-Muslim, anti-refugee book entitled *Refugee Resettlement and the Hijra to America*,¹⁴ asserts that the resettlement of refugees leads to civilisational jihad. The author of the book, Ann Corcoran, states that Islamist terrorists pose as migrants, reiterating the far-right view that ‘immigration is a jihad in the west’.¹⁵ Margaret Hodson reminds us that Trump has strong ties to the Islamophobia industry and that the Muslim ban of his first administration flowed directly from the policies that organisations such as the CSP have been pursuing for years.¹⁶ The election of Trump for a second term only strengthens those voices and politics internationally. It is deeply concerning that a Labour government has chosen immigration as one of its top priorities and is pandering to these sentiments.

It was to this effect that the Labour government hosted the Organised Immigration Crime Summit on 31 March 2025, an event that the Home Secretary labelled as ‘the first of its kind’, promising to ‘reinforce the UK’s position as a leader by securing international commitments to disrupt Organised Immigration Crime at every stage of the business model’.¹⁷ As the Home Office reported, over forty countries including France, Iraq, Vietnam and the USA, the National Crime Agency (NCA) and representatives from conglomerates such as Meta, X and TikTok gathered at the summit to express their commitment and draft agreements on working collaboratively to ‘secure our collective borders, protect vulnerable people from exploitation, and tackle the global threat of organised immigration crime’.¹⁸ It is notable that Italian Prime Minister Giorgia Meloni, who Starmer has been liaising with closely, gave a speech to the summit and announced that ‘We also agree with Keir that we should not be afraid to imagine and build innovative solutions, like the one that Italy launched with Albania.’ She used the platform provided by Labour to argue that the model she has implemented ‘was criticised at first, but that then has gained increasing consensus, so much so that today, the European Union is proposing to set up return hubs in third countries’. Meloni claimed that ‘[t]his means that we were right and that the courage to lead the way has been rewarded’.¹⁹

At the summit, representatives of Albania, Sweden, Tunisia, the United Kingdom, the United States and Vietnam issued a joint statement affirming their ‘collective responsibility to address the threat posed by organised criminal groups exploiting online platforms for the facilitation of irregular immigration including

human trafficking',²⁰ while Yvette Cooper announced over £30 million additional funding for the Border Security Command to 'tackle Organised Immigration Criminal Networks' across Europe, the Western Balkans, Asia and Africa. Cooper also revealed that a joint undertaking with France will provide funds to 'educate local communities on the dangers of irregular migration and people smuggling gangs, raising awareness of the realities and difficulties with travelling to Northern France to cross the Channel to the UK'.²¹

A day before the summit, Keir Starmer chose the *Daily Mail* as the news outlet to reveal his pledge to lead a global crackdown on illegal immigration. In the article entitled 'Believe me, I get it. You are RIGHT to be angry about illegal migration', he addressed the readers of the *Daily Mail*, attributing to the view that they are angry about illegal immigration and about paying the 'price for insecure borders – from the cost of accommodating migrants to the strain on our public services'. Not only does he deploy a classic ruse of assigning views to 'the public', he also highlights his previous credentials as the Director of Public Prosecutions when, in collaboration with Europe and beyond, he 'foiled numerous terrorist plots'. He insists that Britain will no longer be a 'soft touch' for illegal working and that's why his government has created a £150 million Border Security Command and taken down 18,000 social media accounts.²²

The racialised politics of migration is not only the domain of the far Right. Neo-liberal states have long racialised surplus populations who are deemed to be without market value – this is not a distortion of neoliberal capitalism but sits at the heart of its project, and the Labour government adheres to that project. As Arun Kundnani argues, 'neoliberalism produces its own distinct structures of racial oppression', where the globalisation of neoliberal rule 'produces masses of surplus populations who have no value to neoliberal markets and must be policed by imperialist violence', racial borders and mass incarceration.²³ The multiple crises facing neoliberal states intensifies the enfolding of this racialised logic.

Borders of capital and of labour

One line of argument against the securitisation of migration and the continued demonisation of asylum seekers and migrant communities is a concern for the rule of law and a humanitarian approach which highlights the contribution of migrants to the UK (and elsewhere) in terms of the economy, consumer demand and the cultural vitality that migrants bring to many aspects of social life. As important as such objections to government policies are, they nevertheless contribute to the existing divide over what has become known as 'deserving' and 'underserving' refugees and migrants, which is really another way of coding different forms of productive and unproductive labour and racially ordering populations as citizen vs migrant.²⁴ This is also the line that the new Bill pretends to take by proposing new measures that are supposedly intended to save asylum seekers from the criminal gangs. Such framing of the question of migration skates

over the crucial fact that the movement of people is intertwined with the movement and demands of capital. In this article we try to highlight some of the elements of this connection by examining how migration is framed by government rhetoric (Smash the Gangs) in contrast to the real purpose of new anti-migration legislation (the removal of 'surplus' populations and barring of their further entry) – or what Marx famously referred to as 'appearances' and 'essences'. The discrepancies in the treatment of the movement of capital and that of labour, and the securitisation of borders, are an integral attempt, not only in asserting the authoritarian turn in neoliberal states but also of providing a fix for the global crisis of capitalism and hence neoliberal states, which we explore below.

The images of refugees from the margins of global capitalism crossing the borders on foot, under wire fences or above the walls, squeezed into dinghies, strapped to trains and planes, or stranded at sea, in the desert or jungle, are all too familiar. Mainstream media and politicians have used these images to pave the way for a wide range of policies, restrictions and bureaucratic practices outside and inside of national borders. Increasingly, the tragedies of lost bodies (rarely with names or identities) in the Mediterranean and across different borders are attributed to the greedy and immoral actions of criminal gangs (also from the margins of global capitalism) who are accused of abusing migrants and asylum seekers' desperation and vulnerabilities, and who offer them, for a fee, the promise of reaching safer shores. This is how Labour politicians and media pundits would like the situation of migration to appear – that they care about migrants and want to protect them from criminals. The Labour government's new Bill is heralded as a more humanitarian approach to asylum than previous Conservative governments, but its focus is actually on severely restricting migration into the UK, reducing the numbers of asylum seekers trying to reach the UK and removing those already here by 'illegal' routes. By 9 January 2025, the Home Office boasted that 'the government's target to drive removal of foreign criminals and immigration offenders to [its] highest level since 2018 has been smashed, with 16,400 people removed'.²⁵ The conflation of foreign criminals and immigration offenders is a sleight of hand to obscure the real purpose of the new proposed legislation and the tone of self-congratulation plays directly into far-right narratives about 'foreigners as criminals'.

The hysterical and narrow focus on boats and borders, even in the most detailed legislation that outlines every possible punishment for every possible 'crime', obscures the broader reality in which the migration 'debate' is taking place. A critique of the racialised approach to migration must be understood in relation to the totality of social life under capitalism. In *Capital*, Marx offers a detailed description of value theory in capitalism and as Adam Hanieh and Rafeef Ziadah highlight, his 'understanding of the emergence of a society based upon generalised commodity production leads to a certain conception of the "political state" and citizenship – and thus borders and national belonging'.²⁶ Particularly relevant is a distinction that he makes between essence and appearance, a distinction

that is also between the totality and its parts. Each single relationship or fact, in this case borders and citizenship, is an appearance whose actual meaning can only be understood with reference to capitalism's total structure situated in particular social and economic contexts. The fetishism over borders raises several questions about class formation under the current state of capitalism and the material conditions that have intensified securitisation.

The highly racialised distinction between (productive) citizen and (surplus) migrant which takes the political form of legislation, legitimised with slogans from mainstream governments such as 'Stop the Boats' or 'Smash the Gangs', may appear to address concerns about various 'threats' but actually are part of a system of global class relations, where waged/citizen and race/migrant distinctions function to manage different forms of labour for a system in crisis internationally. Capitalism faces a contradiction of its own making – it aspires to a universal market system and yet depends upon inequality and exploitation; it is therefore not simply a society based on equal exchange of any kind, but a whole system that is built on and survives on the exploitation of labour and the exploitability of labour. The survival of the entire system is based on the unequal relationship between different classes, those who own the means of production and those who as 'individuals' are 'free' to sell their labour and are therefore exploitable, and those who are not.

As the multiple crises of neoliberal capitalism create surplus populations, searching for safety and new markets in which to become exploitable again, nation states regulate the movement of labour through racialised borders. However, the regulation of the exchange between capital and labour reside elsewhere, in the field of politics. As Hanieh and Ziadah make clear, 'The apparent separation of the political and economic spheres involves the positing of both the worker and the bourgeois as abstract figures who are formally equal bearers of rights within the territory controlled by the political state.'²⁷ But when required, capitalism enables the movement of populations and indeed, in the case of slavery, forcibly moved huge populations, to suit specifically economic needs. The unevenness of this territorialisation of power, of who belongs and who doesn't, has always been raced and classed, and the great liberal revolutions in France (1789), USA (1783) and others, rather than guaranteeing the right of citizenship to all, had significant exclusion clauses and produced new forms of absolute power that paved the way, among other things, for a significant expansion of slavery.²⁸ The political use of legislation to manage and discipline different forms of labour is not a recent innovation – it was developed in the British Caribbean 'sugar islands' and the US specifically in relation to slavery, for as Eric Williams argues, slavery is a form of unfree exploited labour.²⁹ In the US, there were two fugitive slave acts of 1793 and 1850 which precisely denied the right of enslaved Africans to cross borders to go back where they had come from or to free themselves from the shackles of slavery by escaping to states where black people were free or to Canada. Severe and inhuman punishments that were listed in these two acts

included a fine of \$500 (equivalent to \$125,000 today) and a one-year prison sentence for people who helped, harboured or concealed fugitives. The punishment for the enslaved themselves was even more brutal. Under the same laws the owners and their agents and hunters were free to cross borders into free states to search for, capture, and return fugitives.³⁰ As Karla Mari McKanders highlights, Fugitive Slave Acts were not only aimed at enslaved and often 'free' Africans but also violated the rights of Chinese migrant workers. In her comparative analysis of Fugitive Slave Acts and current enforcement policies in the United States, she asserts that such oppressive laws always fail to recognise the humanity of the subjects of the law and to reinforce a caste-like system.³¹

The forms of disciplining and containing racialised labour have evolved and transformed, but the laws and processes for disciplining and containing labour are still with us; the Windrush scandal in the UK demonstrates how the relationship between punitive criminal justice and aggressive immigration controls share a certain logic and combine with devastating impact on citizens too. The contingent citizenship of second- or third-generation Britons is exemplified both by this case and by the treatment of Shamima Begum, whose revocation of citizenship is a warning to all black and brown citizen/workers³² whose parents and grandparents were part of a global movement of labour required by the British and other European states in a period of economic expansion after the second world war. And the current plans to further prohibit the movement and criminalisation of asylum seekers and migrants actually share the same purpose of granting commonwealth citizenship to members of former colonies – that is, to manage the movement of labour to suit the needs of capital; but now at a moment of crisis rather than growth, the imperatives are to confine the movement of labour.

The movement of people within and without borders has been, and remains, a significant part of history and development of capitalism. In various periods in the history of capitalism, the movement and displacement of large numbers of people has been the result of the needs of capital. How such movements are facilitated, regulated and policed has always been contingent on the requirements of capital at a given movement. In fact, the large-scale movement of people (slavery included) has largely taken place at the behest of capital and its drive to accumulation. What distinguishes the 'refugee crisis' of 2015 and its aftermath from other examples of the movement of people is precisely that it didn't occur with the permission of capital. Borders mark the hierarchy within national and global markets and regulate the interaction of classes. As Aijaz Ahmad has remarked in a different context, the bourgeoisie 'wants a weak nation-state in relation to capital and a strong state in relation to labour'.³³

The ease and difficulties different people face when crossing borders, and the contradictions at the heart of the moves to tighten border securities, cannot be analysed without considering national and international class formations and struggles. It is no accident that under neoliberalism and the so-called 'retreat of the state', the assaults on social entitlements for the public have gone hand in

hand with aggressive intervention of the state (everywhere) in favour of capital and that resources are being diverted from the arena of social security to state security. We have seen in the UK, for example, the cutting of the winter fuel allowance for pensioners in 2024 followed by cuts in disability benefits and a Spring Budget delivered by Chancellor Rachel Reeves in March 2025 that cut a further £15 billion from the welfare bill in part to enable an increase in the defence budget of £2.2 billion.³⁴

The move to securitise migration must be seen as part of the wider securitisation of the state and involves violently managing and excluding those who feel forced to be part of a movement of people that was caused, but not sanctioned, by capital. The nature of and functions of borders follow the same logic, as we argue below. With this context in mind, it is possible to look at the reality and the appearance of the 'migration crisis' and the Bill.

Securitisation of borders and criminalisation of migration

The Bill, and Starmer's insistence that strong borders and the delivery of security are reasons for his election, is also a continuation of what has been called securitisation of migration. Since the tragedy of 11 September 2001, migrants, refugees and asylum seekers are presented as security threats, not only to borders but, drawing on other longstanding racist ideologies, also to 'our economy', 'our values', 'culture' and 'way of life'. The Bill's expansion of counter-terrorism powers to the serious immigration crime context is another step in what Liz Fekete described as 'the first stages in Europe's assumption of a fundamentally different authoritarian paradigm of the state. It is based on a concept of national security that is shot through with xeno-racism.'³⁵ The security state, as Iris Young has suggested, is 'one whose rulers subordinate citizens to ad hoc surveillance, search, or detention and repress criticism of such arbitrary power, justifying such measures as within the prerogative of those authorities whose primary duty is to maintain security and protect the people'. Young argues that the security state has two aspects, an internal and an external one. Externally, such a state defines itself in relation to an outside, unpredictable, savage enemy which challenges the very essence of the nation, of civilisation and the core values of the West. This is what the war on terror, which has taken many shapes, has been about. But the enemy also has a root 'inside', so that officials must 'keep a careful watch on the people within its borders and observe and search for them to make sure they do not intend evil actions and do not have the means to perform them'.³⁶ The securitisation of migration and the construction of 'immigration criminals' produces racialised others as both external and internal threat. Ironically, this move to make citizens gratefully dependent on the security state coincides with a time when citizens are also lambasted for being too dependent on the state for jobs, housing, health, education, etc.

The discourse that is being articulated about asylum seekers and refugees in the Bill, in one stroke offers a binary narrative of smugglers as greedy and violent

criminals and asylum seekers as their hapless and innocent victims without agency. There is an important slippage in the way 'immigration criminal' has been constructed; neither in government announcements, politicians' comments nor media coverage of the so-called crisis, are there any clear definition of who these criminal gangs are, and whether the penalties and sentences listed in the Bill have a specific target in mind. The Bill is intended to be law and the law will be made available, but such laws, as thousands of other examples demonstrate, are made available but not accessible to those who fall outside nation states. The point of the Bill is not to simply introduce yet another law but to build on successive previous legislation, including the Nationality and Border Acts 2022 that, as the Law Society has pointed out, introduced a two-tier asylum system, raising the bar of proof for establishing if a person is a refugee, removing stages of appeal and even introducing penalties for late submission of evidence.³⁷

Article 3 of the United Nations Protocol against smuggling migrants defines it as 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident'.³⁸ While Article 5 of the document insists that the migrants themselves will not be liable for criminal prosecution, Article 6, entitled 'Criminalization', announces that each State party will adopt policies and measures to establish criminal offences for smuggling migrants 'when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit', including committing acts for the purpose of smuggling migrants, helping with or producing fake travel documents, or helping a person who is not a citizen or has no right to remain to cross the border or stay in a country without required and necessary documents. The Protocol goes beyond 'smugglers' and targets 'accomplices' under the same guidelines. That such a protocol appears as part of an initiative prepared by the Office on Drugs and Crime indicates how increasingly the 'war on migration' is branded in the same category as the war on drugs and other politically expedient 'crimes', including terrorism, as the British government has made clear.

But significantly, one element of the securitisation discourse is the use of rights-based language for border control. According to Julia O'Connell Davidson, the regular conflation of smuggling with trafficking, and presenting trafficking as a form of modern slavery, revitalises the liberal understanding on freedom and restrictions that have historically allowed for the co-existence of moral condemnation of slavery with extensive and forcible restrictions on individuals that are deemed to be free. For Davidson, the "'trafficking as modern slavery" discourse inspires and legitimates efforts to divide a small number of "deserving victims" from the masses that remain "underserving" of rights and freedom'.³⁹ She not only challenges the claims of liberalism, which puts slavery in the traditional pre-capitalist world so it can conjure up an opposition between slavery (then) and freedom (now), but demonstrates how various laws, throughout capitalism's history in Britain (and elsewhere) assigned different legal status to workers to limit

their mobility (and freedom), including through twenty-eight acts on the subject of vagrancy between 1700 and 1824. In other words, various laws were introduced that intended to immobilise and criminalise the poor who managed to move from their birthplace in search of a more bearable living, while today's immigration laws criminalise the movement of global 'vagabonds'. She concludes that the dominant

discourse on 'trafficking' detaches the restrictions and economic exploitation experienced by some groups of migrants from its basis in the global political and economic inequalities that simultaneously generate migratory pressures and set in place barriers to migration, and from the immigration regimes that make some legal as well as some irregular migrants vulnerable to abuse and exploitation.⁴⁰

The discourse on trafficking and smuggling by western governments also depoliticises the 'crisis', for if asylum seekers are victims of criminal gangs, they cannot act themselves. In one stroke, not only are their humanity and agency denied but they are also labelled and treated as criminals.

The criminalisation of solidarity

The Bill has also expanded the targeting and criminalising of acts of solidarity. As Fekete, Frances Webber and Anya Edmond-Pettitt argued in their detailed 2019 analysis of individuals who have been investigated, prosecuted and arrested under anti-smuggling law in Europe, there has been a criminalisation of solidarity for some years. They demonstrate that activists, solidarity networks and civil society organisations are being prosecuted under laws that purport to be designed to prosecute terrorists and mafia. They argue, '[n]ot only has the number of people placed under investigation increased, but new offences have been added to the charge sheet, including endangering maritime and airport security, espionage, criminal association and membership of a criminal network or gang'.⁴¹ The issue of criminalisation of solidarity with refugees and migrants was also highlighted in a 2018 report by the Transnational Institute which concluded that the main aim of prosecuting individuals and networks that support asylum seekers is to crush any dissenting voices against state-perpetrated crimes against refugees. The report concluded by saying that 'Today, the front line is migration. Tomorrow, these techniques could be used widely in Europe against anyone campaigning on the environment, free speech, diversity and so on.'⁴² The warning was not so much a prediction but a statement of fact.

The portrayal of those who contribute, facilitate and assist irregular immigration, as criminal gangs, dealers of death and those who enrich themselves by the immiseration of asylum seekers, is well known, but often goes against the experiences of thousands of migrants themselves. As Sheldon Zhang points out, this ignition of a moral panic is mostly based on data provided by law enforcement

agencies and private contractors.⁴³ Since such organisational networks and practices of crossing borders are not sanctioned by the state (and the law) they are regarded as criminal activities. In contrast, researchers who have studied the actual process and realities of 'illegal' migration have confirmed that many facilitators are community activists, political party organisers and migrants themselves, who have the experience of particular routes, speak the same language, and help asylum seekers in the spirit of solidarity, reciprocity and a moral obligation. Recounting his own experience of escaping from Iran in the mid-1990s, Shahram Khosravi, an Iranian anthropologist now living in Sweden, describes a young Afghani man who helped him cross the border, not as a criminal gangster or a terrorist, but as someone who saved his life in dangerous places that were being run by ruthless criminal gangs, corrupt border guards and fanatical Mujaheddin.⁴⁴

Luigi Achilli, who studied Syrian refugees and smugglers for two years in Turkey, Lebanon, Jordan, Italy, Greece, Macedonia and Serbia, highlights the moral economy of human smuggling, the bonds between refugees and their facilitators, and he reminds us of the ability of smugglers to help asylum seekers navigate the unequal geographies of mobility and the brutalities of borders for the wretched of the earth. He argues that the mainstream media constantly point a finger at the perceived brutality of smugglers but 'fail to account for the brutality caused by states' effort to enforce border controls'. As he suggests, the 'resilience of smuggling networks amid hostile attempts by nation-states to dismantle smuggling organizations is a reminder not only of migrants' determination to flee their countries but also of the strong bond that forms among smugglers and their customers'.⁴⁵ It is interesting that Keir Starmer, who claims he was elected to deliver security and strong borders, has appointed Peter Mandelson as UK ambassador to the United States. Mandelson rather infamously had to resign his cabinet post in 2001 (the second time in three years) for 'helping' a wealthy Indian businessman with an application for a British passport.⁴⁶ There has been no discussion of smashing the gangs of politicians who have helped and supported rich people acquiring British or European citizenship and passports.

States' effort to enforce border controls, however, is not to end the illegality of migration. Many businesses in Europe and the United States rely on undocumented cheap labour⁴⁷ and use it to drive wages down and reduce the cost of production. States understand this, and the point of the militarisation of borders and the rhetoric of war against smuggling gangs, is not to 'Stop the Boats' and undocumented workers, but to create and facilitate 'illegality' itself. This is what Kundnani refers to as the 'racial ordering of labouring populations'.⁴⁸ In their analysis of immigration into twenty-nine countries, Mathias Czaika and Mogens Holbolth come to the conclusion that

the overall effect of restrictive asylum and visa policies on regular 'unwanted' immigration is not necessarily as successful as often praised and expected by

policymakers but rather counterbalanced by some more 'invisible' types of immigration which are harder to detect and measure.⁴⁹

The tightening of borders and denying application for asylum produces its very opposite - undocumented and therefore illegal migrants for whom the state has no formal responsibility and who are left at the mercy of unscrupulous employers or more traditional criminals. By placing migrants outside of the law, the law is rendered ineffective.

Citizenship for sale

In contrast, the law of the market in contemporary capitalism creates a different border experience for big businesses and their demand for the free movement of their capital, their managerial ranks and their families. This commodification of citizenship, at a time when many states in Europe and the United States are implementing the most repressive measures against asylum seeker and migrant communities, clearly demonstrates that the borders are not erected to block everyone, but for it to be crossed freely by capital and those who can afford it. Under the EB-5 visa programme in the US, rich individual investors and their families that can invest at least \$900,000 can get a green card. The figure has almost doubled since November 2019 when the required investment was \$500,000. As Yossi Harpaz has pointed out, this 'decision to privilege investment-based millionaire migration even during a global pandemic highlights the key role that wealth has come to play in U.S. immigration policy'.⁵⁰ Under this programme more than 12,000 EB-5 visas were issued in 2024 alone, the highest since 2000 in which the total number of EB-5 visas issued was just 4,608. Since then 135,518 millionaires and their families have acquired green cards through this route.⁵¹ According to the Investing Migration Insider website, the demand for such visas is beyond the 7 per cent US government limit, and it is very likely, as borders are tightened under the security banner and the security of capital for rich individuals in other parts of the world comes under threat, that the US government will increase the flexibility of offering residency to these people. Rich people from Asia, the Middle East and Latin America dominate the applications for green cards. In 2023 nine out of ten EB-5 visas went to Asians, with China accounting for more than 63 per cent of all visas issued. In 2023 alone the US attracted over \$10 billion investment through this programme. Harpaz has concluded that the demand for investor visas is much higher from millionaires who are citizens of countries that rank lower in the global hierarchy of citizenship value, which also highlights the generally overlooked axis of stratification in relation to citizenship value.⁵²

Migration by capitalists is also expanding in other parts of the world and various states are actively encouraging this through Citizenship by Investment programmes (CIPs). While British politicians lament 'marauding' refugees 'flooding' the country and the backlog in processing asylum applications (and blame each

other for these issues), CIPs and other initiatives that are aimed at rich individuals residing outside Europe and the US are promising 'that high-net-worth individuals can participate in investment programs to obtain a second passport' that can be obtained in one month.⁵³ According to Immigrant Invest, the level of investment that was required for a second passport varied from \$7,200 in Paraguay to \$100,000 in Moldova, \$472,000 in Montenegro, and \$2 million plus in Cyprus. Montenegro shut down its citizenship programme in 2023, Moldova's parliament repealed it in 2020, and Cyprus in 2020. The benefits listed include travelling the world visa free, securing financial safety, better quality of life, and reducing the tax burden.

Residence/citizenship by investment or the 'golden visa' has become normal in many countries, from Egypt and the United Arab Emirates, to Turkey, Malaysia, Canada and the US. Canada and Australia, two countries with rigid systems for asylum seekers and migrants, have led the way. As Kristin Surak and Yusuke Tsuzuki⁵⁴ highlight, Canada remains a leading country in this respect and attracted one billion Canadian dollars in British Columbia alone between 1990–1998. In the European Union the residency by investment programmes brought around 3.5 billion euros annually but the benefits are uneven since 'just four countries represent 75 percent of all investor residents . . . [and] only in two countries, Latvia and Portugal, are the economic injections large enough to represent a significant proportion of FDI'.⁵⁴ And yet, while the question of the economic costs and benefits of migrant labour occupies a central concern in the media, very little has been said about the negligent economic impact of 'citizenship sales'. The skin colour of those who cross borders to European and north American shores still matters but takes on a different importance depending on the size of capital. The commodification of citizenship also unveils the deep impact of the declaration of previous Conservative home secretaries Sajid Javid and Priti Patel, that citizenship is a 'privilege not a right'.⁵⁵

The Labour government under Starmer has not disputed such a definition of citizenship. Members of the capitalist class continue to cross the borders that they are keen to control and filter what Mino Moallem has called the 'excess of the nation-state'.⁵⁶ Questions of national identity, and the notion of citizenship as belonging to a specific 'political community', also expose the superficiality of politicians' emphasis on cultural values. Capitalist class formation allows for the inclusion of those who don't 'belong' to be included for a price while revoking the rights and citizenship of those, usually 'colonial subjects',⁵⁷ that cannot afford the 'privilege' of citizenship.

Outsourcing border control to private corporations

Another related issue linking migration and capital is the role played by private firms in managing security, migrants and refugees. Brenda Chalfin argues that despite the emphasis on the political significance of border controls, the principle

of twenty-first century border security is the rise of the 'security-industrial complex'. For Chalfin, a 'key area of exchange between security and late capitalist economic trends are databasing technologies used by border authorities to track and apprehend suspicious travelers'.⁵⁸ Building on consumer research that collates a wide range of data for modelling, tracking and prediction of behaviour, security databases also do more than collect and collate data. In fact, it is no accident that in the US, hotel and flight reservations, among others, are routinely accessed and reviewed by state agencies.

To this we might add the neoliberal trend, long in place, of state outsourcing of a range of coercive tasks and actions to private firms. A study by the Transnational Institute⁵⁹ suggests that the border security market has expanded rapidly despite austerity and the economic downturn. It estimates that annual growth of the border security market alone is between 7.2 and 8.6 per cent, reaching a total of \$65–68 billion by 2025, with the largest expansion in the global Biometrics and Artificial Intelligence (AI) markets. The same study predicted that the biometric systems market would double its value from \$33 billion in 2019 to \$65.3 billion by 2024 with a significant portion coming from biometrics for migration purposes. The AI market was predicted to reach US\$190.61 billion by 2025. US, Israeli, European and Australian private firms lead the sector in border security control – among them Airbus, Elbit, Leonardo, Lockheed Martin, and Leonardo and Thales. All of them are major arms sellers to many states including in Asia and the Middle East. IT companies such as IBM, Unisys, and Accenture dominate the so-called 'smart borders', providing new biometric technologies such as fingerprints and iris-scans, phone and social media tracking and AI.

In deportation, only the UK and the US use private firms. The UK has a contract with British company Mitie for its whole deportation process, while the US overwhelmingly uses Classic Air Charter, but many commercial airlines (including United and American) are also involved in deportation. In the detention sector only the US, UK and Australia have entirely privatised prisons for migrants. Australia has infamously outsourced asylum-seeker detention to camps outside its territories. As the study highlights, migrant detention in third countries is also an increasingly important part of EU migration policy. In the UK one of the three Home Office contractors providing asylum accommodation (Clearsprings Ready Homes) has made over £180 million net profit in the last three years alone and its director Graham King, dubbed the 'asylum king', entered the *Sunday Times* rich list in May 2024 with a net worth of £750 million.⁶⁰

And finally, there are private firms that offer their 'advisory and audit services', notably a French company, Civipol, which was contracted by the European Commission to produce a report on maritime borders. Despite the derogatory language of the report, its key recommendation was adopted by the European Commission. Eva Stambøl and Leonie Jegen have rightly argued that Civipol's technologies, databases and reports, which aim to control the mobility of Africans to Europe, mirror the techniques of colonial policing.⁶¹

In the US alone, with the creation and expansion of the Department of Homeland Security (DHS), the increased and explicit linking of immigration control with counter-terrorism has allowed for soaring state funding for immigration enforcement. According to the American Civil Liberties Union (ACLU), DHS oversees 62,000 law enforcement officers and in 2021 alone two of its components (Immigration Customs and Enforcement and Custom and Border Protection) were the recipients of 86 per cent more in federal funding than four central agencies combined, including the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Agency. The expansion of DHS has also brought a massive expansion in detention as the average number of people detained on any given day rocketed from 19,000 in 2001 to 57,000 people per day at its peak during the first Trump presidency. Private security firms have been the main beneficiary of this trend and the two prison giants (CoreCivic and GEO Group) that are running and managing detention centres in the US received a combined \$4.2 billion in revenue in 2022 alone.⁶²

Transportation and deportation of migrants and asylum seekers is another area which has generated massive profits for private companies. Between 2008 and 2024 the notorious G4S's contract with Customs and Border Protection and Immigration Custom Enforcement was over \$1 billion. The profit margin is even bigger for biometric companies. Veritas Capital, a tech-focused private equity firm which, following its acquisition of Homeland Advanced Recognition Technology (HART), inherited the contract between DHS and HART, and will now be in charge of managing the data of 300 million people without their permission. The original estimate of DHS for replacing their current system (and the contract with HART) was \$4.3 billion. The project is now expected to cost DHS \$6.2 billion.⁶³

Conclusion

Hanieh and Ziadah have rightly suggested that 'moments of crisis are also always moments *about* migration' and in such moments capitalist states try to channel their resources and efforts to offer a 'fix', as David Harvey calls them,⁶⁴ to the crisis. While much of the analysis offered of the way the 'crisis of migration' is presented appears to take on an ideological shape, it is crucial, according to Hanieh and Ziadah, to go beyond seeing the propaganda on borders and border security as racism or seeing racism as a merely opportunistic means to divide workers. There is certainly an element of this in the Labour government's approach to the question of border security. But defending imperial sovereignty and national borders has always been a significant element of Labour Party ideology, which has co-existed with regular denial of the integrity of national borders of various other countries. In short, the othering of racialised populations is central to the policing of borders at home while violating them 'abroad'. Lest we forget, many members of the current cabinet are among the sixty-six Labour MPs

who, in December 2015, voted *for* the bombing of Syria and violating its territorial integrity and borders, including Heidi Alexander, Hilary Benn, Liz Kendall and Yvette Cooper. Government policies as well as right-wing propaganda, instead of being a simple misunderstanding or a mere nostalgia for the good old days of a wholesome and uncontaminated sense of belonging, are integral to legitimising state borders in capitalism in the face of so much misery, so that race is baked into the policing of the movement of labour. James Anderson rightly argues that a coexistence of a global economy with many states

constitute[s] a single, albeit contradictory, political-economic system. On the one hand, separation enables cross-border economic ownership and Foreign Direct Investment (FDI) economic interdependencies and globalization is largely unimpeded by political claims to national independence. On the other hand, it simultaneously enables states to make plausible claims of political independence and national sovereignty, because economic production is largely excluded from considerations of national and democratic accountability.⁶⁵

For Anderson, the regulation of the now globalised reserve army of labour and borders not only allows for spatially rooted capitals to be in competition with each other, but also provides a significant instrument of class control, something that will not be 'surrendered lightly whatever neoliberal ideologues might suggest'.⁶⁵ The Border Security, Asylum and Immigration Bill introduced by the Labour government and the security-industrial complex that it is trying to assemble under its Border Security Command depends on excessive investment, power sharing, and even more intrusion of private firms, turning all aspects of 'national borders' into significant generators of profit for capital on the one hand and, on the other, misery and violent exclusion for the wretched of the earth.

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