

**'BOGUS CLAIMS': A DISCURSIVE ANALYSIS OF THE PORTRAYAL OF
HUNGARIAN ROMA ASYLUM SEEKERS IN CANADA**

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Abstract

This thesis is an exploration into the discursive representation of Hungarian Roma who applied for asylum in Canada. The Canadian government listed Hungary and all other EU member states on a Safe Country listing which disabled full rights for those citizens when applying for asylum there. The target of this group was the Hungarian Roma and the reasons for this were because they applied at much higher rates than any other group. Throughout the processes of changing the law, Hungarian Roma were described as 'bogus' asylum. The inappropriate use of that term according to the UN Convention for Refugees puts the discursive representation of the Roma attached being attached to this word into question. When seen in the light of the malleability of the Roma as an ethnic minority in Europe and the political climate in Hungary this term loses credibility. By looking at the official Canadian documents and the media discussion, this thesis examines the Canadian discourse surrounding the use of this word in describing the Hungarian Roma in this new context of Roma political and media representation Canada.

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Introduction

On December 12, 2012 a new law came into effect in Canada which changed the way claims for asylum are processed. The major change is to treat claims from EU states differently to other states. The 25 EU member states are now on what is called a 'safe country list' and are processed faster, meaning that citizens from the EU have a limited time to formulate their claims and make appeals as opposed to other nationals. The reasons for changing this law were to stop 'the growing number of bogus claims from European Union democracies'¹ from accessing the refugee system.

The only claimants from the EU are Hungarians of Roma origin, so this term EU refers to this group specifically. Prior to the law change these ethnic Roma of Hungarian nationality applied for asylum in Canada at a higher rate than any other group, which ultimately were rejected at extremely high rates. While the official statements are sometimes ambiguous, the Canadian government has repeatedly referred to the need to stop Hungarian Roma from applying for status in Canada and wasting the time and money of the refugee processing system.

Why this then can amount to a 'bogus' or 'fake' claim in the statements of the Canadian officials, how the Canadian government has used constructed this in official documents, and how the media references this term is the subject of inquiry of this thesis. The exact way that this term 'bogus' is used, the context of its use, and the references to Hungary and the EU is significant. The word 'bogus' is used repeatedly in the media but sparingly and specifically by the Canadian Minister for Citizenship, Immigration and

¹ Speaking notes for The Honourable Jason Kenney, M.P. Minister of Citizenship, Immigration and Multiculturalism, News conference, *Protecting Canada's Immigration System Act*, Ottawa, February 16, 2012, (following the tabling of Bill C-31)

Multiculturalism Jason Kenney. Why there is a difference between these two uses is also the subject of inquiry.

In order to examine the reasons for the media saturation of this issue relates to the discursive construction of this particular ethnic group. There is a history of discriminatory discursive representation of the Roma in Hungarian, one which is particularly with criminality. In 2012 this association between illegal activity and the Hungarian Roma in Canada was also made in the Canadian media and by the government. The discursive difference and similarities between these cases needs careful attention, for as chapter three will demonstrate, there is now in Hungary a dangerous solidification of the representation of Roma as one which is associated with criminality.

This thesis will show that this is not the same process that is occurring in Canada and that this is because the historical context of the Roma in Canada is ultimately different. Yet that there is a solidification of the image of the Hungarian Roma refugee as one which is 'bogus' or fraudulent as this thesis will show, even the references in the media which debate this continue this association. While the broad implications of this are beyond the scope of this thesis, the discursive association between the Roma in Canada and criminality needs to be delineated and understood.

Chapter one will begin by showing how there can be no such thing as a 'bogus' asylum claim, only one that is unfounded. How this then relates the EU as a concept will be discussed. While there is an assumed respect for human rights in the EU, this is not necessarily true when this refers to the states which reached accession in 2004, of which Hungary is one, and in the specific case of Hungary there are good reasons to question specifically the democratic standards of this country. The nature of the word

'bogus' will also be discussed as this is a colloquial term used in an official context and has strong negative associations. This will be discussed in reference the situation for Roma in Canada and the Hungarian context from which they attempted to seek asylum.

The focus of chapter two is the detailed discussion of the official Canadian communication in relation to the issue and the depiction of the Hungarian Roma. Three aspects will be discussed, the Project SARA report into the criminality of the Hungarian Roma refugees, the poster campaign in Miskolc and the specific uses of the word 'bogus' in relation to this issue. These communications are important insights into how the Roma have been unjustly and unfounded associated with criminality, how this poster campaign mainly the determination of the Canadian government to lower the rate of application for asylum-seekers and all references to the Roma are usually separated from references to the EU.

Chapter three begins by recognizing that the fact that it is this specific group of people that are the target of this campaign and law change is significant not only because of the high amount of claims to Canada but because of the nature of the social exclusion and discrimination that they experience in Hungary. Firstly this will examine how the concept of 'underclass' and being an ethnic minority in Europe applies to their discrimination. Finally a detailed description of their representation in the Hungarian media will show that this minority is a highly malleable one. This element is, as this thesis will argue, what has enabled them to be politically targeted and discursively referenced in Canada in this way.

Chapter four is a discourse analysis of the Canadian portrayal of the Roma in newspapers. The chapter begins with a brief discussion of the chosen methodology of the discourse analysis. The analysis will show how the Roma have been sensationalized

in this context and repeatedly referenced in a defensive way against the use of this term 'bogus'. The danger of this is that there is still an imminent association between this word in that the Canadian government had already set the stage of the accusations and it is up to the media to disprove this. Given the complexity of this issue as outlined in chapter one, this is very difficult if not impossible in a newspaper context.

Chapter 1 - Hungarian Roma and Refugee Law

“Controversy over asylum in liberal democratic states must be understood as a part of a much broader international problem in which refugees and asylum seekers are merely the vanguard of a world where life chances and economic opportunities are distributed with great inequality.”²

The way that Canada responds to certain claims for asylum seekers has changed. A new law has been passed which targets a specific group of people in order to deter them from seeking asylum in Canada to minimize their rights to asylum system if they do arrive in Canada and apply for refugee status. How this has been possible, why this was deemed necessary and what the implications of this are the central themes of this chapter.

In order to examine these it is first necessary to explain the processes and procedures of International Refugee Law and how it pertains to the 1951 UN Convention on Refugees. Special attention will be paid to the way that refugees are defined in order to discern what legitimate and legal actions a person can take when crossing international borders without specified permission. How this relates to the borders of the state in question here Canada, is paramount. Secondly this chapter will examine this specific case, as a case of exempting people from the EU of their international right to apply for asylum in Canada and what that implies about those countries relations and the EU. Moreover, this will examine how the very conception of the EU as a democratic space is a hindrance to its minority protection.

The fact of the Roma asylum seekers claims are indirectly and constantly referred to as 'bogus', this will then be carefully examined in relation to the definitional concepts outlined by the UN Convention. As we will see this word 'bogus' is attached to this erroneously and perhaps for political purposes. By turning then to how refugees have

² Gibney, Matthew, 2004. *The Ethics and Politics of Asylum*, pp4-5

been responded to historically in Western nations, we will see that there is a clear motivation of Western nations to minimize claims for refugee status regardless of where that refugee originates from. When we see this in terms of Hungary, it becomes highly problematic, especially then when considering the very fact that it is an EU member state yet one that is currently being questioned in the European Parliament precisely for its democratic standards³. The European Parliamentary document which raises these issues specifically includes the way that Hungarian human and social rights are being upheld⁴.

The United Nations Convention on Refugees

In 1951 under the League of Nations a Convention on Refugees was adopted in order to protect the human rights of those who needed to seek protection in another state other. The justified reasons for seeking this protection come under the terms of either being persecuted by the state or because the state is unable to offer that person adequate protection from persecution and thus 'since by definition refugees are not protected by their own governments, the international community steps in to ensure they are safe and protected'⁵.

The signatory states are then obliged to offer protection within its borders to those who seek asylum in that state and are obliged to offer refugee status to those who qualify as fitting the description. The description is that of a person who is outside of their country of origin and cannot return because of a 'well-founded fear' of persecution based on one of five reasons.

³ European Parliament, 2013. Committee on Civil Liberties, Justice and Home Affairs, 'Working Document 5'

⁴ Ibid.

⁵ UNHCR, 1951. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, 1951

Those five reasons are race, religion, nationality, membership of a particular social group or holding a certain political opinion⁶.

The principle conundrum of refugee law which relates to this case is that the states which are signatories to the 1951 Convention for Refugees are both obliged to provide asylum and have the responsibility of determining who is a refugee⁷. This gives the states therefore the right to reject applicants which they deem not to fit the classification. Under the obligations of international law all signatory states, which includes Canada, must uphold refugee claims where there is a 'well founded fear of persecution' in the country of origin. But the very reason why there is an international convention to which states were obliged to sign and are now obliged to uphold is that the international community recognizes that states will consistently have an interest to reject or minimize the number of asylum seekers who enter their territories and ask for protection.

This convention inherently recognizes the need for this obligation to be in place in order for states to accept asylum seekers in a systematic way. While liberal democratic states including Canada generally hold high standards of human rights and accept asylum seekers sometimes willingly, without this convention the states would still be able to reject asylum seekers if they wanted to. This is because asylum seekers break with the normal procedure of who may enter a given territory and given the norms of sovereignty and border controls, states can technically refuse at any time entry of non-citizens into their territory.

As will be discussed below, there are several reasons why states may be unwilling to accept asylum seekers, reasons which involve political pressures, resources and the ultimately vulnerability of asylum seekers. Regardless, whatever the reason may be for not accepting

⁶ Ibid.

⁷ UNHCR, 1992. Handbook on Procedures and Criteria for Determining Refugee Status

asylum seekers, there remains a perceived need to uphold the UN convention. Otherwise, unless there is some form of political interest that can be construed by the state to accept asylum seekers⁸ it is in the states' interest to find the right balance between appearing to uphold the UN convention whilst minimizing the amount of claim processing and acceptance that they actually have to do.

The other principle issue which must be clarified is definitional and concerns the difference between an asylum seeker and a refugee and what exactly is a claim. While seemingly straightforward, there is ample room for a discursive error to be made regarding this difference, a confusion which may be deliberately enflamed or one that results from the fact that these words are often used interchangeably and so therefore simply are confusing. This thesis will argue later that there is a capitalization on this confusion at play, but firstly I would like to clearly delineate these terms and therefore what is being discursively argued.

As per the UNHCR's definition;

“an asylum-seeker is an individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum seeker.”⁹

An asylum seeker is one who says that they are. It is up to the individual to decide to seek asylum and their actual life situation does not need to be in line with any convention or law. Therefore it is impossible to be a fake or 'bogus' asylum seeker under the guidelines of the UN Convention.

A refugee on the other hand is an internationally recognized, legal definition of a person. A refugee is one who

⁸ This will be elaborated on in Chapter 4 of this thesis.

⁹ International Organization for Migration, *Key Terms*, 2013

“owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”¹⁰

Leaving aside for a moment the main question that International Refugee Board (IRB) of Canada and other national refugee committees primarily deal with involving the definitions of 'well-founded fear'¹¹ what an asylum seeker does is that they make a claim to be a refugee. The reasons to make this claim can be misunderstood, in that the person may not understand exactly the difference between, for example, 'persecution' and 'discrimination'. This was the case in 1999 when the IRB of Canada rejected Roma-Hungarian asylum seekers¹². The claimants in this case gave detailed evidence of discrimination which clearly only amounts to discrimination and not persecution¹³.

The question of refugee applicability however is probably not going to be so much misunderstood as it will be that there can be attempts made by people who are not legitimate refugees to gain access to the receiving country. The internal structures of states, the IRB of Canada, the Migration Review Tribunal of Australia for example are established in order to be able to make decisions because of this, to decide about who is and is not a refugee. There are thousands of claims accepted and rejected globally of which a full-examination is not possible here but the point is that part of the procedural assumption is that there will be unsubstantiated claims for refugee status. These are based on various reasons as we will see below and may be because of either a change in the situation in the country of origin or because the claim does not satisfy the requirements of the Convention. Regardless, it is simply then unsubstantiated, officially termed 'rejected', but there is nothing inherently

¹⁰ UNHCR Convention Handbook, 1992

¹¹ See Table 1.1 below.

¹² Immigration and Refugee Board Canada, xxx(T 97 04226 and others), 1999

¹³ This is a point of debate and will be elaborated on below.

fraudulent about the act of making a claim which turns out to be unsubstantiated and therefore rejected.

Below is a table I have created to clearly illustrate this complexity by showing various means for making a claim to be a refugee and the various ways that this can be rejected. This is not to imply that there is unjust rejection of applications for refugee status but rather to delineate the various grounds for both claims and rejection and note that this has nothing to do with whether or not a person's perception of their situation is in-line with international standards or is in any way fabricated. The table reflects those issues most important in this case.

Table 1.1

Grounds for claim	Grounds for rejection
Outside country of origin	Passed through another country en route
Persecution	Adequate state-protection from it
	Adequate punishment of offenders
	Discrimination present not persecution ¹⁴
Membership in persecuted 'group'	Inability to prove that membership
Well-founded fear	Fear not well-founded or freedom to relocate within state
Country of origin unsafe	Country of origin deemed safe *

* The only countries to use this listing are Denmark and now Canada

¹⁴ CBSA, *Project SARA International and Domestic Activities Final Report*, 2012. This will be from now referred to as simple Project SARA.

It is up to the claimant to prove their legitimacy on all of these grounds and where no evidence can be provided, to declare whatever given situation to be the case. It is then up to the respective state's review boards to believe or reject that. It is important in this case that the claim may turn out to unsubstantiated, or even entirely fabricated or exaggerated but it is still merely a claim. If one is ultimately then considered by the IRB or respective state's internal committees not to be a refugee then this person is simply not a refugee. An individual does not need to have any conclusive or legal documentation to prove anything in order to be an asylum seeker and then claim to be a refugee. As an example to illustrate the definition of an asylum seeker, they may also lie and this is still is not outside of the rules of the convention. It simply means that they are not refugees as per the UN Convention.

Safe Country of Origin

Canada has made a highly controversial change in its refugee law which limits the way it adhere to the UN Convention. The new law termed here C-31, makes various amendments to the definition of a refugee, the most important in this case being the new definition of a 'safe country'. A 'safe country of origin' is deemed to be one which 'does not normally produce refugees' and so asylum seekers from those designated countries of origin will have their claims processed faster. They will not have access to social services and will be detained if there are any suspicions about their arrival in the form of the amount of people arriving together. Although the issues in this specific case will be elaborated on momentarily, it is necessary to highlight the potential dangers of this type of amendment to the outlines of the 1951 Convention. There are 27 countries on this list which are the 25 EU member states, plus Croatia, currently in ascension processes, as well as the United States. There is however no

secret that this issue concerns the refugee producing countries of Hungary and to an extent the Czech Republic, which have been the highest claimants for refugee status in Canada.

Following the reinstatement of a visa for Czech nationals to Canada, this closed the opportunity for nationals of that country to seek asylum in Canada. This then left only Hungarians in this equation, which then had the highest number of claimants to Canada. Increasing between 2011 and 2012 by roughly 100% to 4,423, to total 17% of claims for that year¹⁴ more than one third of all refugee claims received in Canada¹⁵ were from Hungary. Most cases are abandoned or rejected, but while only a small percentage, some are upheld¹⁶. Naturally this begs analysis of the conditions in Hungary which may, may not or may be perceived to generate refugees. I will return to this crucial analysis of Hungary later but for now in light of the fact that the Hungarian state was lumped in with all other European member states under the 'safe country' listing and given that the Canadian government mostly cited the need for the law change to be concerning the fact of EU nationals seeking asylum¹⁷, I will turn now to examine the European contextualization.

The EU and 'Safe Country' Designation

The EU is upheld in some ways rightly and in some ways with exaggeration as a political union of democratic ideals and high standards of those states. While the EU states sign democratic treaties and requirements these are not always are these applied, specifically concerning the accession states of 2004. There remains a 'democratic dogma' of the EU

¹⁵ Total number of claims 12,389 see IRB, *IRB Refugee Status Determinants*, 2012

¹⁶ Ibid. The number of claims which are upheld are small and vary from year to year, for example in 2011 it was 8% an in 2010 it was 2%.

¹⁷ See Government of Canada, Media Speech, 'The growing number of bogus claims from European Union democracies is only exacerbating the problem', 2012; Government of Canada, Media Speech, 'Failed EU claimants are able to spend years in Canada at great expense to our taxpayers, receiving free health care, welfare, education and other social benefits', 2012

especially in comparison to other countries of origin which obscures deeper analysis of the actual conditions in the EU. Perhaps the most common is the ideas of the legitimacy of the EU, incurring suggestions of it suffering from a 'democratic deficit'. Although this refers to the accountability of the force of its transformative power it has it is not specifically related to the deficits within the specific member states¹⁸. Nevertheless it is this unquestioned acceptance of the transformative power of the EU which is in many ways the problematic issue here. As Haughton suggests this transformative power can only be clearly seen in relation to the single market and rather is specifically lacking concerning issues of minority protection¹⁹. In fact officials in off-the-record remarks 'lamented the difficulty of maintaining pressure on accession states to continue with reforms in many policy areas'²⁰. This can be seen clearly in the case of Hungary at present where despite European concerns into the state of democracy in Hungary²¹ these issues remain in the realm of politics and not in the realm of the real transformative power which is changes to the law²².

The exact reasons for this is because while accession conditionality specifically concerning minorities was perhaps painfully achieved, there remains no follow up. The guidelines which were set and usually met by regular minority reporting during the process do not need to be adhered to after accession as the states are no longer scrutinized other than by ad hoc means by other member-states. This gives a falsified sense of democratic adherence²³. It may be the case some Western European member-states do not produce refugees and important at any given time. But that is not to say that the same is true of Hungary, Slovakia any other states in

¹⁸ Majone, Giandomenico, 1998. 'Europe's Democratic Deficit': The Question of Standards', *European Law Journal*, 4 (1)

¹⁹ Haughton, Tim, 2007. 'When Does the EU Make a Difference?' *Political Studies Review*, 5 (2)

²⁰ *Ibid.*, pp235

²¹ European Parliament, Committee on Civil Liberties, Justice and Home Affairs, 'Working Document 5, European Parliament', 2013

²² Kochenev, Dimitry, 2009, 'EU Enlargement and the Failure of Conditionality: Pre-Accession Conditionality in the Fields of Democracy and the Rule of Law', *The Hauge: Kluwer Law International*, 5 (3)

²³ Sasse, Gwendolyn, 2005. 'EU Conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy', *EUI Working Paper RSCAS* No. 16

general but particularly those that have no democratic history or traditions those lacking the appropriate institutional structures to support civil society. In this case Canadian officials claim to have assessed the democratic nature of the individual state of Hungary before making this safe country list, but the fact that not all EU member states were individually assessed indicates that it is more about their EU membership rather than the nature of the state itself.

The other reasoning for including the whole of the EU is more of a diplomatic one. Where isolated cases of individuals or small numbers of people claiming refugees status may go without much scrutiny or controversy, large numbers of people from the same country of origin will attract diplomatic and media attention. The Roma migrating from Central Europe and applying for refugee status in Canada is the only such en mass case of refugee applications from typically receiving countries ever. To grant refugee status to applicants from those countries and state then that country produces refugees is to state that it cannot protect its citizens from persecution. This is an indirect condemnation of that country's democratic principles, in this case of an EU member state which inadvertently challenges the 'democratic dogma' of the EU. While in 2011 92% of cases were rejected, that still means that 8% were upheld meaning in principle that by the refugee review tribunal of Canada's standards, an EU state produces refugees²⁴. This obviously complicates the relationship between the region and the Canadian state. Moreover, it proves that there actually is some problem in Hungarian society which by Canada's own standards shows that Hungary does produce refugees, which unlikely went unnoticed by potential Roma applicants. If we add to this the fact that international treaties are always bound in mutual exchange, which may be perceived in terms outside of the treaty itself, the danger of this labeling intensifies. Trade and security agreements between Canada and the EU potentially stand in question if this is

²⁴ Toth, Judit., 'An Incomprehensible Flow', *CPES*, 2012

the case, such as the Canadian European Trade Agreement which is currently under construction²⁵. Again this is not to assert that Canada should not accept or unjustly rejects Roma claims for refugee status but shows what might be a factor in amending this law which is not dependant on the extent to which Hungary is a 'safe country'.

The Roma in Canada

When the Canadian government changed its refugee laws, it was with the expressed reasons to stop asylum seekers of Roma origin from Hungary from making applications for refugee status in Canada. Canadian officials assert that these were 'bogus' claims, a colloquial term meaning false or fake. It was stated that this needed to be solved in principal because 'bogus' refugees should not be allowed to come to Canada, but also needed solving for practical reasons because the Hungarian Roma made up a large proportion of all claims to Canada for the previous three years. Thus in order to end the financial, temporal and procedural drain to the system, applicants from Hungary and other 'safe countries' have now only 45 days to make their case and then will be sent back to their country of origin and will not receive social security benefits in the meantime. The rationale being that these countries on the 'safe country list' are democratic countries and provide adequate protection from persecution, and therefore they do not produce refugees²⁶.

There are two key issues that need to be unpacked in this which are history of Hungarian Roma in Canada and the exact meaning of the word bogus. Firstly, it is important to explain that while there have only been 8% of applications accepted in 2011, in some previous years

²⁵ European Commission, 'Trade: Countries and Regions - Canada', 2013

²⁶ Canadian Council for Refugees, 'Refugee Reform Bill C-31 changes to the refugee determination system' 2013

the numbers were much higher, such as 38% in 1998. The exact reasoning cannot be known, there simply has not been enough research on the issue. Whether the well documented 'discrimination' was taken as 'persecution', whether the lack of protection by the state amounted to persecution, it is not known. But there has been a history of Canada accepting Hungary Roma as refugees.

Having already discussed above the definition of asylum seeker and refugee claim, and recognizing that there are, while few in number, still claims that are from Hungarian Roma to Canada which are upheld as legitimate refugee claims, how the use of the word 'bogus' fits into this picture is dubious. The word "bogus" is defined by Merriam-Webster dictionary as not-genuine, counterfeit, or sham. The term itself originates from an obsolete argot expression first used to denote counterfeit money in 1825. An argot expression is one denoting secrecy, attached to although not exclusive to, criminality. According to modern dictionaries it is no longer classified as slang or colloquial, yet there remains its allusions. It is certainly *more* colloquial than using what would be available synonyms, fake or counterfeit. It is also and it is out of the usual context of how officials should speak of refugee claims which are 'not substantiated' or rejected. According to the UNHCR's website, "There is *no such thing* as a bogus asylum seeker or an illegal asylum seeker."²⁷ This is meant as one again as clarification of the definition of an asylum seeker, in that everyone has the right to seek asylum so that if it turns out that the claim is rejected, then simply the person will be deported. From the same UNHCR site as quoted by former UN secretary general Kofi Annan;

*"Let us remember that a bogus asylum-seeker is not equivalent to a criminal; and that an unsuccessful asylum application is not equivalent to a bogus one"*²⁸

²⁷ UNHCR, 'The Facts: Asylum in the UK', 2013

²⁸ Ibid.

What is interesting is not only the fact that the opinion of former UN Secretary General believes that an unsuccessful asylum application does not equate to being bogus but that that he would specifically make the point of clearly stating this. This begs the question of why governments would use this word and suggest this. Could not the more precise words be used? Those which recognize the right to seek asylum but also recognizes that the majority of claims are 'unsubstantiated', such as that very word, unsubstantiated or unsuccessful application? The illegitimate use of the word 'bogus' is difficult to argue or prove in this way, given that there is nothing pointedly 'wrong' with using it given the definition of it amounting to false, not real or not legal so it cannot be easily challenged. But as mentioned, the allusions the criminality, the moral judgment that comes attached to that make it a politically useful word, one which can potentially encourage a view of the claimants as criminal.

Minister Kenney uses this word 'bogus' when talking about Hungarian Roma asylum seekers when referring to them in different contexts and continues to in Parliament and in statements to the press²⁹. This echoes a kind of Orwellian 'doublespeak', where if the word is used enough then it can become unquestioned as a phenomenon in a way a forged 'truth'. Similarly Herman and Chomsky see this type of language as part of 'legitimizing' strategies in what they term as their view of modern politics as a 'Propaganda Model'³⁰. Lutz returns to this Orwellian notion of doublespeak and offers some useful insight by describing it as language which 'pretends to communicate but really does not...which does not extend thought but limits it'³¹ by making the 'bad seem good' or the 'negative appear positive'³². Here Lutz offers valuable insight in describing the utility behind re-constructing reality into a more positive light. In this case of the Roma in Canada it is a reverse situation where the something more

²⁹ See note 17.

³⁰ Herman, Edward and Chomsky, Noam, 1988. *Manufacturing Consent: The Political Economy of the Mass Media*, London: Vintage Books

³¹ Lutz, William, 1988. 'Doublespeak Defined', *Public Relations Quarterly*, 8 (12) pp25

³² Ibid.

neutral is constructed as negative, in this way with criminal associations. Another way of viewing the repeated use of this word can be seen as part of what Klein terms 'calculated ambivalence'³³. It describes how as a result of needing to address the public which may be more than one 'public' on a certain issue, politicians will deliberately confuse the issue by the use of 'conflicting these contractions often disguised by euphemisms and paraphrases of allusions and ambivalent expressions'³⁴.

Taking the definition of asylum seeker and refugee and Kofi Annan's words that an unsuccessful asylum claim is not equivalent to a bogus but noting how Kenney repeatedly used this type of 'calculated ambivalence' on this issue suggests that there is a political motif, where the public can be rallied behind the agenda of the government more easily by referring to the claimants in this way. To state that the asylum-seekers are not legitimate refugees would have sufficed but that would quite probably have had less political utility. Ultimately the government, for reasons to be detailed later wanted to make a highly controversial change in its refugee law. With some refugees being accepted from Hungary and as we will see later, Hungary not having a very positive public image, a discursive allusion to criminality would potentially be much more useful than the more formal description. This is especially true in the case of wanting or needing to create a particular image of the asylum-seeker as a threat to the nation, as without this kind of allusion of criminality there could be no appeal to the electorate. This is especially the case for asylum-seekers in Western nations.

³³ Klein, J., and Diekmannshenke H., Versuch einer Ortsbestimmung Sprachstrategien und Dialogblockaden. 1996 as quoted in Reisgl, Martin, 2008, in Wodak (et al) eds, *Handbook of Communication in the Public Sphere*, Mouton de Gruyter : Berlin pp259

³⁴ Reisgl, Martin, 2008, in Wodak (et al) eds, *Handbook of Communication in the Public Sphere*, Mouton de Gruyter : Berlin pp259

Claiming Refugee Status from Hungary

As mentioned in the above table one of the main issues of concern for this case is the difference between discrimination and persecution. In the case mentioned above in 1999 of T 97 04226 and others where a Roma applicant was rejected based on the presence of certainly 'high levels of discrimination'³⁵ not amounting to persecution, this raises two questions in regards to this case now, one which is normative and another which involves the time frame. The normative question of whether or not these levels of discrimination should amount to persecution is impossible to definitively answer within this frame, but there is within this case the references made to this possible consideration. When this is also taken into consideration with the fact that the level of discrimination against Roma in Hungary may have increased, this ruling can be seen to be potentially outdated³⁶.

Various reports into aspects of life in for the Roma in Hungary show that 'discrimination against the Roma is widespread in all fields of life in Hungary'³⁷. For example reports show that there is discrimination against Roma in education'³⁸, in treatment by police³⁹, and even suspicions of discriminatory treatment in the justice system⁴⁰. When these issues are considered in their respective contexts, they are of course serious but only amount to discrimination and not persecution. Yet when we see this in the light of the fact that all of these institutions mentioned here are state institutions, the school system, the police system and the legal justice system, then this raises questions about the way the state systematically

³⁵ Immigration and Refugee Board Canada, xxx(T 97 04226 and others), 1999

³⁶ Ibid.

³⁷ Hungarian Helsinki Committee, Towards the Equality of Roma Defendants before Courts and in Penitentiaries (2010-2013), 2013

³⁸ ECHR, application no. 11146/11', 2013. It was concluded that there was a Violation of Article 14 of the FCNM on Prohibition of discrimination pertaining to the Roma in Hungary.

³⁹ Hungarian Helsinki Committee, Briefing paper for the visit to Hungary by the UN Independent Expert on Minority Issues, 2005

⁴⁰ Hungarian Helsinki Committee, Towards the Equality of Roma Defendants before Courts and in Penitentiaries (2010-2013), 2011

responds to people of Roma origin. The state systematically discriminates against Roma, as evidenced by the fact that in each state institution there is discrimination, not necessarily by any overarching constitutional documentation or Parliamentary decree. Perhaps then this does amount to persecution or rather that the level of discrimination is so severe in this case that being a membership in this social group is in Hungary at this time can be taken into consideration. The fact that in this case Canada this is not considered should at the very least be grounds for questioning the listing of Hungary as a 'safe country'. That is not to say that the situation will always remain this way, but to describe a country with this level of discrimination present as 'safe' appears in conflict with the reality of the reports so mentioned into the nature of this situation.

Considering then the level of discrimination in Hungary, this needs also to be seen in relation to a series of violent attacks against the Roma. In 2008-9 these attacks were described as being perpetrated by anti-Roma hate groups. These groups are connected to the party in the parliament which has the third highest amount of seats, Jobbik⁴¹. While Jobbik remains a marginal party structurally, this party has effectively altered the political landscape since its arrival at the political landscape. While we know that state did prosecute against the perpetrators of the murders in 2008 and that while this group is affiliated with Jobbik and it is not the government, the effects of Jobbik on the way Roma can apply for refugee status needs to be illuminated.

We know from the above table that in cases where there is violence against a person or group for being members of that social group that when there is state prosecution of those perpetrators that this 'nullifies' the persecution. In this case this also occurred, and so there is cannot be appealed to on technical grounds. However, 'fear' of persecution is still a subjective

⁴¹ Stewart, Michael, 2012. *The Gypsy 'Menace': Populism and the New Anti-Gypsy Politics*, London: Hurst

concept. While there may not be any technical persecution, having 'fear' of it may be. The subjectivity of this concept is relevant here because while 'well-founded' is not subjective, 'fear' is. In this case because there is no 'well-founded' fear, then this is clear, there can be no substantiation of the application for asylum. Yet still, how this can be referred to as 'bogus' in cases where it turns out that 'fear' is not a substantiated one remains problematic.

The ruling Hungarian Party Fidesz has undergone great transformation since its inception as a party of youthful rebellion in 1988 to what can be now described as a politically centrist party. However, there are elements of the voting populace that Fidesz also incorporates which part of the far-right⁴². While there have been allegations against the nature of democracy in Hungary at the EU levels, Otlay in this book traces the development of the situation in Hungary including especially the development of and interconnection between the far-right and Fidesz. Otlay argues that with the drastic rise in popularity of Jobbik in 2006, Fidesz needed also to appease this large voting block. It then created a party structure which 'institutionalised cooperation between the myriad right-wing groups under Fidesz's umbrella and accommodated the representatives of major social segments'⁴³. Incorporating these elements into the structure of the party allows it to keep still an apparently centrist stance.

This raises the question then that even though Fidesz is not Jobbik, given that it must appease these voters, does this create an environment in which a Roma would wish to flee from? Almost certainly. When we couple that with the level of systematic discrimination overall this presents very simply a way of living that the Roma would like to seek refuge from. Whether this makes them eligible for official refugee status is another question, but to leave Hungary and seek a better life elsewhere is probably not only understandable but probably for this group, advisable. With these conditions then the reference to the word 'bogus' becomes

⁴² Otlay, Edit. 2012, *Fidesz and the Reinvention of the Hungarian Centre Right*, Budapest : Századvég

⁴³ Ibid.

less acceptable. Yet a person can only travel into other EU states for a period of up to three months and then they must return to that state of their citizenship. Given that this group is an 'underclass' in Europe as will be discussed later, with little employment opportunities, travel to another member state where similar levels of discrimination and unemployment will be faced, this seems a futile exercise. As such, applying for asylum in Canada can be seen as a logical conclusion to escape the social conditions in Hungary. In the light of the fact that the Hungarian government is probably the most infamously non-democratic current EU member state⁴⁴, This would then beg the question of why Hungary would be included on this 'safe country' list if it weren't for the large amount of numbers of claims that it receives, a number which may very well indicative of something about the need and desire to flee Hungary than about the 'bogus'-ness of the claim.

⁴⁴ While there are informal allegations within and outside of Hungary as to this I take only the current formal report into the state of democracy in Hungary at the EU level as evidence of this, see *European Parliament, Committee on Civil Liberties, Justice and Home Affairs, 'Working Document 5, European Parliament', 2013*

Chapter 2 The Official Canadian Communication

Introduction

“Given [Immigration Minister Jason Kenney's] unabated remarks about fraudulent claims, it became obvious to everyone that his consultation with [the Roma community] was, well, bogus.⁴⁵”

This chapter will examine at the official Canadian communication regarding the Hungarian Roma. The purpose is to examine how the official line of argument is presented and constructed. This will be done by examining the details of three primary modes of governmental communication. The first is a Canadian Border Services Agency (CBSA) document which is a report into the social nature of Hungarian Roma whom applied for refugee status in Canada. The focus of this report is crime. The second medium of government communication is the posters which were placed in the Hungarian town of Miskolc⁴⁶. The third medium is the Minister for Immigration Jason Kenney and his statements on this issue. The way that specifically he refers the Roma in this context is particularly revealing, both in what is said and how it is said. This will be a crucial point in this thesis and involves looking at how Kenney speaks of the Roma in parliamentary addresses, committee meetings and addresses to the media.

As the following discussion will show Kenney uses this term 'bogus' frequently and uses it differently in Parliament as he does with the media. This will demonstrate how the Canadian

⁴⁵ Comments made by Roma activist Juliana Beaudoin in regards to a visit by Immigration Minister Kenney on October 29th, 2011 to the Roma Community Centre in Toronto. This was reported by online activist magazine *Canadian Dimension* following the minister's visit and was before the introduction of bill C-31 into Parliament and was one one of the first times that this term has been referred to in association, indirect or otherwise with the Roma. For article reference see: *Canadian Dimension*, 'Who are you calling Bogus?', 2011 here: <http://canadiandimension.com/articles/4959/>

⁴⁶ There were posters placed in Miskolc which essentially only text in the form of "A visszaélések elkerülése érdekében Kanada menekültügyi rendszere megváltozott. Évek helyett akár heteken belül elbírálják a menedékkérelmeket. Gyorsabban hazaküldik az alaptalan menedékkérellemmel érkezőket". This translates as "In order to prevent misuse, the Canada asylum system has changed. Instead of in years, processing will take weeks. Unfounded asylum requesters will be sent home faster to where they came from." – own translation.

government has perpetuated this word 'bogus' in which both continues to justify the use of the word itself and the related law change. The purpose of the analysis of the use of this word by Minister Kenny is to illuminate his argumentation strategies and see how this fits in with the correct use of the word 'bogus' in this case. This is also related the Project SARA which was the report into the criminality of the Roma who were already in Canada⁴⁷. Analysis of this report will show that there is contradictory information in it which amounts to the arrival at a false conclusion. As mentioned, this allusion to criminality in the word 'bogus' is something which, while not specifically used in the report, the conclusions of criminality that are reached are used in certain argumentation schemes to justify the word 'bogus'.

The analysis of the poster campaign in Hungary will reveal that the most important aspect of this campaign is the context not the content. While this is an unusual official government communication and as this thesis will show, the wording is strong and direct, the fact that this took place on Hungarian not Canadian soil, in the Hungarian language not English, is significant. More importantly it indicates a commitment of the Canadian government to minimise the amount of people who apply for asylum which needs to be seen in the broader context of asylum seeking in Canada and in the modern world.

Project SARA

In dealing with the production of this report it must be clarified that analysis of the issues surrounding its production problematized. Surely there are good reasons to compile a report to examine the elements of potential problems within a community which was arriving in large numbers from an EU member state. Yet as far as being an issue of coming from an EU

⁴⁷ Canadian Border Services Agency, 2012. *Project SARA: International and Domestic Activities Final Report* via *The Canadian Broadcasting Corporation*, 2013

member state, as has been argued in Chapter 1, there is a problematic issue involving the EU as a democratic dogmatic principle. More importantly though it is a truism to say that there are likely political motivations of political actors. The request for the report came from the government, wishing to know more information about the alleged criminality of these asylum seekers. While CBSA is a separate government agency, it is still federally funded, and until recently was partly run by the Department of Citizenship and Immigration. While this is partly speculation, it is also simply recognizing the political utility of inter-departmental affairs. So there begs an analysis of the content and context of this report. Furthermore this report cannot be divorced from the political context which is the repeated use of this word 'bogus' by the Government, specifically Immigration minister Kenney, for the previous three years. This is particularly clear when seen in the light of the factual and conceptual errors that are made in the content of the report and shows to be more in line with the same type of argumentation scheme found in the word repeated use of the word 'bogus'.

Peter Showler, who is the director of Refugee Forum at Ottawa University was quoted by the Canadian national news service the CBC as saying the Project SARA 'starts with the assumption that these are fraudulent or invalid claims'⁴⁸. This is possibility in response to the fact that in 2009 police investigators uncovered Canada's largest ever case of human trafficking which was from this specific group of Roma refugees, which Project SARA also mentions⁴⁹. This high profile case came with calls for the government to act to stop any further trafficking, but there has still been only evidence of once case. As we shall see, the report focuses on finding evidence of criminality in a community, this one high profile case is part of the reason for this. There were 12 people prosecuted as perpetrators and 19 victims⁵⁰.

⁴⁸ As quoted by the CBC and found accessed via The Huffington Post, in 'Hungarian Roma Refugee Claimants Targeted In CBSA Report' http://www.huffingtonpost.ca/2012/10/17/roma-canada-hungary-refugees_n_1975320.html (accessed April 25, 2013)

⁴⁹ Project SARA

⁵⁰ Ibid. pp19

There is one other case that is referred to in the report, although it is not clear if this is on-going, and allusions are made without evidence that there are more cases but that the lack of appropriate language skills 'may be preventing victims of other traffickers from coming forward'⁵¹. This is a perfectly reasonable assumption but with evidence lacking, it is unreasonable to assume that this is the occurring in all, many or a majority of cases.

Another question of the report concerns petty criminal activities of Hungarian-Roma who had been granted asylum and were living in Canada. It must be seen not only in the context of the errors of this report but also in the context of migration. According to Project SARA there is 'a significant risk of criminal activity' among this group of refugees in Canada⁵². The report takes 304 individuals who 'list Hungary as their place of birth' and who were incarcerated in a given period. But there is no reference to what percentage of the total number of Hungarians living in Canada or other numbers of people incarcerated. This is a meaningless figure and no effort is made to contextualise this or justify the lack of contextualisation. Several figures follow based on this group of 304 people but the relevance at of examining this is dubious.

One of those figures is that 187 of those made claims for refugee status. From that number it is claimed that 9% of those had criminal records prior to arriving in Hungary. This means 17 people. Given that there were more than 4,000 claims in 2010 alone, it seems quite ridiculous to make inference about such an insignificant proportion of the population. Nevertheless, despite any evidence, the report goes further to state 'Given the limitations of available information, the amount of criminal activity occurring outside of Canada, amongst these individuals, could be significantly larger'⁵³. Perhaps the fact that this 'could be' something of significance is the reason why the CBSA focused on this information, but it would be very difficult to argue that because there 'could be' significant numbers of petty crime among

⁵¹ Ibid. pp36

⁵² Ibid. pp35

⁵³ Ibid. pp38

people who have made refugee applications that therefore they 'should be' considered to be 'bogus' claims.

Yet, supposing that this 'could be' is relevant, when this is taken into the context of poverty and migration, this can be seen more as a problem of the fact that these are particularly poor and unskilled people who arrive but that this does not equate to there being any criminal activity associated with their claims for asylum. Similar to other migrations trends, the more recent waves of migration saw a more economically deprived social strata of the Hungarian Roma applying for refugee status. This is in line with normal patterns of migration whereby if members of a certain community migrate successfully, this in itself forms part of a 'pull' factor for others to follow. Part of the reason why this underclass of a certain social group is able to deem it appropriate to migrate is because of the success that other members of that social group had previously experienced, so they have more to risk, but at the same time, more to gain from the migration. This is the product of basic cost-benefits analysis of the individuals who choose to apply for asylum because the perceived risk lessens with the passage of time and the corresponding observance of the relative success of the previous group of migrants.

This become more salient when we see this in the context of the nexus between economic migrants and refugees as this is always the question with refugees. While not all economic migrants are refugees, in a sense, most refugees who appeal to Western nations are economic migrants as well as being refugees. A belief in the improvement of social status may not be the only, or the most important motivation factor in seeking asylum but it will be an element of the desirability to relocate and to relocate specifically to the West. There is nothing illegal about this and nothing to question in their applications just because they are also aware of the economic benefits of living in a safe and prosperous Western nation. Yet this report makes a

variety of statements that conflate an awareness of this with a 'manipulation'⁵⁴ and 'exploitation'⁵⁵. Why were these words used? Why could not other words have sufficed, such as 'using' and 'applying' within the system? There is no explanation in the report about why these words are chosen. To be aware that Canada is wealthier and one is more a place to find work and receive benefits does not equate to manipulation and/or exploitation, it is just a very simple fact about the world that probably most people in world are aware of. The evidence given of this is another dubious statement that the Roma are 'solely opportunistic and have identified an exploitable weakness in Canada's generosity'⁵⁶. Perhaps the report makes the equation of the exploitability of the system to the apparent fact of it, but there is no evidence given.

Addressing specifically this 9% of petty criminal activity, there appears to be an ignorance of the fact that this underclass might not have much work potential and may be more inclined towards theft. This is not to suggest this as a requirement, but rather as the sociological fact that people who have less employment will have higher rates of crime. This does not make their refugee claim however bogus. The claim is still, in this way, legitimate. How Project SARA makes this association is finessed and highly dubious. But it is the more the fact that this is the only report into the apparent criminality of the Roma in Canada and referred to albeit often indirectly, without the reference to these highly relevant details. These details would show otherwise that there is actually only limited criminality amongst the Hungarian Roma refugee population in Canada, but still one that is incomprehensible because it is not contextualized in comparison with other ethnic groups. Even still, supposing that this evidence was there, excluding the human trafficking case, incidents of petty-crime once

⁵⁴ Ibid. pp37

⁵⁵ Ibid. pp30

⁵⁶ Ibid.

living in Canada can reflect only that coming to terms with life in Canada. It does not reflect their *means* of arriving.

The Poster Campaign

This refers to the posters which the Canadian government produced and distributed in Hungary in the weeks following the implementation of the new law. They were administered in Miskolc, a city in the North-East of Hungary where various figures estimate around 40% of Canadian refugee claimants arrive from. “We will send you back faster” is the tag-line of the posters and refers to the fact that with the law changes there will be faster processing times now in that those who are not legitimate refugees will be sent back 'faster' than such had been the case before the law change. While there are accusations from liberal intellectuals in Hungary, specifically Tamás Gáspár Miklós who likened this to being 'arrogant' or 'high-handed'⁵⁷, it is not uncommon for a state's actions to be described in similar ways or for that matter for this to be necessarily problematic. Canadian critics have suggested that this may incite hate crime and hate speech, or perhaps fuel further the poor relations between the Roma community in Miskolc and the municipal government under hard-right Fidesz party leader Akos Krizsa and the community itself⁵⁸. Yet there is presently no research to suggest that this is the case but indeed probably there would be a lasting negative effect on the community. While probably damaging for the return of the unsuccessful refugee applicants from Canada back to the city, this is not the question of this thesis. More illuminating here is a discursive analysis which, following from the Discourse Historical

⁵⁷ Tamás Gáspár Miklós, 'Over Securitization in Canada', *HVG* January 14, 2013,

⁵⁸ Young, Judy Drach, Feb 2013 'The Roma of Hungary: A Canadian View', *Hungarian Spectrum*, 2013

Approach, examines the context in relation to a text. Of particular relevance here is the 'frame' of the relevant text which is the reason why it was produced and its relation to an event⁵⁹. As we will see, this is something that can be described as a form of 'collective deterrence'⁶⁰ where governments treat asylum seekers as harshly as they treat potential immigrants.

This context presents an unusual case of a receiving country communicating directly with the potential asylum-seekers. The important factors here are that this took place on Hungarian soil and not within the borders of Canada, and the necessity of the use of Hungarian language. While this was the communication of the Canadian government appropriated by the Canadian Embassy in Budapest, there were no Canadian journalists to report this. Secondly this comes with a barrier by the requirement of a translation. Obviously Hungarian is the mother language and probably only language of the potential asylum-seekers, but is not a language of the Canadian public. In this way, not only was this communication physically removed from the eye of the Canadian public, but also distanced by the language used. Therefore, this removed or at least lessened the need of the Canadian government to deal with a domestic response and potential political backlash.

In the 1990s there was change to the types of immigrants arriving in Western nations because of the change in the global structure following the break-up of the Communist States. Scholarly debates then spearheaded in the direction of trying to understand the rights, abilities and normative judgments that these states could and should morally act around concerning the different types of people and their different reasons for movement. Freeman argued that

⁵⁹ Wodak, Ruth, 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks, CA: Sage

⁶⁰ Hathaway, James, 1992, 'The Conundrum of Refugee Protection in Canada: From Control to Compliance to Collective Deterrence,' in *Refugees and the Asylum Dilemma in the West*, ed. Gil Loescher, University Park: Pennsylvania State University Press

despite greater movements of people across international borders, often illegally, states both maintain sovereignty over immigration and their borders and that this was morally justified⁶¹. While this seems obvious now, this had not always been so clear following the globalization and transnational citizenship concerns and in some cases celebrations that have appeared over the last 20 years. Joppke reiterated on these assertions, reaffirming that indeed 'the capacity of states to control immigration has not diminished but increased'⁶². While speaking mostly of immigrants arriving via family reunification, he is also discussing state responses to asylum-seekers. Elaborating specifically on asylum seekers, he states that there are two forces, popular sovereignty verses the protection of human rights which effect the way that Western liberal-democratic states respond to asylum-seekers⁶³. The main effect that he outlines is that of domestic politics, that even though states do retain unlimited sovereignty over their borders, that which hinders the ability to refuse unwanted immigration is domestic politics. Seen in this way this left a space for the Canadian government to make this bizarre policy step which would and could otherwise be seen by the humanitarian side of the electorate as trying to scare potential refugees away from applying for asylum. This is reminiscent of a much earlier critiques of the Canadian government's policy on refugees by Hathaway in 1992⁶⁴. Hathaway describes specifically the Canadian governments' attempts at the deterrence of refugees by making them prove their eligibility in a way that is similar to immigrants as well as prove their well founded fear of persecution. Seen in this way, this poster campaign in a foreign language which is targeted at a unwelcome and highly discriminated minority makes a kind of ease of escape for the Canadian government. They

⁶¹ Freeman, Gary, 1995, 'Can Liberal States Control Unwanted Migration?', *Annals of the American Academy of Political and Social Science*, 22 (1), pp 534

⁶² Joppke, Christian, 1998, 'Why Liberal States Accept Unwanted Immigration', *World Politics*, 50 (2)

⁶³ Joppke, Christian, 1997, 'Asylum and State Sovereignty', *Comparative Political Studies*, 1 (3)

⁶⁴ Hathaway, James, 1992, 'The Conundrum of Refugee Protection in Canada: From Control to Compliance to Collective Deterrence,' in *Refugees and the Asylum Dilemma in the West*, ed. Gil Loescher, University Park: Pennsylvania State University Press

are able to target their audience with a policy of 'collective deterrence' whilst minimizing any further negative political backlash as this is undertaken offshore and in another language. However, while this is context allowed for an exploitation of this political utility, it should not either be overstated in importance. An unusual act out of the voting-public's eye that is for sure but the law change had already occurred. Perhaps, although again impossible to prove, the best utility that this had was that it would not prove the law change futile – by informing the people concerned that they would not have any chance of being accepted as refugees despite the fact that they did have reason to believe previously that they could, meant that the Canadian government could actually mobilize into their deterrent policy the very population it was trying to exclude.

Immigration Minister Kenney

Jason Kenney was originally elected to the Canadian House of Commons in 1997 as a member of the Reform Party, a self-declared populist party⁶⁵ for the Calgary West riding of Jeanne-Mance-Viger in Alberta, traditionally Canada's most conservative Province. This party then become the Alliance Party from 2000-2003 until it merged with the Progressive Conservative Party to become the Conservative Party of Canada which now holds government. Kenney has held the post for the Minister for Citizenship, Immigration and Multiculturalism⁶⁶ since October 20th 2008 and has in that time tried to implement this bill C-31.

⁶⁵ Laycock, Diana., 1994, 'Reforming Canadian Democracy? Institutions and Ideology in the Reform Party Project', *Canadian Journal of Political Science*, 27 (2)

⁶⁶ Here referred to simply as Immigration.

He has made several addresses to Parliament in this period concerning the tabling of this Bill and numerous press statements. He has attended some high profile community and diplomatic appearances namely the Community Centre in Toronto and to three European nations of which the main focus was Hungary where he spent 1 week visiting with members of the Roma community and Hungarian state officials. There are hundreds of articles published detailing Kenney's words and actions over this issue which are too numerous to analyze individually here. However, there are several trends which examination of his political speech acts reveal when they are seen in a comparative context. The words that Kenney uses when talking to the press differ slightly but significantly as this analysis will show, to those he uses when addressing Parliament and the Committee meetings. Examination of these words and contexts will be the purpose of the proceeding section.

The use of 'bogus'

Dealing firstly with how Kenney describes the issue of the apparent need to reform refugee law in Canada he makes very careful use of both the word 'bogus' and of the way he describes Hungarian asylum seekers. In these formal contexts it is most glaring that he specifically does *not* use this word to describe the Hungarian Roma but rather associating it only with EU nationals in general. On May 17th 2012 during debate on this issue in the House of Commons he stated 'since June 2010, there has been a huge increase in *bogus* refugee claims in Canada, particularly by EU nationals⁶⁷'. This same pattern was also used at an earlier news conference on February 16, 2012, 'The growing number of *bogus* claims from European Union democracies is only exacerbating the problem⁶⁸'.

⁶⁷ Canadian Government, House of Commons, May 17 (emphasis added)

⁶⁸ Speaking notes for The Honourable Jason Kenney, P.C., M.P. Minister of Citizenship, Immigration and Multiculturalism, At a news conference following the tabling of Bill C-31, *Protecting Canada's Immigration System Act*, Ottawa, February 16, 2012

This raises a question about why he would use the term EU and not Hungary as it is clearly not an EU question, but is a question about Hungarian nationals. The use of EU would perhaps have been justified if it also encompassed the Czech citizens, who previously had high rates of applications for refugee status to Canada. It was no longer the case because in July 2009 Kenney's department of Immigration reinstated the visa requirements for Czech citizens⁶⁹ which saw immediately following that there were no longer any claims from Czech citizens, nor any other European member states with the sole exception of Hungary. As such, the use of this word 'bogus' is attached to the EU, when it literally means Hungary.

The use of this word in this way then needs to be seen in the light of the democratic label that becomes associated with the EU as compared specifically to Hungary. It is simply easier to argue that the EU is democratic, than it is to argue that Hungary is. As shown in chapter one, since the widespread violence against Roma in 2008-9 and following the series of law changes that the Hungarian government has undertaken, the democratic reputation of Hungary has been in tatters. As such, it would be much less convincing for Kenney to say there has been a huge increase in bogus refugee claims in Canada by Hungarian Roma. It would immediately arouse suspicion and create the need for the Immigration department to categorically defend the treatment of this specific group of refugees by the Hungarian state. In this case, it would be much more difficult. It is simply easier to revert to an allusion to this group without actually having to state it. When seen in the light of the use of the EU as functioning as a label, this can be shown to relate to several of the false argumentation schemes outlined by Wodak, but namely coming to a topos of definition.

As discussed earlier, a topos is a fallacious argumentation scheme whereby certain linguistic tools are utilized in order to falsely declare a certain meaning of a specific phenomena.

⁶⁹ Canadian Government, CIC, New Release: Canada Imposes a Visa on the Czech Republic, July 13, 2009

Actors use it to convince people to their way of thinking by reaching an unjustified conclusion by confusing, deliberately, the meaning of words. As Van Dijk says, 'one of the discursive implications of the use of topoi is that they need not be defended'⁷⁰ so that each topos used in political action will guide the passive actor in communication to a 'conclusion'⁷¹ to which they would otherwise not necessarily reach. In this case, the conclusion rule of the topos of definition in this case is that when a group of people are called X, in this case EU nationals, 'then they carry or should carry the qualities/trait/attributes'⁷² of the EU. In this case this guides the listener to the conclusion that they are from democracies which do not produce refugees, therefore the claims are 'bogus'.

Kenney does, however, attach the word bogus in reference to a different nationality, in this case actually only one person. He does this when describing someone who claimed they were Somali, but was rejected under the belief that he was not Somali⁷³. Importantly, this person did not make a claim for asylum in Canada. Rather according to Minister Kenney this person made his unsuccessful claims in the US, Australia and the UK and had nothing to do with the Canadian system. The use of 'bogus' in this context allows Kenney to use this word in the formal context and in the context of the Bill C-31. This represents a 'topos of reality' in this case. As the existence of a certain reality, in this case the reality that there is a Somalian 'bogus' refugee applying for asylum to other states has changed in a problematic way, therefore the current refugee law 'no longer fits' and 'therefore the law must be changed'⁷⁴. This represents a fallacious argument in that just because this can happen does not necessarily justify a law change. This is best understood, however, by explaining that this is also at

⁷⁰ Van Dijk, Teun, 2001, in 'Ideology and Discourse' in Wodak, Ruth, 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks, CA: Sage pp53

⁷¹ Wodak, Ruth, 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks, CA: Sage

⁷² Ibid. pp75

⁷³ See <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5479680&Language=E>, Tuesday March 27, Standing Committee, "We already have an information-sharing agreement that has helped to identify, for example, *bogus* asylum claimants. In one case, there was a Somali national who made failed refugee claims in Australia and the U.S. and then showed up in the U.K. trying to make a third claim." (accessed April, 2013)

⁷⁴ Wodak, Ruth, 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks, CA: Sage, pp 76

coupled with a 'topos of numbers' at play also. The conclusion rule for a topos of numbers is that given that a majority of the time things happen in a certain way, therefore actions should be arranged according to that majority need. Here, there is only one individual in a very unusual case, but this is referred to as an example. To refer to this as an example is to suggest that there are others like it, but we know only, in theory, of this 'one case'⁷⁵.

In using the word 'bogus' in reference to the Somalian, he is able to put this into the political debate with much greater ease than he can with saying 'bogus' regarding the Hungarian Roma asylum seekers. This needs to be seen in light of the fact that an proven reference to Hungarian asylum seekers as being 'bogus' will be refuted in Parliament. Peter Showler refuted clearly against the use of this word in association with the Hungarian Roma asylum seekers under the exact reasons discussed in Chapter one that it is impossible to have a 'bogus' claim. On April 30th 2012 Showler made the following statement:

If someone's claim is refused, it does not necessarily mean they're bogus. They may very well have come to Canada with the belief that they're refugees and genuinely seeking protection, but in actuality they're refused⁷⁶.

With Showler ready and able to refute any accusations then made by the Canadian government about the the 'bogus'-ness of these claims, perhaps this was the reason for Kenney's caution. Perhaps simply it is wise to be cautious when making such statements and perhaps with the use of various argumentation schemes it is not necessary. As the use of the word attached to a Somalian, a nationality which is irrelevant in the law change ,what this shows perhaps it is done so because it is much easier to attach the 'criminal' 'fraudulent' and 'illegitimate' associations that come with the meaning of the word 'bogus' to one from Somalia. It is an isolated case in which the identity and whereabouts of the individual in

⁷⁵ See reference note 73.

⁷⁶ Canadian Government, Canadian House of Commons Committees – CIMM (41-1), Monday April 30 2012

question are unknown and so clearly it is easier to attach to this than it is to attach it to the Hungarian Roma.

Seen in the context of how he talks to the press about this issue, what this allows is for Kenney to continue his argumentation scheme which incorporates a 'topos of justice' and at times other topoi, in order to legitimise his stance. Referring again to what is mentioned in Chapter One of Herman and Chomsky, the high frequency is the contribution of a pattern of a 'legitimising strategy', where if something is repeated enough times it comes to be seen as reality.

In his press conference on that same day, Kenney not only frequently uses the word 'bogus' but also incorporates another word laden with accusations and a familiar one when discussing the Roma, that of 'criminal'.

'But, if you intend to come here as a criminal or to abuse our generosity, you will be stopped or you will be returned promptly.'⁷⁷

Turning first to the use of the word bogus, eight times he uses it with phrases like 'The growing number of *bogus* claims from European Union democracies is only exacerbating the problem'⁷⁸ and 'our generous asylum system has been abused by too many people making *bogus* refugee claims'⁷⁹. It is important to note the lack of any explicit reference here either to the Hungarian Roma. Yet by using the word 'criminal' he manages to switch the tone of the article to one of danger or of threat, which Wodak describes as one of the most common and

⁷⁷ Canadian Government via Jason Kenney, At a news conference following the tabling of Bill C-31, *Protecting Canada's Immigration System Act*, Ottawa, February 16, 2012

⁷⁸ Ibid.

⁷⁹ Ibid.

useful ways to discuss border issues particularly concerning refugees, which is a 'topos of danger or threat' by using the word 'criminal' three times in the same conference⁸⁰.

This topos of danger is described as if a certain action will be dangerous or there will be threatening consequences, then it should not be done. In this case this refers to a specific topos of criminality, one which carries the argumentation scheme that the majority population is at risk of being victims of crime unless appropriate action is taken. This crime is usually presented by the Canadian government as financial, in that the form of welfare crime seen here as stated by Kenney on December 14, 2012 in a Parliamentary address:

'Failed EU claimants are able to spend years in Canada at great expense to our taxpayers, receiving free health care, welfare, education and other social benefits⁸¹.

This is the most reason cited by Kenney. It suggests that the Hungarian Roma are criminals but does so without any reference to 'the Roma' or Hungary. As this thesis will show in chapter four which analyses the way the media have responded to Kenney this is a powerful tool of argumentation. By using also the words 'failed' and 'EU' in this context conflates important aspects of this issue in that this statement does not take into consideration the fact that there is no conclusive evidence that although asylum seekers are *able* to receive this insurance it does not mean that this is the *reason* why they seek asylum. As discussed earlier, the Roma would probably be aware of this situation in Canada as would most people in the world.

Seen in this way the Minister can be seen to be involved in a process of justification.

While there is nothing unusual about a politician making attempts at justifying their

⁸⁰ Ibid. Seen here in 'But, if you intend to come here as a criminal or to abuse our generosity, you will be stopped or you will be returned promptly.'

⁸¹ Canadian Government via Jason Kenney, At a news conference to announce the initial list of Designated Safe Countries, Ottawa, December 14, 2012

policy statements and actions, the above discursive analysis of his argumentation scheme shows that this involves the deliberate subversion of certain factors and the deliberate highlighting of others. While it is beyond the scope of this thesis to conclude what this means for the Roma or for Canadian refugee law, there is a clear misrepresentation of the issue at hand. As the next chapter will discuss, this is because of the malleability of the Roma as a group to misrepresent. To be clear this thesis does not contend that according to the UN Convention that this group of people are refugees. Yet the Hungarian democratic standards might warrant in fact Hungary being specifically excluded from this 'safe country' list. Kenney is able to remove this question from the debate however by constantly making references to EU states instead of Hungary. This then guides the media and from there obviously public opinion. Yet by never saying the word 'Hungary' in this context is is able to remove the focus from that state and focus instead on the fact that these claims are unfounded. That they are 'bogus' though remains unproven.

Chapter 3 The Roma in Hungary

Introduction

To understand the Canadian representation of the Roma in the media requires some explanation of the Hungarian context of the representation of the Roma in the media. This is not to say that exactly the same types of representation have occurred in Canada and Hungary, indeed in the next chapter I will show that they have not, but because stereotypes are both malleable and durable the way that this stereotype has been constructed in the Canadian context has some sociological significance. Mainly this is seen strangely in the official discourse as discussed in Chapter Two but can also be seen by the framing of this issue in the media, which will be part of the focus of the following chapters. This media representation of the Roma in Hungary has been the subject of a great deal of concern and social inquiry in the last decade because the nature of this has been highly discriminatory and now has reached a point where it has become synonymous with the invented term 'gypsy-crime'. How this term is related to the Hungarian political sphere is startling and an important chapter of how this criminality element can be so easily picked up on in the Canadian context.

The recent publication of the book *The Gypsy 'Menace'* discusses how this issue of Roma criminality has become the 'single-issue' of the far right party Jobbik⁸². As discussed in Chapter Two, the significance of the fact that the Jobbik party centres on the criminality of the Roma is crucial to understanding the political landscape, but also it in regards to the depiction of the Roma in the media. Without devoting too much attention here the reasons of how and why Jobbik have come to this political platform, it is necessary to see this in the

⁸² Stewart, Michael, 2012. *The Gypsy 'Menace': Populism and the New Anti-Gypsy Politics*, London: Hurst

perspective of social issues related to this, as without having a social friction of some kind there would be nothing for Jobbik to appeal to. This has not occurred in a vacuum but rather in a historical process of ethnic discrimination and group identifications which effect in turn the way that Roma are represented in the media.

The fact that the Roma in question here are from Hungary where Jobbik holds seats in parliament is a significant factor which makes for a very different media and political context. While the current Canadian government is more to the political right than the previous Liberal Party which held power for the proceeding eight years, the Harper-lead coalition government it is still a relatively centrist political party in Western liberal-democratic comparisons. It is albeit more conservative and tougher on immigration than is usually expected of Canadian governments⁸³. As detailed in Chapter Two there are several suspicious statements made by Minister Jason Kenney, the use and details of the Project SARA report are highly dubious used and project exclusionary argumentation schemes, this is significantly different to the Hungarian media portrayal of the Roma and the political landscape. Yet still there are some similarities in the types of portrayals used, sometimes of the argumentation schemes. Firstly, in order to grasp this difference it is important to understand the historical context of the portrayal of the Roma in the Hungarian media. When this is seen in the light of the highly malleable and liminal nature of the image of the 'refugee'⁸⁴, the representation of the Roma in Canada takes a darker and both familiar and groundbreaking path where the similarity of contextual vulnerability makes a connection between 'criminality' and 'bogus' whilst taking advantage of the extent the Roma's marginalization.

⁸³ Dyck, Ryan, 2012, *Canadian Politics*, Nelson Education: Toronto

⁸⁴ Malkki, Liisa., 1995, *Purity and Exile: violence, memory, and national cosmology among Hutu refugees in Tanzania*, Chicago: University of Chicago Press

Roma as an 'Underclass'

Ethnic inequality in Central Europe has seen the widespread construction of the Roma minority as an inferior racial and ethnic group⁸⁵. This began prior to the fall of communism, where there was somewhat of a schizophrenic recognition and subsequent de-recognition of the Roma as an ethnic group depending on what was politically advantageous at the time. Under communism there was the need of the regime need to treat class rather than ethnicity as the ultimate struggle, as such any racial associations were subverted. Nevertheless, at the fall of communism there was already the view of Roma in the Central European region as a separate ethnic group from the majority populations.

This concept of 'underclass' can help explain how certain cultural characteristics can be attributed to a group with the ideological power of biological racism but by using different terms. This 'underclass' notion is best understood and originated from the American context where in the United States the term eventually became equated with Black Americans⁸⁶. Partly this resulted from confusion as the fact that poverty and race or ethnicity overlap and are even mutually supportive but are importantly not synonyms. In light of the fact that social disadvantage is reproduced with similar disadvantage over the following generations, this adds a confusion between the ideas of 'intergenerational' and 'hereditary'. The conceptual meaning of 'intergenerational' and 'hereditary' is not usually dissected but is rather instead turned into a racial category⁸⁷, not just a social class but one that has attributes of biological racism.

⁸⁵ Kemény, I., (ed.), 2005, *Roma in Hungary*, New York: Columbia University Press

⁸⁶ Gans, Herbert., 1995, *War Against the Poor*, New York: Basic Books

⁸⁷ Ibid.

A better way to understand this 'intergenerational' aspect of poverty is one which describes certain coping mechanism behaviors that poor people share⁸⁸. For the majority of Roma who are poor, this radicalized, 'hereditary', 'biological' label is one which underscores the lifelong process of ethnic discrimination. What this process indicates is that educational and other systemic inequalities are not merely confined to ethnic divisions, but are related to poverty. While then obviously not a real ethnic category, like all ethnic category are not 'real' term, 'Roma' is useful as a term of analysis long as the 'Roma' people are ethnicised by society and the term is activated by those in power and majority.

Stewart indicates that the way that Roma are treated by the local governments are affecting this tension. He discusses this in connection with Zolnay's analysis of the local government powers in the post-socialist context. Zolnay's work *Abusive Language and Discriminatory Measure in Hungarian Local Policy* is instrumental for the sociologist of Hungarian issues in illuminating the relationship between exclusion and local government powers as a result of the break-up of state power following the collapse of socialism⁸⁹. This perspective offers key insight into how local anti-Gypsy movements are able to exist, grow, incite and even be in control at the local, personal and therefore immediate level yet still be informed by national rhetorics, issues and opinions.

This argument is also supported by Messing's later work in *Inter-ethnic Conflicts and the Media* in 2005 which is a more socio-political analysis of the relationship between the media and ethnic conflict in Hungary which shows this link between media representation and the exacerbation of conflicts⁹⁰. What Stewart and Messing touch on in this way of connecting the

⁸⁸ Lewis, Oscar, 1968, 'The Culture of Poverty', *On understanding Poverty*, New York: Basic Books

⁸⁹ Zolnay, Janos., 'Abusive Language and Discriminatory Measures in Hungarian Local Policy', in Stewart, Michael, 2012. *The Gypsy 'Menace': Populism and the New Anti-Gypsy Politics*, London: Hurst

⁹⁰ Messing, Vera, 2005, 'Inter-ethnic Conflicts and the Media' in Neményi, M., and Szalai J., (Eds.), *Kisebbségek kisebbsége. A magyarországi cigányok emberi és politikai jogai / Minority of Minorities: Political and Human Rights of the Hungarian Gypsies*, Budapest, Új Mandátum Könyvkiadó

emergence of Jobbik to the social situation is the concept of how the abject poverty affects the social life to the point of social exclusion. This cannot be understood however out of the context of the media representations in the media and the political support for far-right Jobbik, but rather all of these aspects intersect on each other.

In understanding how the two processes of discrimination and exclusion operate together as well as how they contribute to and are also underscored by identification with the term 'Gypsy' or Roma, recent anthropological studies in Hungary are fruitful guides. The field work of Horváth and Kovai in *Silencing and Naming the Difference*⁹¹ indicates a circular link between discrimination and identification. Following the collapse of socialism and the disappearance of many social taboos, the non-Roma Hungarian population found themselves able to actually name a 'Gypsy'. This open discussion of what and who a 'Gypsy' is and what meanings may be attached to this was relatively silenced under the socialist regime. This new 'naming' then corresponded with the Gypsies themselves increasingly identifying with this term. This was a direct result of both the negative associations attached to the term coupled with a difficult experience of integration and assimilation into the locality under the new system of governance. The term for both the non-Roma and the Roma community meant something derogatory, yet still it offered a space for the Roma outside of the mainstream, a space they deemed to be 'safe' from this persecution. 'Gypsy' was identified to precisely because it was delineated from the mainstream and so became, on an emotional level a worthwhile identification project⁹². The study is shows that when discussing Roma exclusion, identification and stereotypes that the discrimination attached to the 'Roma' has lead Roma to identify with it more than they would have otherwise without the negative stereotypes. What this reveals is the overlapping nature of what it means to be a Gypsy; the

⁹¹ Horváth, Kata., Kovai, Csilla., 2012, 'Silencing and Naming the Difference', in Stewart, Michael, 2012. *The Gypsy 'Menace': Populism and the New Anti-Gypsy Politics*, London: Hurst

⁹² Ibid.

negative associations or stereotypes and the negative *experiences* associated with it, or rather experience of poverty⁹³.

Without making any moral judgments or normative arguments about the Roma or even descriptive notions, framing discrimination and poverty together helps to see how both of these can co-exist and reinforce each other rather than being analytically distracted by trying to dissemble one as a cause or another as fictitious and baseless. This is the essence of Lewis's thesis, and when seen in the light of media portrayals and identification processes, the *Culture of Poverty* helps to explain this confusion between 'hereditary' and 'biological'. By discussing how those groups which experience discrimination as well as conditions of poverty which comes attached to various social ills including unemployment, substandard and unstable living conditions, limited educational opportunities, the Roma find themselves stuck in a kind of cycle⁹⁴.

Lacking a Kin-state

The 'vicious cycle of poverty and exclusion'⁹⁵ in which the Roma of Central Europe are trapped must also be explained in terms of citizenship because the Roma have no kin-state. While sometimes other national minority groups have kin-states to defend them if discrimination becomes a serious problem or merely to be a pressure force to avoid this, the Roma do not. Jackson Preece in an account of minority and kin-state relations in Europe basically describes the case of European minority protection law being one inherently

⁹³ Ibid.

⁹⁴ Lewis, Oscar, 1968, 'The Culture of Poverty', *On understanding Poverty*, New York: Basic Books, 1968

⁹⁵ Ringold, Dean., 2000, *Roma in Transition in Central Europe*, The World Bank, pp vii

bound by kin-state operations⁹⁶. Those minorities that have a kin-state are fundamentally better equipped to handle any issues of discrimination because they have leverage⁹⁷. The Roma obviously lack this advantage.

Brubaker puts this in a terms which see these such minorites as suffering further from the increasing importance of national belonging, where again the Roma effectively loose-out in this scenario. He states:

'the politics of citizenship *in* the nation-state can be distinguished analytically from the politics of belonging *to* the nation state, though the two are often closely linked in practice. For some marginal minority populations there is no doubt or contestation about their *substantive* membership or citizenship status ...(but rather) in these cases, the politics of belonging is...generated by various forms of social closure, discrimination, or marginalization'⁹⁸

While the Roma have full access to citizenship the level of marginalization that they experience prevents them from enjoying the full benefits of this. Similarly, as Dean describes in specific relation to the Roma in the Central European region by focusing on the 'relations between the individual and the collectivity'⁹⁹ for the different types of welfare states, these states fall under what he classifies as a conservative/corporatist type, where he describes an imbueement of national symbols with the central parties. This means that rather than the state guaranteeing equality of recognition or equality of distribution or any type of equality or equality of citizenship in regards to basic access to justice and legal treatment as it is in social democratic societies, there is instead a hierarchical relationship. This is where the state represents the majority at the top of society and minorities, particularly those lacking a kin-sate, are on the bottom¹⁰⁰.

⁹⁶ Jackson Preece, Jennifer, 1988, *National Minorities and the European Nation-State System*, Oxford, Clarendon Press

⁹⁷ Ibid.

⁹⁸ Brubaker, Rogers, 2010., 'Migration, Membership and the Nation', *Journal of Interdisciplanry History*, XII (Sumer 2010) pp64-65

⁹⁹ Dean, Harvey, 1996. 'The Culture of Poverty: An Ideological Analysis', *Sociological Perspectives*, pp 203-204

¹⁰⁰ Ibid.

Hungary and Central European states then can be seen as, as Dean writes:

'only formally inclusive in the sense that it would make extensive provision for most citizens while sustaining established notions of power'¹⁰¹.

The hierarchical position of the state and the majority in this sense is protected, whereas minorities, particularly those lacking a kin-state are on the bottom of the relationship and hence are not protected from inequality. This is a different angle which explains the way that the Roma experience discrimination. This should be seen in the light of evidence in chapter one concerning systematic discrimination in Hungary against Roma. What Brubaker and Dean reiterate here is that for Central Europe this is not in a transitional phase but that Roma are excluded and suffer inequalities as a result systematic features rather than temporary flaws as. This has important implications for understanding how the Roma are disadvantaged in Hungary and thus how this disadvantage can both be represented and misrepresented.

Roma in the Hungarian Media

Framing the role of Roma in society in this way as a group which occupies this low and defenceless position in society as a systematically marginalised group shows how poor representations and media constructions can spiral and cement. In the case of Hungary there is a variety of information on the subject not least because of the stark differences between the rhetorical climate between during and after socialism, slowly increasing in the 1990s to what exists today which is a minefield of stereotypical representations. One of the first documentation of this phenomena in 1994, Vicsek's *Images of Roma in Print*¹⁰², examines the print media representation and shows that as early as the change of regime there were

¹⁰¹ Ibid.

¹⁰² Vicsek, Lilla, 1996. *Cigánykép a sajtóban / Image of Roma in the Print*, Amaro Drom: Budapest

negative stereotypes of Roma in the media, but the amount of stories regarding Roma were both minimal and brief. Just a few years later however things had drastically changed in that the number of articles increased more than threefold and included much longer ones, usually with negative descriptions. Bernáth-Messing's *Images of Roma in the Media*¹⁰³ in 1998 is a qualitative content analysis which shows that a general increase in frequency and virility can be said to already have been occurring at this stage. This was the first in what was then to become a series of four analysis, the later ones of which I will return to momentarily.

The most significant change that occurred in the discursive representation of Roma in Hungary was following another political event, one of both less significance to the actual political arrangement but one which saw the firm establishment of the Roma as the victim of negative media portrayals. In the Autumn of 2006 a series of unconnected events came to be construed by the far-right and some media outlets as evidence that there is a very serious 'Gypsy problem' in Hungary. Since then the most common category used when discussing issues related to the Roma is that in a criminal context¹⁰⁴. This is so much so that 'Gypsy criminality' has according to Juhász, become a 'symbol of 'truth''¹⁰⁵. Juhász states that since the Cozma killing demonstration in 2008 this term has become so pervasive that even attempts at trying to stop it are contributing to its solidification in the discourse as it is repeatedly used¹⁰⁶. Juhász discusses too that while there is only one party that uses this term openly, Jobbik, the other major parties, particularly the ruling party Fidesz, only object to the use of the term but do not object to the 'truth' of the statements behind it. In this way he

¹⁰³ Bernáth-Messing, Vera, 1998, *Romák a magyarországi médiában / Roma depictions in the Hungarian Media*, National and Ethnic Minority Office: Budapest

¹⁰⁴ Juhász, Adam, 2012. 'A "cigánybűnözés" mint az "igazság" szimbóluma / 'Gypsy criminality' as the Symbol of 'Truth'', In *AnBlok*: Budapest

¹⁰⁵ Ibid.

¹⁰⁶ The Cozma killing refers to the incident where a group of people who identify as Roma attacked members of a handball team in the town Veszprém in Western Hungary resulting in the death of one of the non-Roma identified team members.

suggests that the greater political context is also shaped by the way that Jobbik uses this term¹⁰⁷.

This argument is also supported by Messing's more socio-political analysis of the relationship between the media and ethnic conflict in Hungary produced in 2005. Here Messing shows a link between media representation and the exacerbation of inter-ethnic conflicts¹⁰⁸. Messing clearly iterates a discursive connection to the politics of the right-wing. When this is seen then in the light of Stewart's connection between the emergence of Jobbik to the social context, what this indicates is how abject poverty, coupled with the negative media portrayals has an affect on the level of social exclusion. Now with the growth of Jobbik since the publication this has intensified, which Messing's latest work on the portrayal of Roma in the Hungarian media details. Published in 2013 the article titled '*Pushed to the Edge*' argues that change has taken place in regards to the social environment which is 'beyond the sphere of politics, at broader social levels'¹⁰⁹. This is result of the recently found political success of Jobbik, which 'may imply a kind of transformation, as a result of which certain social norms have been suspended and rewritten at broader social levels'¹¹⁰. As such we can see how all three of these aspects, media representation, abject poverty and social exclusion intersect on each other and cannot be analysed separately.

What '*Pushed to the Edge*' intends to show is that there is the cementation of Roma to the 'edge' of political discourse, but nonetheless cemented there as a place of criminal behavior. This report takes a thorough analysis of various media forms and connects this to the problem of the fact that political correctness is now a swear word. Messing analyses this in connection with the dominance of the extreme right-wing rhetoric, which is 'an

¹⁰⁷ See note 104.

¹⁰⁸ See note 103.

¹⁰⁹ Messing, Vera and Bernath, Gabor, 2013, '*Pushed to the Edge: Research Report on the Representation of the Roma Communities in the Hungarian Mainstream Media, 2011*' *Centre for Policy Studies CEU*, 2013

¹¹⁰ Ibid.

unprecedented degree of criminality, commonly employed practices of insinuation and implication, and a host of ready-made truths in the media representations of Roma'¹¹¹. This being the most recent source on the portrayal of the Roma in the Hungarian media is telling in that that the only thing that has changed over the last decade is that this negative portrayal has intensified and cemented itself.

While a detailed analysis of the Hungarian media on this specific issue is not the project of this thesis, this particular issue also has been referenced within this same frame as Messing discusses. In order to exemplify this point, I have selected two examples on this issue from the major daily newspapers in Hungary. I have chosen these two newspapers because according to have written published several pieces on this issue. There are two newspapers in Hungary which are connected each with the respective political 'left' and political 'right'¹¹². Taking just one example from each political leaning examples from the major daily newspapers of both the left and the right sides of the political spectrum can illuminate this point. This is not to contend that this is in anyway a media analysis but it is useful to illustrate how the media bias in Hungary operates and presents this issue as an example.

In *Magyar Nemzet*, which is associated with the ruling party Fidesz, on January 30, 2013 an article was printed titled '*There is 'Gypsy-crime' in Canada*'¹¹³. This article is interested primarily in arguing that 'Gypsy-crime' is real and therefore a legitimate term to have used and worthwhile to continue to use. As evidenced by the title is comprised of two incoherencies, in both cases due to the lack of deconstruction of aspects of what is related to the meaning associated with 'Gypsy'. Here Brubaker's concept of an essentialist group claim,

¹¹¹ Ibid. pp46

¹¹² BudaPost, *Hungarian Press Review*, <http://budapost.eu/nepszabadsag/>; BudaPost, *Hungarian Press Review*, <http://budapost.eu/magyar-nemzet/>

¹¹³ *Magyar Nemzet* on January 2013 by Rakozsi Peter titled '*There is 'Gypsy-crime' in Canada*' <http://mno.hu/celpontblog/van-ciganybunozes-kanadaban-1135009> (accessed May 2013)

in this case by non-group members, functions to generalize criminal activity¹¹⁴. This is not to refute that there is surely criminal activity among those who are identified as Roma, like there is by any type of group, especially regarding a socially excluded highly impoverished socio-demographic. However, this type of essentialisation seeks largely without critique to claim that all Gypsies are criminal. The conclusion is that if there are Roma who are not criminals this is irrelevant because they can perhaps be at any time and so should be treated with the relevant suspicion. This criminality is itself the other inconsistency, because this is a recently invented term, however has become common place in Hungary over the past few years. This article makes use of an incoherent discussion of the issue by aiming to convince people that there is both such a thing and that this is occurring.

The political 'left' newspaper, *Népszabadság* printed “Canadian Racism against Hungarian Roma” on September 23, 2012¹¹⁵. This is an example which illustrates more again Juhász's point about the danger of repeating the discourse of criminality, even if the point is to deconstruct or criticize its use. This text uses another media text of far right commercial political broadcaster Ezra Levant's comments in the same context as evidence that Canadian government official are racist against Roma. Obviously this is a fabrication, deliberately using a topos of authority in the place where there is no authority, because Levant is not a representative of the Canadian government, he has no authority to speak for the normative value of this policy. However, the language so eloquently makes this shift so that most readers would miss this. The topic of Levant's comments about the Roma was their apparent criminality, and so by framing the article in a way that this concept would even be deserving of reference is itself helping to contribute to the perpetuation of this association between Roma and criminality.

¹¹⁴ Brubaker, Rogers, 2002. ‘Ethnicity without Groups’, *European Journal of Sociology*, 43 (3)

¹¹⁵ *Népszabadság*, September 23, 2012. “Canadian Racism Against Hungarian Roma” http://nol.hu/archivum/kanada_allami_rasszizmus_a_magyar_romak_ellen (accessed May 2013)

This intensification and cementation of this 'criminality' in security studies terms amount to a securitization of the Roma¹¹⁶. The field of security studies seeks to understand how some aspects of social life are securitized and why. As Williams writes of the concept of security,

'the concept saturates contemporary societies all around the world; it litters the speeches of politicians and pundits, newspaper waves and radio waves are full of it and images of security and insecurity flash across our television screens and the internet almost constantly'¹¹⁷.

While it may refer to various fields such as peace theories and game theory, it also refers to critical theories. Here the application of the concept of securitization is part of the concept of critical theory or political discourse analysis.

Securitization in this sense refers to the references made by speech acts which construct a social group as an existential problem. This can be done by any kind of political actor with the power to affect the way other members of the non-securitized group perceive that group¹¹⁸. As recent studies indicate, when a minority group is securitized, the label is not only lasting but is irreversible¹¹⁹. While it has been argued that de-securitization of minorities is possible in theory, it is also admitted that this has never occurred¹²⁰. Once a minority group has been constructed then in this way, with this 'social security-ness' label, and is also lacking the discursive means to affect their representation in the mainstream, the label will 'stick'.

While the Roma who left Hungary sought asylum in Canada are obviously out of the social, political and therefore discursive context that created and perpetuates this securitization, the Canadian officials and to some extent media have referred to this perceived 'threat'. The response of the media then, which as we will see in the proceeding chapter, while it has to

¹¹⁶ Stewart, Michael, 2012. *The Gypsy 'Menace': Populism and the New Anti-Gypsy Politics*, London: Hurst

¹¹⁷ William, Paul., 2008, *Security Studies: An Introduction*, Abingdon: Routledge

¹¹⁸ Williams, Michael, 2003. 'Words, Images, Enemies, Securitization and International Politics', *International Studies Quarterly*, 47 (51)

¹¹⁹ Roe, Paul, 2007, 'Societal Security', *Contemporary Security Studies*, Alan Collins (Ed.), Oxford University Press: Oxford.

¹²⁰ Jutilla, Maltia, 2006., 'Desecuritizing Minority Rights: Against Determinism', *Security Dialogue*, 4 (1)

some extent been concerned with de-bunking this securitization created by the very use of the word 'bogus' as well as the Project SARA report the attempt may be in vain. When seen also in the light Juhász's argument that the very defence and discussion of the 'criminality' of the Roma contributes to the association of the term¹²¹, the Canadian media's attempts may have not just been futile but also assisted in establishing this stereotype in Canada. This is not to say that this has occurred and the social analysis required to see if this has taken effect is beyond the scope of this thesis, it is according to Roe and Juhász, possible.

¹²¹ See note 104.

Chapter Four – A Discourse Analysis of the Canadian Major Newspapers

Methodology

This media analysis will be very limited due to the space limitations. As the rhetorical means and ideological statements are the points of interest on this issue, this discursive analysis will be limited to this point. This is because the nature of the discourse is of primacy. The construction of the Roma in the Canadian context is new and as such this will be focusing on how they referred to linguistically. This rhetorical and ideological analysis will be done by the means of analyzing the most read daily newspapers in Canada, as a means of relevance.

There are hundreds of newspapers in Canada but in order for any results from the nature of the discourse to be relevant there should be some inferred effect possible, in this case from the fact that the newspapers chosen have a weekly readership of at least one million. The reason why this is a newspaper analysis is because the hypothesis is that there is a connection between the way that the newspapers in Hungary have discursively referred to the Hungarian Roma and the way that the Canadian press may have over this issue. The reasons for this hypothesis are exemplified in the previous chapter and involve the way that the Roma have been portrayed in a securitized fashion.

While recognizing that the Canadian context is different there are a few factors which when taken into consideration point to an interest here. These are that this is an ethnic minority which has no kin-state and is associated with poverty, the way that the Project SARA and the Canadian Immigration Minister Kenney regularly mentioned this group in a securitized

context, albeit in a way which was often in the context of the EU rather than specifically mentioning the Roma.

The time period in question reflects the beginning of the parliamentary debate, from February 19, 2012 and the end of the poster campaign which was in January and allowing for reflections on this, the end date is January 30, 2013. The reasons for this are that it is that one of the most compelling questions to be asked is how the media have responded to the way that Kenney has discussed and mentioned the Roma and the way that they have responded to the changes in the law. Also this issue was highly saturated in this time whereas before this it was rarely mentioned. While the issue is even still on-going, this limitation needs to be placed.

The three major daily newspapers that I am focusing on are the *Toronto Star*, *The Globe and Mail* and *The National Post*. The reasons for choosing daily newspapers is that their reporting of the issues as they unfolded was more up-to-date. Given that at various times this issue was highly saturated this is the best way to handle this issue. The discursive actor Ezra Levant will be referenced as not as a discursive actor, but rather in the way that his comments are referred to. The reasons for leaving this out of the formal analysis are because Levant's program is a different media, a TV broadcaster, and therefore a different discursive analysis is required making it within this space, incomparable to print media. Also, as his viewership is very small, while the exact numbers are unknown, this is a very new program with, at the time of his comments, very low ratings. I am also eliminating the French media for risk of there being any bias involved with the expulsions of the Roma in France. Given the connection between French Canada and the French media, this is highly possible and an analysis which takes this into account is outside of the space restrictions here.

These newspapers are also owned by different subsidiaries and have slightly different political leanings. However, as we will see, in the Canadian context this is less relevant than in other contexts, particularly when seen in the light of the Hungarian context. I have chosen a qualitative focus on the content and ideological statements and rhetorical means¹²² of these texts. The method chosen is specifically that of Jager and Maier which is based on Foucault's concepts of knowledge production. I have chosen this method because it takes a broader view of the often problematic production of knowledge and not a quantitative analysis of the use of the words¹²³. Some of the main questions that can be answered by this method are 'what is valid knowledge at a certain place and time'¹²⁴. This is relevant because of this limited time frame and because the location of this in Canada is a new space, a new contextual field for this representation. Another question that this type of analysis can purport to answer is 'what functions does it have for constituting subjects'¹²⁵ in that the functions are the connection between this social group and the word 'bogus'. The way that the Roma are constructed and or presented specifically in relation to this word 'bogus' then is the question, which sometimes may mean a critique of other certain word associations. In compiling the sources to be analyzed from these newspapers I have obviously entered certain search terms of these daily newspapers online accesses. Those terms are 'Roma' and 'Asylum'. These terms were chosen to select those articles which are pertaining to the issue and reference that the Roma are the asylum seekers in question.

As this is a qualitative analysis, this analysis will focus on examples of typical discourse fragments, thereby the typical examples of these newspapers. While a highly detailed analysis of all of these articles from all of these newspapers is justified in order to make a

¹²² Jager, S., and Maier F., 2009, 'Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis, in Wodak et al (eds.) *Methods of Critical Discourse Analysis*, Thousand Oaks, CA: Sage

¹²³ Ibid.

¹²⁴ Ibid. pp34

¹²⁵ Ibid. pp34

conclusive statement about the way that this issue has been represented in the media, this is not possible in this frame but would be the goal rather of a larger project. Here in order to discern the rhetorical means and content and ideological statements, only typical discourse fragments will be analyzed which means that I will look at a few examples from each of the newspapers and analyze the content¹²⁶. A list of these articles can be found in the appendix.

As mentioned in the previous chapter, the Canadian media portrayal is very different from the Hungarian portrayals as well as taking place of course in a vastly different social and political context. Thus it is also consequentially different, at least in the fact that the Hungarian Roma population in Canada is less than 1%. In Hungary this is a difficult figure to obtain, as official statistics suggest this figure is around 190,000 people or 1.9%¹²⁷ but with estimates ranging up to a number of 800,000 or 8%. The reasons for the discrepancy is because of a few reasons, some of which involve actual or perceived illegality of collecting ethnic data or the difficulty in obtaining it. As Petrova writes, one of the issues concerns the 'methodological difficulty of dealing with the refusal of Roma to "admit" their ethnic belonging'¹²⁸. Thus while the final figures cannot be guaranteed, the real figures are conservatively estimated at between 2.5 and 8%. Given that stereotypes function when there is at least an element of interaction between people who identify themselves to be from different social 'groups', in Canada this means that there are simply less stereotypes and community interactions for any kinds of portrayals to incite¹²⁹. Yet still, there are some

¹²⁶ While it is not possible in these space restrictions to analyse the entire body of headlines from these newspapers, inferences can be made by seeing in the index the list of the pieces chosen for the analysis.

¹²⁷ World Directory of Minorities and Indigenous People, *Roma*, 2012. See <http://www.minorityrights.org/?lid=5800> (accessed May, 2013)

¹²⁸ Petrova, D., *European Roma Rights Centre*, 'Ethnic Statics', 2004

¹²⁹ Kemény, I., 1995 (ed.) *Roma in Hungary*, New York: Columbia University Press

elements of these portrayals which are present in the Canadian media but in different discursive contexts and for very different reasons.

There is however a comparable pattern in Canada of the portrayal of the Roma as an 'underclass', one which is defenseless and suffers persecution at the hands of the state, but in the Canadian context this is more of a positivist description in the mainstream media. This is a result of a few factors, firstly the fact that in the Canadian context they are not citizens with a history of marginalization but are rather new on political landscape¹³⁰. This occurs in a country which lists being 'a free and democratic country', being 'caring people' and its 'multiculturalism' as the highest points of national identification¹³¹. While Canadian media is not without its racial profiling and discourses of ethnic opposition¹³², in general this is not the case¹³³.

As we will see in the following chapter, in this case this is best explained as being one where it is not the lack of critical awareness in the media of the use of the term 'bogus' but perhaps in the *over* critique of the use of the word 'bogus', and the creation of the safe country list by means of the exaggeration of problematic situation in Hungary. These exaggerations can be seen as part of the usual and predictable explanation of how the press operates, which is to sell more newspapers and generate more sensation¹³⁴. Here then we can see how this sensational aspect is used to increase interest in the public capitalizing on the responsiveness to refugee sympathies coming at a time when questions regarding this have been heightened following another totally separate 'refugee' crisis. The presentation of the exaggeration of the

¹³⁰ Ibid.

¹³¹ Focus Canada 2010, *Public Opinion Research on the record Serving the public interest*, Environics Institut2, 2013

¹³² Henry, Frances, and Tator, Carol, 2005., 'Racial Profiling in Toronto; Discourses of Domination, Mediation and Opposition, *Canadian Race Relations Foundation*, May 2013

¹³³ Hallin and Mancini describe the Canadian media system in a comparative context as being highly unbiased and relatively neutral on topical issues. See Hallin, Daniel., and Mancini Paolo, 2006, *Comparing Media Systems: Three Models of Media and Politics*, Cambridge University Press: New York, pp 240

¹³⁴ Wodak, Ruth., 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks: Sage; Iyengar, Shanto. and Reeves, Richard, 1997., *Do The Media Govern?*, Thousand Oaks, London: Sage

Hungarian situation then can be seen as the formation of an axis of juxtaposition to the term 'bogus', which involves necessarily the repetition of the use of this word far beyond its actual use in Parliament or by the Minister himself or other members of the government.

It is the media's use of this word and inappropriate attempts at disproving it, attempts which ultimately fail essentially because they are inadequate, which then give space to the solidification of the association between 'bogus' and the Hungarian Roma. It is not necessarily the negative media portrayal then in Canada which is in question here, although there is a significant negative portrayal from *Sun News* announcer Ezra Levant, but nevertheless it is rather the exact opposite, the apparent 'defense' of the Roma in the media. This has in Adam Juhász's terms, led to the cementation of the very discourse which is apparently critical of the use of this term actually contributing to the perpetuation of the use and the 'truth' of it¹³⁵.

The media discourse of the Roma as refugees needs also to be seen as the most recent national issue of magnitude involving refugees. The preceding issue involved a boat of 492 asylum seekers from Sri Lanka of Tamil ethnicity arriving on to the West Coast in 2010. MV Sun Sea was the name of the vessel and its arrival was widely discussed in the media and politics¹³⁶. It is partly the fact of the malleability of refugees as a political tool that sees the Canadian media being so responsive to this issue in such a sensationalized way. In the Canadian context the Hungarian Roma are seeking asylum, they are not citizens as they are in Hungary. As such the portrayal of refugees in the media is a discourse in itself needs extrapolation in order to understand how the Roma as refugees have been portrayed in this specific Canadian context. This also involves some of the politics involved with claims for asylum, specifically in this case concerning the Canadian context.

¹³⁵ See note 103.

¹³⁶ Neve, Alex., Russell, Tiisetso., 2001, 'Hysteria and Discrimination', *University of New Brunswick Law Journal*, 37, <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/unblj62&div=6&id=&page=> (accessed May 2013)

Seeking Asylum in Western Nations

With claims for asylum sharply rising following the end of the cold war and with that the ideological reasons for accepting refugees fading with it, Western liberal-democratic states have since been enacting a variety of measures to limit asylum seekers from obtaining refugee status in their states¹³⁷. Whether or not justified, accusations arise against states for not accepting refugees on the grounds of some form of political interest, which has been argued convincingly now for more than a decade¹³⁸. As Gibney iterates, this is because of the need of the liberal-democratic state to appeal to be privileging the internal national voting constituents, the *demos*, in order to manage its image. With politics and decision making meaning that sometimes one group will be pandered to while another will be less so, the state can never really please all groups of people who are the *demos* or the voting constituents. This equates to wavering loyalties within the *demos* which is a question political parties would rather not have. Governments can however appeal to the entire *demos* as at least being privileged by the state over outsiders by restricting the rights of refugees and rejecting or limiting their numbers. Gibney argues that motivation is only present the Western democratic sphere because this is where the *demos* can perceive their respective wealth and privilege to be threatened and therefore in need of protection from incursions. We see here a motivation for the state then to use refugees as a political tool.

In light of this motivation to use refugees as a political tool, the fact that in recent decades political parties in similar states have been both routinely 'tough on refugees' and electorally successful indicates to governments that there is something of a benefit to be gained from

¹³⁷ Bigo, Didier., 'Security and Immigration' *Alternatives* 27, 2002

¹³⁸ Bigo, Didier., 'Security and Immigration' *Alternatives* 27, 2002; Gibney, Matthew, 'The State of Asylum' in Susan Kneebone ed. *The Refugee Convention 50 Years On*, 2004

this stance. Bigo takes this one step further in his description of the Blair government's response to refugees as being a highly calculated one which he relates to as a 'governmentality of unease'¹³⁹. In the post-September 11 world the backlash against the 'war on terror' meant that direct associations with criminality or terrorism to refugees is too harsh for the *demos*. But Bigo argues that this is not needed, rather merely to 'securitise' the issue and make allusions to the undesirable nature of these people.

This is the use of the word 'bogus' can capitalise on by simultaneously securitising refugees and labelling them as undesirable. In this case it can be seen then as the justification to the populace for a severe law change to keep them out. Australia's policies on refugees also clearly exemplifies this trend both in terms of attempts to demonise the asylum seekers and the corresponding unprecedented support for the government's refusal of entry for a very small group of refugees¹⁴⁰. After the experiences of the Howard government also in Australia it is ludicrous to think that the Harper government would not have been aware of the correlation between the securitization of refugees and the electoral success of this especially given the comparable nature of the *demos* of these two countries in terms of GDP, population and multicultural policies. While there may have been a genuine interest in limiting the number of Hungarian Roma applying for asylum, this does not mean that there was no political maneuvering present also, and as history shows, it would be naïve to think otherwise. The political malleability outlined by Bigo and Gibney points rather in this case to the presence of a kind of overlap of interests where one interest is in the genuine interests of the state to find a solution to the problem of Roma applying for refugee status and the other interest is the more sinister desire to capitalize electorally on the securitization of refugees.

¹³⁹ Bigo, Didier., 'Security and Immigration' *Alternatives* 27, 2002

¹⁴⁰ Burke, Anthony, 2008, *In Fear of Security: Australia's Invasion Anxiety*, New York: Cambridge University Press

The Canadian political background

These issues of seeking asylum in Western nations also need to be seen in a comparative context, which Frederking argues steered sharply towards securitization among various Western nations¹⁴¹. While the Post-September 11 response to refugees saw an immediate criminalization of refugees in the world in general, including in Canada, according to Frederking the specific Canadian context then leveled out to a more neutral stance¹⁴². Yet following the above mentioned arrival of 492 Tamils in August 2010 by boat there was perhaps a change of direction. These 492 people were placed into detention in Vancouver for processing, this included for the first time the placements of minors who seek asylum, in other words, children. The Australian policy changed on this matter in 1998 where children were automatically placed into detention, and as such this can be seen in as a similar strategy to that used by the Australian government for campaign of intolerance towards refugees as will be detailed below¹⁴³. Seen then in this light, this incident may have been the starting point for a turn in the way Canada constructs and responds to refugees. It would then be one which mirrors more closely other Western-liberal democratic states again in the Post Cold War era where the immediate reaction of the government was to plan policies which criminalize the assistance of passage by boat of anyone who does not have valid travel documents.

As asylum seekers may not have these documents this can be seen more in line with the Australian 'Policy of Deterrence', one which entails more restrictive policies towards asylum seekers all the while continuing to support and implement relatively inclusive immigration

¹⁴¹ Frederking, Leane, 2012., 'A comparative study of framing immigration policy after 11 September 2001', *Policy Studies*, 33 (4)

¹⁴² Ibid.

¹⁴³ Jupp, James., *From White Australia to Woomera: The Story of Australian Immigration*, New York: Cambridge University Press, 2002 p.187

policies towards regular migrants¹⁴⁴. The Canadian government had already however begun to discuss a safe country listing and the 'bogus' nature of Hungarian Roma claims prior to the Sun Sea arrival so the change in policy in Canada towards refugees cannot be seen as a sharp turn from this point. Rather it can be characterized as a hardening turn, the beginnings of which may have been justified as well as facilitated by the repetition of 'bogus'-ness.

The Discursive Representation of the 'Bogus' Roma

'Journalism can never just report the facts; it must give meaning to events, and this can be done with due impartiality only when the major political actors in society do not have sharply divergent world views'¹⁴⁵

This above statement can be seen to reflect what may be something of a truism or at least obvious to many who read newspapers or consume any form of news, which is that bias in the media exists. Or rather as Reeves puts it when referring to media in the United States, 'are they biased? Of course – who isn't?'¹⁴⁶. This bias can even be found in the Canadian media system, despite the fact that Canada upholds high democratic and media standards and has been ranked consistently in the top 20 countries of the world with regards to standards of press freedom¹⁴⁷. Turning again to Hallin and Mancini, what they are referring to exactly when they say the issues which represent 'sharply divergent world views'¹⁴⁸ of the political actors are those precise issues which the media will report. It is the divisive issues, those which generate the most interest which will affect the other main influence of the media,

¹⁴⁴ Ibid.

¹⁴⁵ Hallin, Daniel., and Mancini Paolo., 2006, *Comparing Media Systems: Three Models of Media and Politics*, Cambridge University Press: New York

¹⁴⁶ Reeves, Richard., 'A Question of Media Bias' in Iyengar Shanto. and Reeves, Richard, 1997., *Do The Media Govern?*, Thousand Oaks, London: Sage, pp40

¹⁴⁷ Reporters Without Borders, *World Press Freedom Index*, 2013 <http://en.rsf.org/press-freedom-index-2013,1054.html> (accessed May, 2013)

¹⁴⁸ Hallin, Daniel., and Mancini Paolo., 2006, *Comparing Media Systems: Three Models of Media and Politics*, Cambridge University Press: New York, pp 239-240

which is the 'bottom line'; the need to sell papers. Put simply, if a story is divisive enough, the press will respond and 'filter' it with respect to that bias.

How that filter is applied and functions in society is the concern then of this media analysis.

This which involves an inquiry into how the Canadian media has *primed* and *framed* the issue whilst taking into consideration the unfamiliarity of the electorate with this issue and the fact that this issue is a highly complex political issue¹⁴⁹. Priming refers to frequency of coverage given to an issue or concept and framing refers to the way that the issue is presented, in some cases it may be connected with a bias of that media outlet seeking to push a certain frame of that image.

As will be discussed in detail in the next section of this chapter, given the limitations of space and the complexity of media discursive communication, I will focus my analysis to the print media and the online versions of those which are accessible via the internet. It is the use of this word 'bogus' which is the focus of this study.

As Reeves discusses in 'The Question of Media Bias', the 'liberal' media must preserve their own 'popularity and credibility'. This is why most of the journalists who are successful are from highly educated backgrounds, which tend towards liberal leanings, and are interested in preserving their reputations with their readers¹⁵⁰. Without lending to this political leaning then, the journalists risk losing their popularity and potentially their positions. While Reeves illustrates this point in order to help explain why the right-wing media in the United States has been able successfully to engage and entertain a public in its own new tradition of right-wing, with the establishment of Fox News and the successes of Rush Limbaugh, this has not

¹⁴⁹ Wodak, Ruth., *Methods of Critical Discourse Analysis*, 2009; Iyengar S. and Reeves, R., *Do The Media Govern?*, 1997

¹⁵⁰ Reeves, R., 'A Question of Media Bias' in Iyengar, S., Reeves, R (eds) *Do the Media Govern?*, 2006

occurred in Canada¹⁵¹. While *Sun News* represents the first instance of this, it is lacking the popularity and a clearly linked political party to have the same type of success. In this way, the Canadian media can be seen to retain a liberal bias.

This helps to explain the phenomena that almost all stories in almost all of the major newspapers mentioned above have a very similar discursive representation of this issue, which is critical of the changes in the new law and focus almost exclusively on the justifications for allowing Roma of Hungarian origin to be accepted as refugees. The exception cases are the *Globe and Mail* and the highly dramatic *Sun News* broadcast of Ezra Levant, that which is referenced regularly in all the above mentioned newspapers, labelling it a 'rant'¹⁵².

While this is not necessarily problematic if it is the case, the problem is in the exaggeration and the repeated use of the word 'bogus' and the lack of effective critique of the way that the EU is focused on as opposed to Hungary. The three newspapers differ on the extent of this, as will be evidenced. *The Globe and Mail* shows an association of the Hungarian Roma and the words of Jason Kenney unquestionably. Where these words are questioned, more evidence is given to support what the states minister states. *The National Post* is strongly critical of the association of 'bogus' to the Roma as will be evidenced. The *Toronto Star* however is the most critical of the use of this word. It makes a reference to it which is extremely critical and constructs the Roma as innocent victims, victims of devastating persecution. It is careful however not to use those words. Given the dramatic nature of the *Toronto Star* and the fact that this newspaper has the widest circulation in Canada I will

¹⁵¹ Jaimeson, K., Capella, J, 2008. *Echo Chamber: Rush Limbaugh and the Conservative Media Establishment*, Oxford University Press

¹⁵² See for example 'Roma group's complaint against Ezra Levant', published in the *Toronto Star*, 24/10/2012 (accessed May, 2013). As mentioned this source itself will not be analysed as part of the discourse analysis.

focus slightly more attention to the analysis of this newspaper. Given the space restrictions, I will discuss only two relevant articles from the other two newspapers.

In an article published in *The National Post* on 12/12/10 entitled 'Jason Kenney should make a better case for refugee reforms' exemplifies this issue¹⁵³. To quote the article:

'In essence, the Immigration Minister closes the system both to "bogus" claimants (as Mr. Kenney enjoys calling claimants he doesn't think should succeed) and potentially legitimate claimants as well.'¹⁵⁴

It is perhaps tense, certainly discriminatory, but to describe it as a civil war would be another *topos* of definition, the same one that Kenney is using to incorrectly describe the Roma asylum seekers as bogus, but in this case the conclusion rule which can be applied is that the situation in Hungary is certainly one which produces refugees because they are people who are trying to flee from a war zone¹⁵⁵. As per the UN Convention, if Hungary is a 'war zone' then this would equate automatically to the distinction of being a refugee and one does not need to prove that they are from any persecuted social group¹⁵⁶.

The *National Post* makes an attempt to analyzing Kenney's use of the word 'bogus' in its proper context, in that he exaggerates the falsity of the claims and confuses the issue by referring to the 'EU' in general in 'Record number of Hungarian asylum seekers landing on Canada's doorstep'¹⁵⁷. This article, printed on 4/11/04, cites an interview with Kenney where he explains the 'bogus'-ness as being exemplified in the apparent reason given for the abandonment of claims;

¹⁵³ See Appendix 1, available [//fullcomment.nationalpost.com/2012/12/10/chris-selley-jason-kenney-should-make-a-better-case-for-refugee-reforms/](http://fullcomment.nationalpost.com/2012/12/10/chris-selley-jason-kenney-should-make-a-better-case-for-refugee-reforms/) (accessed May, 2013)

¹⁵⁴ Ibid.

¹⁵⁵ Wodak, Ruth., 2009, *Methods of Critical Discourse Analysis*, Sage pp75

¹⁵⁶ UNHCR, *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol*, 2011

¹⁵⁷ See Appendix 1, available <http://news.nationalpost.com/2011/11/04/record-number-of-hungarian-asylum-seekers-landing-on-canadas-doorstep/> (accessed May, 2013)

'I was told that a significant number of people are attached to sanitation, and found the bed-bug situation in Toronto intolerable'.¹⁵⁸

The citing of 'bed-bugs' as the reason why claims are abandoned was not cited again by the media as something that Kenney believed was the reason for this abandonment of claims, nor was this ever mentioned in the Canadian Parliament. Given the hearsay as evidenced in 'I was told', it is probably therefore unfounded.

Yet then this article goes too far to the other side of the issue, by not attempting to dissect the nuances between 'well-founded fear' and 'fear' that make one's claims for asylum to be upheld or rejected. Zoltan Kiss, is depicted in this image, seen leaning against a fence at night looking in a desperate way towards the clouds. In this way he appears as a scared and desperate classic case of a person seeking safety on the other side of the depicted 'fence'. The framing of the article supports this interpretation as does the caption, where he states that 'I wanted a safe environment'¹⁵⁹ and so he chose to apply for asylum in Canada. This may well have been the case, but the way that the image is presented is highly questionable and appears to be highly staged and perhaps altered to give the appearance of it being at night, connoting an even more risky environment.

The article also discusses further this case of Zoltan Kiss here:

'Mr. Kiss, who said he saved up for his plane ticket for two years, said he did not want to jeopardize his claim or his family's safety by discussing the persecution he said he suffered in Hungary, only to say, "I feared for my life."¹⁶⁰

This is how the article ends, lending no discussion or questioning of Kiss's statements. This could have easily be done as the statement given is highly ambiguous and perhaps deliberately so. This is not to say that this is a lie but there is a glaring lack of reflection on

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

this possibility while overall a huge emphasis placed on attempting to prove Kenney's statements to be unfounded.

As mentioned, *The Globe and Mail*, follows a different framing of the issue. In an article titled 'Federal government considers detaining Roma refugee claimants'¹⁶¹. The article references the Project SARA report of the CBSA and does so in a way to give further evidence to the use of the word 'bogus', which it immediately cites in the next paragraph while quoting Jason Kenney. Dealing firstly with the way that it references the report:

‘A tougher approach may be necessary if a plan to speed up the screening process and block illegitimate claims isn’t “aggressive enough” in reducing the number of Roma applicants from Europe, an internal Canada Border Services Agency report says’¹⁶²

Even at a glance it can be seen to highlight 'aggressive', again contributing to the subversive references of support for the use of the word 'bogus'. In this way it frames the issue to be discussed as one which will include analysis of refugees. This can be seen as another example which supports the use of Kenney's topos of criminality¹⁶³.

Also in *The Globe and Mail* on October 21, 2002 is an article titled 'If EU did more for Roma they wouldn't seek asylum in Canada'¹⁶⁴. This article beings by the claims that the Roma are not refugees and does so by focusing well on the definition of refugees. It appears to a fair and balanced report of the issue in that way. However, the main evidence against the Roma as refugees is again the CBSA Project SARA. Seen here,

'Others collect social assistance even after they have been ordered deported, according to an intelligence report from the Canada Border Services Agency'¹⁶⁵.

¹⁶¹ See Appendix 1. Available here: <http://www.theglobeandmail.com/news/politics/federal-government-considers-detaining-roma-refugee-claimants-report-suggests/article4487855/> (accessed May, 2013)

¹⁶² Ibid.

¹⁶³ Wodak, Ruth, 2009, *Methods of Critical Discourse Analysis*, Thousand Oaks, CA, Sage

¹⁶⁴ See Appendix 1. Available here: <http://www.theglobeandmail.com/commentary/editorials/if-eu-did-more-for-roma-they-wouldnt-seek-asylum-in-canada/article4624862/> (accessed May, 2013)

¹⁶⁵ Ibid. Here 'others' refers to some unspecified number of Roma.

In this way of framing the issue there can be seen a way for the article to suggest that there are many people. From analysis of this report in Chapter Two however it was clear that this number was statistically insignificant.

The framing of this issue in the *Toronto Star* can be understood by a selection of articles published around October 2012. 'Stop *vilifying* Roma refugees'¹⁶⁶, 'Why the Roma are fleeing Hungary and why Canada is *shunning* them'¹⁶⁷. In both of these cases in the very title the nature of the frame is evident, that the Roma have unjustly been 'vilified' and that Canada is not properly processing the claims of these asylum seekers but rather is 'shunning' or being cruel and unjust. The former article begins by referencing the murders of 2009 and the latter begins with a detailed description of the events in Gyongyospata. There have been dozens of similar articles published in the *Toronto Star* which are presented in a the same frame with accompanying emotive images, as such it is needless to repeat this information¹⁶⁸. While there is nothing untrue about these articles, the emotive frames connected to the worst incidents in Hungary are improperly represented. These references exaggerate the problem from which the Roma flee, guiding the reader to a perspective of Hungary which is more dangerous for Roma than it is.

This represents the ironic twist in this Canadian media discourse which was referred to in Chapter Two in that this is also an indication of a 'topos of threat'¹⁶⁹, but in this case, instead of describing the refugees as the threat, the threat here is Hungarian society. By framing the issue of the right to seek asylum in terms such as this it presents automatically a 'need' to seek asylum, similarly to how the *CBC* presents the issue. The question for this case is not

¹⁶⁶ *Toronto Star*, 'Stop Vilifying Roma Refugees', 15/10/2012

¹⁶⁷ *Toronto Star*, 'Why the Roma are fleeing Hungary and why Canada is shunning them', 13/10/2012

¹⁶⁸ See for example *Toronto Star*, 'Failed refugee claimants find sanctuary in churches', 14/10/2012

¹⁶⁹ Wodak, R., *Methods of Critical Discourse Analysis*, 2009

about the need or lack of need but rather about the perceived threat and culmination of the overall landscape in Hungary, of which the situation in Gyongyospata and the murders of 2009 are not the entire issue. While both of these articles also discuss the discrimination present in society, this cannot compete with the initial frame of the issue presented in the title, picture and opening paragraphs.

What this case reflects is that there is a hyper-sensationalized view of the issue by this, the most read Canadian newspaper. As discussed, the reasons for taking this approach are because of the traditions and necessities of journalism to increase and substantiate their own readerships and popularities, which in this Canadian context is to reinforce a liberal and inclusive perspective towards asylum-seekers and immigrants¹⁷⁰. The way that this is also reinforced is by the reference to Ezra Levant's statements, but are done in a way which 'hedges' this from the newspaper and is instead published in the 'Letter to the Editor' section. This letter titled 'Glen Beck of the North'¹⁷¹ and makes quite serious allegations about Hungary;

'Seems to me the same type of targeted stereotypes were used by the Nazis to vilify the Jews as owners of all the business in Germany in the 1930s and therefore responsible for the Great Depression. Consequently the Roma paid for that as well. And for the same reasons Mr. Levant suggests.'¹⁷²

It would be very difficult to back up these claims about Hungary with these same words, claims which equate the current situation for Roma in Hungary to those of the Jews in Europe just before the Holocaust. It is also potentially offensive to Jewish people and the Hungarian state to make such a claim. Yet by hedging their claim in the words of a reader,

¹⁷⁰ Reeves, R., 'A Question of Media Bias' in Iyengar, S., Reeves, R (eds) *Do the Media Govern?*, 2006

¹⁷¹ *Toronto Star*, 'Glen Beck of the North', 20/9/2012. Glen Beck is an American TV broadcaster who is comparable to Ezra Levant.

¹⁷² *Ibid.*

they can contribute to a discourse of framing Hungary as similar to Nazi-Germany. This is again echoing the 'topos of threat' of the previously mentioned articles.

This brings the issue to the most severe use of the 'topos of threat' of this issue, in the one presented by an Ezra Levant. This is referenced by The *Toronto Star* on Wednesday October 24, 2012 in an article titled 'Roma group's complaint against Ezra Levant prompts Toronto police investigation' and it refers to the program on his *Sun News, The Source* on September 5, 2012. It re-quotes Levant here:

Early in Levant's segment, "The Jew vs. the Gypsies," he likened Gypsies with "swindlers," and said "too many have come here as false refugees."

This single statement has an entire discourse of its own attached to it, one which seeks sometimes to vilify presenter Levant or the Roma depending on the author. This is, in these presented terms, the most important factor of this piece. It is surely one which is racist and damaging, but the most damaging element is the way that this has been repeatedly used in the discourse. Given that *Sun News* and *The Source* were at the time of broadcast receiving such low ratings, the impact of this piece would have been minimal on its direct audience. Yet the amount of interest that this has generated has far exceeded this original audience. Levant has since apologised for these comments, following attempts to prosecute him for hate speech over the issue, but the fact is that with this single issue generating this much discursive attention there is nothing that can be undone by this apology.

Returning again to the conclusions of the previous chapter, in terms of Juhász and Roe¹⁷³, what has occurred in the Canadian context is comparable to what has occurred in the Hungarian context, in that the repeated defence and discussion of the 'criminality' of the

¹⁷³ Juhász, Adam, 2012. 'A "cigánybűnözés" mint az "igazság" szimbóluma / 'Gypsy criminality' as the Symbol of 'Truth', In *AnBlok*k: Budapest; Roe, Paul, 2007, 'Societal Security', *Contemporary Security Studies*, Alan Collins (Ed.), Oxford University Press: Oxford.

Roma contributes to the association of the term with this group¹⁷⁴. The extent of this cannot be of course replicated because the social context is infinitely different, the Canadian discourse is not preoccupied with negative stereotypes of the Roma and the population of the Roma in Canada is statistically insignificant. Yet still, the damage that this potentially presents and the way that this connects to the issues discussed in Chapter Two of the attempts of the Immigration Minister to discursively and indirectly associate this fraudulent 'bogus' concept to the Roma, and his desire to retain nevertheless political support for this stance, reveals an aspect of this issue which was probably highly useful for the political support of the implementation of this new law.

¹⁷⁴ Ibid.

Conclusions

The conclusions of this analysis which is a brief discursive media analysis, the Canadian official statements and the depictions of the Roma as a minority group in Canada are that there is an unusual and potentially new depiction of the Roma in Canada. It is on the one hand mirroring the Hungarian depictions in the media, in that it is connected with security. On the other hand, given that this is defended or rather that the securitized references are highly contracted in Canada's most read daily newspaper the *Toronto Star*, there can be seen to be a way of discussing the Roma which is a combination of these two representations.

When this is taken into consideration with the how Chomsky discusses the functioning of the mass media¹⁷⁵ and how Juhasz relates this same phenomena to the Roma minority in Hungary¹⁷⁶ the repeated use of the word 'bogus' as evidenced in this thesis, even in those contexts which condemn it, there comes to light this idea of the solidification of the association of securitization. How this has been shown to have occurred is by the division in the media, the political leanings of the newspapers. As the *Globe and Mail* depicts the statements of the Minister in a supportive way, this can be seen as affirming and adding weight to the stance of Kenney. As the *National Post* and more so the *Toronto Star* take much more critical stances of the use of the word 'bogus' we can see that there is still a space lacking in the middle of these two positions which is underrepresented.

This thesis showed that the way that this term 'bogus' is used in referring to the Roma, mainly in the context of the EU, is unsatisfactory as an explanation for why their claims are 'bogus'.

The democratic state of Hungary and the impossibility of the there being a 'bogus' claim mean that the word is appropriated to the Roma unjustly. Coupled then with the repeated

¹⁷⁵ Herman, Edward and Chomsky, Noam, 1988. *Manufacturing Consent: The Political Economy of the Mass Media*, London: Vintage Books

¹⁷⁶ Juhász, Adam, 2012. 'A "cigánybűnözés" mint az "igazság" szimbóluma / 'Gypsy criminality' as the Symbol of 'Truth', In *AnBlok*: Budapest

references to criminality by the Project SARA report and the references by Minister Kenney we see how there has become this association with criminality in the Canadian discourse related to the Roma.

This thesis has show that what is occurring in Canada is not the same process that has occurred in Hungary, indeed that would be perhaps impossible given the different sociological and historical context, yet there the criminal associations have been made. In order to make any conclusions about the implications of this of course would entail a much broader analysis of the media discourse and follow the changes in the discourse over time. The discourse is unfolding even now as the questioning of the democratic standards in Hungary continues.

In a broader study then, the extent of the solidification of the securitisation of the Roma the discourse could be revealed, and one which would shed more light into the danger of stereotypes and media representations in general. Perhaps also the power of the negative portrayal of the Roma in Hungary would be better understood with reference to this in what this thesis has shown, the malleability of the Roma even in this different sociological context.

Appendix

All articles were accessed via the internet in May, 2013.

The Toronto Star

Roma refugees: Canadian billboards in Hungary warn of deportation

January 25, 2013

Canada designates 27 countries as safe for refugees

December 14, 2012

Acceptance rates for refugees to Canada decline substantially since 2006

November 1, 2012

Roma group's complaint against Ezra Levant prompts Toronto police investigation

October 24, 2012

Failed refugee claimants find sanctuary in Toronto churches

October 14, 2012

Why the Roma are fleeing Hungary and why Canada is shunning them

October 13, 2012

Canada's splendid isolation from the realities of human smuggling

August 22, 2012

Federal government could detain Roma refugee claimants as part of crackdown on bogus claims, report suggests

August 18, 2012

Canada offers failed refugee claimants \$2,000 to go home

July 5, 2012

Chopping health coverage for refugees is a false saving

June 23, 2012

Conservatives bow to pressure, amend parts of controversial refugee bill

May 9, 2012

Refugee reform bill sparks grassroots protests across GTA

May 1 2012

Refugee claims from Hungary soar, UN reports

March 28, 2012

Immigration Minister Jason Kenney's new refugee law lacks balance

February 20, 2012

The Globe and Mail

New fast-track rules see big drop in refugee asylum claims

February 21, 2013

December 28, 2012

GTA clinics overwhelmed with refugees

Illegal migrants breaching Quebec-Vermont border crossing

October 25, 2012

If EU did more for Roma, they wouldn't seek asylum in Canada

October 21, 2012

Federal government considers detaining Roma refugee claimants, report suggests

August 18, 2012

Nobel laureate joins Toronto rabbi group in condemning refugee health cuts

July 07, 2012

Kenney's concession a welcome pattern for refugee reform

May 09, 2012

Blasting 'weak-kneed' skeptics, Tories fan out to plug EU trade deal

April 27, 2012

Due process as important as efficiency in refugee reform

February 16, 2012

Kenney tightens rules for questionable asylum seekers

February 16, 2012

The National Post

Hungarian, Latvian refugee claims among those to be fast-tracked as Canada unveils ‘safe country’ list

December 14, 2012

Jason Kenney should make a better case for refugee reforms

December 10, 2012

Alleged human smuggling ring brought Romanians to Canada via Mexico, police say .

October 26, 2012

Controversial refugee legislation passes in the House of Commons

June 12, 2012

Controversial refugee bill set to clear House of Commons

June 10, 2012

Refugee bill changes ‘strike the right balance’ on detention concerns: Jason Kenney

May 9, 2012

Danger here trumps danger there, court rules as violent refugee deported to Somalia

May 7, 2012

Immigration minister axes free eye and dental care for refugees

April 25, 2012

Jason Kenney steps in to postpone deportation of Guinean family fearing abuses

April 23, 2012

Efforts to keep bogus Roma refugees out have failed: Jason Kenney

April 22, 2012

Tories target 'bogus' refugees

February 17, 2012

Tories' sweeping immigration reforms target influx of claims from Roma gypsies

February 16, 2012

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