



## The Impact of Scotland's Prospective Membership of the EU on the 2014 Referendum Debate: Concerns over Borders

*L'impact de la future adhésion de l'Écosse à l'UE lors du débat référendaire de 2014 : une source d'inquiétude concernant l'évolution des frontières*

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## The Impact of Scotland's Prospective Membership of the EU on the 2014 Referendum Debate: Concerns over Borders

The issue of Scotland's borders played a major role in the 2014 Scottish independence campaign insofar as they aroused many concerns about their evolution in the advent of an independent Scotland which would be part of the European Union (EU). Three main questions were raised: would Scotland be required to join the Schengen Area as a condition of EU membership? Would it be able to remain part of the Common Travel Area (CTA)? Would it be able to manage its borders? Scotland's prospective EU membership gave rise to much uncertainty and increased some of the fears linked to the prospect of Scotland becoming an independent country.

Obviously, if one UK nation becomes independent, it will have an impact on the UK's borders and on the borders of the new independent country with the rest of the UK insofar as the borders of the independent country become international borders. An international border can be defined as "a line dividing land territory, over which States exercise full territorial sovereignty", implying that the new state has to control its borders (Caffish, 2006, p. 1). Indeed, according to the Weberian definition of the state as an entity which holds the "legitimate use of physical force in the enforcement of its order" (Weber, 2002, p. 118), borders and their states are "separate but related political structures" (Wilson & Donnan, 2000, p. 10). This means that borders do not only refer to (1) the legal borderline which separates and joins states, but also to the following two elements:

- (2) the physical structures of the state—composed of people and institutions—which exist to demarcate and protect the borderline;
- (3) frontiers, territorial zones which "stretch across and away from borders, within which people negotiate a variety of behaviours and meaning associated with their membership in nations and states". (*Ibid.*, p. 9)

This paper will focus on the first two elements since the debate about Scotland's borders focused on the need for an independent Scotland to control its borders.

Indeed, independence for Scotland gave rise to fears about illegal immigration since an independent Scotland might not be able to manage its borders—this concern was probably strengthened by the migrant crisis in the Mediterranean. As made clear in the document entitled *Scotland Analysis: Borders and Citizenship* which was published by the British government in 2014<sup>1</sup>, external borders needed to be controlled carefully in order to achieve a balance between the promotion of migration or trade, for example, and the protection against any type of threats, such as terrorism (HM Government, 2014, p. 15).

As already mentioned, the fears linked to the prospect of Scotland becoming an independent country were strengthened by EU membership. Since the 1980s the SNP had always promised that an independent Scotland would be a full member of the EU and the Scottish government (led by Alex Salmond, the SNP leader until November 2014) did not change this policy when it won the Scottish Parliament election in May 2011. If Scotland had voted in favour of independence on 18 September 2014, it would have tried to be part of the EU—even though there was much uncertainty about whether Scotland would have retained its membership or would have had to reapply for it.

This paper will consequently examine how the concerns about Scotland's independence and its prospective EU membership were intertwined and impacted upon the referendum debate as far as borders were concerned. Scotland's borders include land and maritime boundaries. The Anglo-Scottish land border, which was established in 1237 by the Treaty of York, was particularly brought to the fore in the context of the independence referendum since it would have become an international border had Scotland become independent. Scotland's maritime borders were also alluded to in this debate but they seemed to be less contentious.<sup>2</sup>

I will begin by explaining why EU membership has been a key element of the SNP policy since the late 1980s before focusing on the problem

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1. Contrary to the Scottish government which focused mostly on its White Paper on independence, *Scotland's Future*, the British government produced a series of documents dealing with issues linked to the Scottish independence referendum from February 2013 onwards.

2. Maritime borders were mentioned in this debate because they would have had to be defined according to international law and bilateral negotiations between an independent Scotland and the continuing UK. Furthermore, a great part of the UK's oil reserves lie within these borders. One should note that Scotland being no independent state, it has no international maritime boundaries today—even if the extent of the respective jurisdictions of England, Scotland, Wales and Northern Ireland in the maritime zones of the UK have been defined by several Acts and Orders (HM Government, 2014, p. 19; Scottish Government, 2013b, p. 557).

raised by a possible requirement for Scotland (which is today a member of the CTA) to join the Schengen Area as part of EU membership. The article will then examine the concerns aroused by these issues during the referendum debate, analysing the main arguments used by the nationalists and the pro-Union side. Finally, I will try to assess to what extent these concerns were justified.

I will not deal with the citizenship issue even though Scotland's independence affected the way of determining the eligibility criteria for Scottish citizenship and entitlement to British citizenship.

## Scotland and EU membership

Since the late 1980s the SNP (like Plaid Cymru in Wales) has tried to use EU membership to promote independence, as exemplified by its slogan "Independence in Europe". Not only did this strategy enable the SNP to react to criticisms that Scotland would be too weak and isolated if it decided to leave the UK, but it was also a way for the party to take advantage of the new initiatives launched by the European Union at that time. Indeed, the 1986 Single European Act had promoted regional policies and structural funds, such as the European Regional Development Fund, which aimed at correcting regional disparities and at including sub-national government levels into the European decision-making process. In 1992 this was reinforced by the subsidiarity principle introduced in the Maastricht Treaty:

In areas which do not fall within its exclusive competence, the Community shall take action [...] only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. (Europa, 2015a)

This meant that decisions should be taken at the lowest level of government. Even if this principle first only applied to relationships between member states and the EU, the political parties supporting devolution or independence, such as the SNP, tried to apply it to relationships between governments and sub-national governments. This was a way for them to legitimize the decision-making process at the sub-national government level. It was all the more attractive to them because the policies followed by the Conservative governments of Margaret Thatcher and John Major did not seem to protect their interests:

Conservative unpopularity in Scotland and Wales was strengthened during the 18 years of Conservative rule by policies which appeared, to many, to be

unsympathetic to the special needs of the non-English parts of the United Kingdom. The Thatcher government's policies of competitive individualism and the free market seemed inappropriate to the more communally orientated societies of Scotland and Wales. Conservative rule seemed, to many Scots, to be alien rule. Particularly resented in Scotland was the community charge, popularly known as the poll tax, which was implemented in Scotland before it was tried in England, even though the vast majority of Scottish MPs had voted against it in the House of Commons. (Bogdanor, 2012, p. 91)

The strategy adopted by the SNP also reflected the “multi-level governance” theory which had been popularized by Gary Marks, political scientist, at that time. “Multi-level governance” called into question the neofunctionalist and realist strategies,<sup>3</sup> which had been developed in the 1950s and 1960s, by highlighting the complex network of interactions noticeable at the European level: “European integration is a polity-creating process in which authority and policy-making influence are shared across multiple levels of government—subnational, national, and supranational” (Hooghe & Marks, 2001, p. 2). More precisely, this theory insisted on the roles played by the following institutions in the European decision-making process: (1) the supranational actors, particularly the European Commission, (2) the national state institutions, particularly the government, and (3) the sub-national governments. Applied to Scotland, this meant that the SNP (at the sub-national government level) could use the European level to make its voice heard so as to get more power and legitimacy, and bypass the British State (at the national level). From then on, devolution and the European issue were linked (Bulmer et al., 2006, p. 91).

Despite these changes, remaining part of the UK has resulted in a limited voice for Scotland on EU matters, even after the setting-up of the devolved administration in 1999. Indeed, questions concerning the EU are not devolved issues, but reserved matters—the Scottish Executive is not allowed to take decisions on such matters. Furthermore, Scottish ministers find it hard to promote Scottish interests at EU level because they are not always consulted nor invited to attend meetings where key

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3. According to the neofunctionalist theory, based on the work of political scientist Ernst Haas, national interest groups, bureaucrats and elites—rather than national governments—played a key role in the decision-making process at the European level: “Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states.” (Haas, 1958, p. 16) In reaction to this theory, the realist strategy, founded by political scientists such as Stanley Hoffmann, had insisted on the role played by national governments in the European political system, considering that the State retained most of its capacity for national choice in the European integration process.

decisions are made on UK policy in EU matters—including those dealing with devolved responsibilities (House of Commons, 2010, p. 36). Finally, the priorities highlighted by the UK Permanent Representation (UKREP) in Brussels often diverge from Scotland's EU priorities, particularly as far as environmental policies are concerned:

Environmental policies are a salient example of the lack of representation that Scotland suffers and the difficulties that it encounters in attempting to further its own interests. Although the Scottish Parliament has important powers in terms of environmental policies, the permeability of that field's boundaries often means that the Scottish Government has to abandon certain projects because of the cross references between environmental issues and matters reserved to Westminster. (Simpkins, 2015, pp. 6–7)

One should also note that, being part of the UK means that Scotland has to respect the same opt-outs as those negotiated by the Major government in the 1990s, i.e. the opt-out on the single currency and the Schengen Area. Thus, Scotland—like the rest of the UK—did not join the Schengen Area but decided to remain part of the Common Travel Area (CTA). The latter, which was set up after the partition of Ireland in 1922, ensures free movement for nationals of the UK and Ireland and enables the “UK, the Republic of Ireland, the Channel Islands and the Isle of Man [to] collaborate on border policies and practices as part of the CTA” (Ryan, 2014, pp. 158–9). The creation of this area, which works, in practice, in a similar manner as the Schengen Area, had been suggested to the Irish Free State by the British government in 1922 because they refused to impose passport and immigration checks at the UK-Irish border.

These two opt-outs have always been problematic for the SNP.<sup>4</sup> The lack of clarity on these two issues was stressed during the 2014 Scottish independence campaign. Although Scotland could be required to join the Schengen Area as a condition of EU membership, the SNP had made it clear quite early that it planned to remain part of the CTA, as exemplified by SNP Home Office Affairs spokesman Pete Wishart's statement in March 2012: “The reality is that an independent Scotland will be part of the common travel area which already exists within and between the UK and Ireland.” (BBC, 2012) The SNP documents published in the context of the independence referendum repeated these ideas (Scottish Government, 2013a, p. 13). This policy objective seemed to be based on two factors: not only did the Scottish government wish to adopt the

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4. The SNP has now abandoned the idea of having its own currency (because of the euro crisis) but has hesitated between joining the euro or keeping the pound over the past few years.

same attitude as the Republic of Ireland (which is no longer part of the UK, but has been part of the CTA since the 1920s) but they also wanted to protect “the integrity of the current social union” (*ibid.*, pp. 99–100, p. v). This “social union”, which refers to “the expression of the close economic, social and cultural ties that exist across the nations of the UK (including the Isle of Man and the Channel Islands) and Ireland” (*ibid.*, p. 96), was a principle which had been expressed by Alex Salmond since 2013.<sup>5</sup> According to the SNP, this social union was not threatened by an independent Scotland since it would be stronger thanks to a new partnership and the continued free movement of nationals between Scotland and the rest of the UK (rUK) and Ireland (*ibid.*). There was no certainty that the SNP policy objective would be accepted by the British government though, as explained later in this paper.

### Scotland’s prospective EU membership: Schengen Area vs CTA

Today, twenty-two EU member states, are part of the Schengen Area. The UK and Ireland have always refused to join it. The opt-out was negotiated by the Major government and it has never been called into question so far. This reluctance can be mostly explained by the terrorist threat (and the need to control the movement of terrorists and weapons) as well as by the insular nature of these countries (Watts & Pilkington, 2005, p. 183).

The Schengen Area was created following a first agreement signed between Belgium, France, Luxembourg, the Netherlands and West Germany in 1985, and a further convention signed in June 1990. When it took effect in 1995, checks at the internal borders of the signatory states were abolished (nationals of EU member states, which had agreed to be part of the Schengen Area, could travel between the countries which had also decided to join this Area without a passport and border controls). Furthermore, a single external border “where immigration checks for the Schengen Area [were] carried out in accordance with identical procedures” was created (Europa, 2015b). Not only did the Schengen Area entail the removal of border checks at the internal borders as well as common rules applying to people crossing the external borders of the EU member states but also the harmonization of the conditions of entry

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5. In mid-2013, former First Minister Alex Salmond made six major speeches to explain an independent Scotland’s place in an interdependent world. He stressed that Scotland (as part of the UK) was a member of six unions: the political and economic union, the social union, the currency union, the union of the crowns, the defence union through NATO, and the European Union. The Scottish government wanted to remain part of five of these unions, except the political and economic union.

and of the rules on visas for short stays, enhanced police cooperation, stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments, as well as the establishment and development of the Schengen Information System (SIS)<sup>6</sup>.

As already mentioned, Scotland has been part of the CTA since the 1920s, which means that within this area there is one external border which is managed by the UK. This would be called into question if Scotland was required to join the Schengen Area as a condition of EU membership. According to the Schengen requirements, there would have to be immigration controls at the borders with the rest of the UK and Ireland, which would include: “crossings at the land border between England and Scotland, ferry crossings between Northern Ireland and Scottish ports and flights between Scotland and other parts of the UK” (HM Government, 2014, p. 34). Indeed, Scotland would have a (land, sea and air) border with an EU member state which is not in the Schengen Area. As averred by the Conservative Minister for Immigration and Security, James Brokenshire, in April 2014, the current regime of free and uninterrupted travel between Scotland and the rest of the UK would change:

If Scotland were part of the EU and part of Schengen, in those circumstances it would be under an obligation to secure the external Schengen border. Therefore, it could itself be under obligations to put in place border checks, border controls and everything that that brings with it. (*Ibid.*, p. 27)

The SNP has clearly said that it would like to remain in the CTA but there would be no automatic entry. Negotiations would be needed between the British government and an independent Scotland: “Negotiations over the Common Travel Area would have to take place between Scotland and the UK, before Scotland could begin negotiations over an opt-out with the EU. One potential flash-point for dispute between Scotland and the UK is immigration.” (*Ibid.*, p. 26) There would be no automatic opt-out of the Schengen Area for Scotland either. A great number of researchers share the viewpoint that Scotland could be required to join the Schengen Area as part of EU membership.<sup>7</sup> For example, Robert E. Wright, Professor of Economics in the Strathclyde Business School, insisted that being part of this passport-free travel zone was now the norm in the EU, particularly as the non-EU countries, like Norway or

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6. “The SIS is a highly efficient large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The SIS enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects.” (European Commission)

7. This was confirmed by an EU constitutional affairs expert in September 2014 (Banks, 2014).



Iceland, decided to join it in 2001. Besides, there have been no opt-outs of Schengen since Ireland and the UK in 1997 (Wright, 2013, pp. 52–3). Michael Keating added in 2013:

What is clear is that Scotland, whether remaining in as a successor state or joining as a new member, would have to accept the *acquis*. Special dispensations and opt-outs are only available to existing members at the time of negotiating new policies. (Keating, 2013, p. 134)

Not only would all member states have to agree to the terms of Scottish membership before it could join the EU, but this would also include favourable terms or opt-outs Scotland would like to be granted (House of Commons, 2014, p. 24). There were consequently few clear answers to the Scotland and EU/Schengen Area dilemma.

### **The threats of border controls and differing immigration policies**

During the referendum campaign the question of border controls was raised regularly because of the lack of clarity on this issue and the fears aroused by the prospect of a poorly managed border between England and Scotland. This was not the first time such an argument had been made: these fears had been expressed since 2012. In March 2012, for example, in an interview with the BBC's *Sunday Politics Scotland*, British Home Secretary Theresa May had suggested that:

If there was a separate Scotland there could very well be some sort of border check, but what that would be, to what extent that would be necessary, would depend on the issues about whether Scotland was in Schengen. (BBC, 2012)

Nevertheless, the prospect of the referendum further increased these concerns.

This was exemplified by the statements made by several leading politicians, supporting the Better Together campaign<sup>8</sup> and calling for the re-establishment of border controls at the Anglo-Scottish border, thus reviving thoughts of the Hadrian's Wall built to separate the Romans

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8. "Better Together" was the main umbrella organisation of the "No" camp during the referendum campaign, including the Scottish Conservative Party, the Scottish Labour Party and the Scottish Liberal Democrats. It was established in June 2012 with support of the three main British parties. On the other hand, the "Yes Scotland" campaign, which was launched in Edinburgh on 25 May 2012, was an umbrella group rallying political parties, non-party organisations as well as individuals supporting independence. The campaign was an alliance of the governing Scottish National Party, the Scottish Green Party, and the Scottish Socialist Party.

from the Picts—a comparison repeatedly made in this debate (ITV, 2014; Peers, 2014). In March 2014 Theresa May stated that: “The British government would expect passport checks between Scotland and England if a looser immigration policy were adopted north of the border after independence.” (Carrell, 2014) In June 2014 Labour leader Ed Miliband said that if he was in power, his government “would consider building border posts” if Scotland became independent and “would have to look at the issue of a border if the Scottish government achieved its goal of a looser immigration policy” (BBC, 2014a). This viewpoint was confirmed by David Cameron in September 2014 (Dearden, 2014).

As referred to in the above mentioned quotes, the question of passports and border controls was not the only problem. What also seemed sensitive was the prospect of a loose immigration policy adopted by an independent Scotland and, above all, the concern that immigration rules for both sides of the border would not be the same. Immigration thus emerged as another major issue in this campaign. Ed Miliband made it clear in June 2014: “It totally stands to reason. If you have markedly different immigration policies, obviously that becomes an issue between Scotland and the rest of the UK.” (BBC, 2014a). These fears were also alluded to by Theresa May:

Buried deep in Alex Salmond’s white paper is the admission that, just like the last Labour government, a separate Scotland would pursue a looser immigration policy. That would undermine the work we have done since 2010, and the continuing UK could not allow Scotland to become a convenient landing point for migration into the United Kingdom. (Cited in Carrell, 2014)

Ed Miliband and Theresa May consequently highlighted that Scotland’s more open immigration policy could create a “back door” for entry into England, implying that people might travel to Scotland and then try to move south to England. Such a concern was justified insofar as the Cameron-Clegg government and the SNP did not seem to be willing to follow the same immigration policies.

The Cameron-Clegg government had adopted a tough stance on immigration since May 2010. In their coalition programme, they had declared that immigration had to be controlled:

The Government believes that immigration has enriched our culture and strengthened our economy, but that it must be controlled [...]. We also recognize that to ensure cohesion and protect our public services, we need to introduce a cap on immigration and reduce the number of non-EU immigrants. (HM Government, 2010, p. 21)

As long as the UK remained in the EU, the government could do little or nothing in terms of immigration policy to impact EU migrant flows to (or from) the UK. Consequently, it suggested other measures such as: an annual limit on the number of non-EU economic migrants, the reintroduction of exit checks or action to reduce abuse of the immigration system by students (Benyon, 2011, p. 141). On 23 November 2010 Home Secretary Theresa May made this objective quite clear when she said that the aim was to reduce annual non-EU migration “from the hundreds of thousands [196,000 in 2009], back down to the tens of thousands” (May, 2010). For example, she announced new rules aimed at setting an annual limit of 21,700 (a decrease by 6,300) for tier-one and tier-two migrants, particularly reducing tier-one migration, i.e. migrants without job offers, and at increasing financial maintenance thresholds for entry. She also focused on non-EU students who represented “almost two thirds of the non-EU migrants entering the UK each year” (*ibid.*). It was proposed that student visas would be limited to degree level with a more onerous regime for students at public and private colleges so as to cut the number of student visas issued each year—a cut of around 40% was expected (Benyon, 2011, p. 141). In an article published in February 2015, Jonathan Portes tried to assess the coalition government’s record on immigration. He highlighted that, even though the coalition government had not succeeded in reducing non-EU migration to the tens of thousands, they had managed to cut significantly student migration:

The promise to cut net migration to the ‘tens of thousands’ was generally regarded by immigration policy experts as unachievable, or achievable only at an economic cost no sensible government was willing to pay. In practice, the latter course was never tested: resistance from within government from the Department of Business, supported to a greater or lesser extent by the Treasury, meant that even non-EU migration was only reduced very substantially for non-HE [Higher Education] students; for most other routes it has stabilised. Non-EU net migration is currently about 150,000 a year, slightly higher than EU net migration.

This does not mean the policy changes had no impact: the increase in the regulatory burden on business and the education sector has been substantial, and has certainly resulted in some reduction in skilled and student migration. The most damaging single decision was probably the closing of the Post-Study Work Route<sup>9</sup>. However, overall, any economic damage was considerably mitigated. (Portes, 2015)

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9. This visa route, which was closed in 2012, allowed international students to work for up to two years after their studies.

If the immigration policy of the British government was rather tough, the policy suggested by the SNP—in the advent of an independent Scotland—seemed loose. Indeed, in June 2014 Alex Salmond hinted that Scotland would need to encourage immigration in order to expand the workforce and to finance the state pension (this amounted to a rise of 10%, from about 22,000 to 24,000 migrants a year)—a policy quite different from that of the British government (*Herald Scotland*, 2014). This was also clearly mentioned in the document entitled *Scotland's Future* since the Scottish government explained that they would introduce new measures in this field in order to meet the Scottish needs:

Scotland's differing demographic and migration needs mean that the current UK immigration system has not served our interests. This Government plans, following independence, a points-based immigration system, targeted at particular Scottish needs. The system will enable us to meet the needs of Scottish society with greater flexibility. For example, it could provide incentives to migrants who move to live and work in remoter geographical areas [of Scotland]. (Scottish Government, 2013b, p. 16)

The SNP considered a rise in immigration, which would contribute to population growth, as essential to Scotland's economy (*ibid.*, p. 267). Thus, the SNP wanted to reintroduce the post-study work visa to attract high quality international students and encourage more foreign graduates to remain in Scotland after finishing further education (*ibid.*, p. 256). Furthermore, they planned to lower the current financial maintenance thresholds and minimum salary levels for entry so as to encourage skilled individuals to move to Scotland (*ibid.*, p. 270).

### Limited room for manoeuvre

These differing priorities in terms of immigration policies could have been problematic if Scotland had become independent. Nevertheless, tensions should not be exaggerated. Indeed, Scotland would probably have remained part of the EU and/or of the CTA, which means that it would not really have been able to decide its own immigration rules.<sup>10</sup> The Scottish government seemed to be well aware of these constraints. Thus, in *Scotland's Future*, they highlighted that negotiations would be needed if Scotland was to remain part of the CTA:

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10. As a country part of the UK, Scotland has never been able to decide its immigration policy, which is one of "the reserved powers". Immigration policy is decided by the British Government.

The current CTA between the UK and Ireland is based on administrative arrangements [...] These arrangements are reflected in the UK’s immigration laws (and those of the Republic of Ireland) and could be replicated by an independent Scotland in due course. Within the CTA, an independent Scotland will work with the Westminster and Irish Governments to ensure that visa and immigration controls meet certain shared standards. The detail of this would require negotiation but full harmonization is not required. (*Ibid.*, p. 224)

Regarding the EU, one should not forget that Scotland, like the UK and other EU member states, has to follow the rules which are embodied in the Lisbon Treaty and which are enforced by Directives and Regulations, “the most important forms of binding EU Law issued by the European Union Council of Ministers and the European Parliament” (Wright, 2013, p. 47). Scotland has to respect the treaty provisions relating to freedom of movement for citizens of member states and to allow EU citizens to enter the country as the UK presently does. This would also mean, as mentioned by Jim Gallagher that:

[...] as a member of the EU, the views of other member states on substantial in migration from third countries would be a constraint. An independent Scotland would have to adopt the EU’s common approach to migration and the resultant harmonisation of immigration and asylum policies. (Gallagher, 2013, p. 4)

The two main principles of the EU immigration policies are based on: “defining a balanced approach to immigration” so as to deal with legal migration and fight illegal immigration, and respecting “the principle of solidarity and fair sharing of responsibility” (Europa, 2015c). Scotland would have to respect these principles as well as the new measures proposed by the European Commission to solve the migration problems, and more particularly the crisis in the Mediterranean—immigration having been made a central priority at the EU level. These constraints would have an impact on Scotland’s ability to determine its immigration policy:

[...] if Scotland were a separate, independent state it would have legal power over migration and citizenship issues, but in practice its scope to diverge from EU and UK rules and approaches would be greatly constrained in practical and political terms. (*Ibid.*)

Finally, Scotland would have to take into account the attitude of Scottish public opinion towards immigration. According to a survey of attitudes carried out by YouGov in October 2013, the majority of Scots (58%) supported reductions to immigration to Scotland—even though

the extent of support for such a position was stronger in England and Wales (75%) (Ryan, 2014, p. 163; Blinder, 2014, pp. 5–6).

## **Reasons for the use of the immigration issue in the referendum debate**

Even though the concerns raised by the prospect that Scotland might not be able to control its borders and migration policies were exaggerated, they were aroused by several factors which induced the pro-UK camp to make immigration a major issue in the referendum campaign, as exemplified by Alex Salmond's complaints that "immigration was being used as a 'weapon' to stoke up fears about independence" (BBC, 2014b).

First, immigration was one of the main concerns of British voters. According to the IPSOS-MORI polls carried out in June, July, August and September 2014, race/immigration was even considered as the most important issue facing the UK (36% of the respondents cited it as the most important issue in July while economy was mentioned by 32% and the NHS by 27% of the public) (IPSOS MORI, 2014).

Second, the concern over immigration was fueled by the migrant crisis in Calais, the nearest French port to England, from where thousands of migrants attempted (and still attempt) to cross the Channel in order to reach England. This issue particularly made the headlines in July, August, and in early September 2014 when about 230 illegal migrants tried to force their way onto a ferry bound for England (BBC, 2014c).

Third, the United Kingdom Independence Party (UKIP)'s discourse on immigration might have influenced the main British parties and British voters in this debate. Even if this right-wing party claims it is a civic nationalist party, it supports a tough immigration policy, promising "a five-year ban on people coming to settle in Britain while immigration policy is sorted out", suggesting that "all immigrants should be banned from claiming benefits for five years after their arrival" or "improvements to border checks" in January 2014 (Wintour, 2014). This might be all the more likely as UKIP has become increasingly popular since 2013. One should not forget that the independence referendum took place a few months after the 2014 European elections, where UKIP gained the most votes in the UK (27.49%) and 24 MEPS (including its first MEP in Scotland, David Coburn).

## Conclusion

The border and immigration issues played a major role in the Scottish independence campaign insofar as states and borders are inextricably linked and many questions remained unanswered about Scotland's prospective EU membership, membership of the Schengen Area and membership of the CTA. Even though it was obvious Scotland wanted to remain in the EU and within the CTA, uncertainty remained about what was possible and about the conditions for membership. This lack of clarity enabled the pro-UK camp to make border checks and immigration key issues in the referendum campaign. Not only did they use the threat of border controls to make Scottish voters aware of the impact of independence on Scotland's borders, highlighting that "a literal and figurative border"<sup>11</sup> would be created between England and Scotland, but they also hinted that an independent Scotland could leave the way open to a great number of migrants, either because the Scottish government would follow looser immigration policies than the rest of the UK or because Scotland's borders would be poorly managed.

Despite the referendum defeat, the idea of holding a referendum on Scottish independence has not been abandoned. In November 2014 Nicola Sturgeon, the new SNP leader,<sup>12</sup> said her top priority would be campaigning for separation and she suggested that a second referendum could be organized (Johnson, 2014). If that happened, the questions regarding borders and immigration would have to be settled so as to ensure that Scottish voters know what an independent Scotland means.

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11. This was one of the statements made by British Home Secretary Theresa May (Riley-Smith, 2014).

12. Following the defeat, Alex Salmond decided to resign. He was succeeded by Nicola Sturgeon in November 2014.

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