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IMPROVING US AND EU IMMIGRATION SYSTEMS

European Security Challenges

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**Improving EU and US Immigration Systems' Capacity for Responding to Global
Challenges: Learning from experiences**

**Background paper
EU-US Immigration Systems 2011/01**

European Security Challenges

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Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences

The project is co-funded by the European Commission DG Relex in the framework of the Pilot Projects on “Transatlantic Methods for Handling Global Challenges in the European Union and United States”. The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers’ understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:

- <http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/>
- <http://www.migrationpolicy.org/immigrationsystems/>

For more information:

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Summary

Irregular migration was first noted during the 1970s, peaked around 2000 and is decreasing, the stock dropped to 3.8 million in 2008 and the flow of clandestine entry dropped to 103,000 apprehensions in 2009. Migration and border controls have been stepped up considerably by the EU and its member states over the past 15 years and were also extended to almost all neighbouring and transit countries along the main routes. Although clandestine entry, notably the arrival of boat people triggers most attention and is high on the policy agenda the overwhelming majority of irregular immigrants enter legally and then overstay, work in breach of their visa limits or otherwise lose their status; others claim asylum, are refused but stay on irregularly.

Introduction

In Western Europe, irregular migration was first noted during the 1960s and 1970s. Initially, it was identified with unwanted continuous immigration from former recruitment countries of immigrant or 'guest' workers¹. From the mid 1980s, irregular immigrants were identified with an increasing influx of refugees from South Asian and Middle Eastern countries² and from the 1990s also from African countries³. Then, from the early and mid 1990s, began an influx of irregular immigrant workers from the former socialist countries in Eastern Europe⁴. Irregular immigration peaked in the early 2000s and has since decreased. This is because, first, some sending countries became member states of the European Union and their citizens turned into regular migrants, second, because migration and border controls were improved and, third, because of the diversification of flows and the emergence of alternative destinations⁵.

The European Economic Community began in 1974 to respond as a political entity to irregular migration, but only issued its first policy in 1985. Over the past 25 years, numerous policies have been designed to improve border security, prevent irregular migration, facilitate information exchange on migration flows, practical operations, capacity building in third countries and the return of irregular immigrants. Today, irregular immigration is considered one of the 'key threats' to the EU (Council of the European Union, 2003: 4). Consequently, the prevention of irregular immigration has become a top priority in the EU's 'global approach' to migration (Council of the European Union, 2002a; Council of the European Union, 2005). Irregular migration was also an issue in the European Security Strategy (e.g. Council of the European Union, 2008a).

The European Union has 11,000 kilometres of external land borders, 43,000 kilometres of external sea borders and 286 international airports (Frontex, 2010c). In 2006, it agreed on common integrated border management (Council of the European Union, 2006a). Several institutions (notably Frontex), politics and surveillance tools were introduced and national, European and international inter-agency co-operation in border management and control was enhanced.

The principle policy line is that the illegal entry, transit and stay of third-country nationals who are not in need of international protection undermines state sovereignty and security and the credibility of the common immigration policy and must thus be prevented (European Commission, 2009a). Simultaneously, the EU is a signatory of all relevant international conventions on human rights, thus the EU has certain obligations to protect the fundamental rights of clandestine entrants and irregular immigrants (International Council on Human Rights Policy, 2010). These contrasting commitments result in a policy dilemma, whilst the arrival of large numbers of irregular immigrants is normally dealt with by calls for more efficient controls, notably return measures, obligations under international law may request governments to admit clandestine entrants or to provide services to them. Also civil society often protests about harsh and, instead, demands more humane responses. Thus, the balance between the two is constantly disputed and renegotiated.

This paper first summarises the scope of migration in the EU, including international travellers, immigrants, asylum seekers and irregular immigrants. Second, it sketches the definitions, types, patterns and geographies of irregular migration in Europe. Third, it considers the EU and regional policies, politics and institutions, as well as operations and resources that address irregular migration. Fourth, the impact of the global economic crises and recent political upheaval and transformation in North Africa is discussed.

¹ UK: Caribbean, India, Pakistan; France: Algeria, Morocco; Germany: Turkey; Netherlands: Morocco; Switzerland: Yugoslavia; Austria: Yugoslavia etc.

² Sri Lanka, Afghanistan, Iran, Palestine, Turkey.

³ Sierra Leone, Liberia, Ruanda, Congo etc.

⁴ Mostly from Poland, Lithuania, Romania and Albania.

⁵ Russia, Libya, Egypt, Israel and Australia.

1. Regular and Irregular Immigration in the EU

The EU and its member states are important destinations for regular and irregular migrants of various types. No easy distinction is possible between regular and irregular migration, instead flows are often mixed and statuses fluid. For instance, certain migrants, such as refugees may arrive illegally but, after applying for asylum, regularise their status; other migrants arrive legally but become illegal because they overstay the limit of their stay. Migrants may also have mixed statuses, e.g. a regular residence status but then work without permission.

Regular migration: Stocks and Flows

European Union countries are a major source and destination for international travellers. In 2009, 714 million regular international arrivals were recorded (Frontex, 2010c). In 2008, 10.4 million so-called Schengen visa were issued permitting the visa holder to enter almost the whole EU (BBC News, 2010)⁶. Whilst pre-entry and on-entry controls aim to deter illegitimate travellers it must be assumed that amongst this flow of people there was also an unknown number of irregular immigrants as well as subsequent visa-overstayers.

The European Union also faces considerable immigration. In 2006, 3.01 million non-EU immigrants arrived in EU member states, though some only resettled from one EU country to another (European Commission, 2010c, 2010d). Annual net migration has increased from 0.5-1 million during the 1990s to 1.5-2 million in the 2000s (ibid.). In 2005, there were 25 million regular migrants residing in an EU-27 country plus around 10 million foreign born but naturalised individuals including ethnic immigrants (e.g. Germans from former Soviet Union countries) (Münz, 2006). Of these 6.5 million were migrants from other EU country and 18.5 million were so-called third country nationals (TCNs), i.e. migrants from non-EU countries (European Commission, 2006a; European Commission, 2008a). From 2001 to 2008, the number of non-EU nationals in the EU-27 increased by 9.2 million persons, from 4.5 percent to 6.2 percent of the total population. Of these, more than 50 percent (5.2 million) were TCNs, hence international migration has outnumbered internal EU migration. Three quarters of all immigrants are to be found in only five countries: France, Germany, Italy, Spain and the UK though their share increased most significantly in Ireland (3.9 per cent in 2001 and 12.6 percent in 2008), Spain (from 2.9 percent to 11.6 percent) and Cyprus (8.8 percent to 15.9 percent) (Vasileva, 2009). Among TCNs, the largest national groups were from Turkey (2.4 million, 12 percent), Morocco (1.7 million, 9 percent) and Albania (1 million, 5 percent)⁷, hence from neighbouring countries (EUROSTAT, 2009). In contrast, countries such as the UK, Spain and Portugal also attract significant immigration from South Asia, South America and Africa. These populations represent another potential source of irregular immigrants, e.g. visa overstayers or migrants working in violation of their visa conditions.

At the end of 2008, the UNHCR had registered 1.4 million individuals in the EU, as well as 250,000 asylum seekers (UNHCR, 2008b). In 2007, 301,973 asylum applications were received in the EU, 45 percent of worldwide applications (UNHCR, 2008a). Thus the EU is the prime destination for asylum seekers. Recognition rates vary from 2.7 percent in Greece, to 35.2 percent in Germany and 61.2 percent in Italy (UNHCR, 2008c) and the European Commission (2009b) criticised the fact that procedures had become a lottery. This has significant implications for irregular migration, on the one hand refugees often arrive illegally and are recorded as such but then apply for asylum and switch status, on the other hand asylum seekers who are rejected often neither leave the country voluntarily nor is their return enforced and thus become irregular, as has been noted in many countries.

⁶ All but five EU countries have abolished border controls on internal borders allowing free movement: Cyprus, Romania and Bulgaria have not yet implemented these measures, whilst the UK and Ireland have opted out of the agreement and still enforce entry controls.

⁷ Albanians are the largest group of TCNs in a single EUMS, which is the case in Greece (64 per cent of the total number of TCNs) (EUROSTAT, 2009).

Regular Immigration to the EU

- International arrivals, 714 million (2009) are significant and mixed in nature;
- Immigration to the EU is significant though the increase has slowed down;
- Citizens of EU-27 are increasingly mobile, partially replacing TCNs, while migration from third countries remains robust;
- The EU receives around 45 percent of worldwide asylum seekers;
- The vast majority of migrants seeking asylum were rejected in the EU;
- Asylum seekers, international travellers and immigrants represent a potential source of irregular immigrants.

Irregular migration: Stocks and Flows

Irregular migration in Europe was first noted during the 1930s, a period of rather underdeveloped migration policies (Düvell et al. 2008). It was recorded again during the 1970s (e.g. OECD, 1977) in the course of and after the termination of immigrant workers recruitment schemes. From the 1980s, irregular migration was associated with the arrival of asylum seekers, a phenomenon that peaked during the early and mid 1990s. From the mid 1990s irregular migration from post-socialist Central European countries⁸ began to rise only to peak in the early 2000s. The late 1990s were then characterised by the arrival of ‘boat people’, first from other European countries (notably Albania, then from Turkey (Kurds) and subsequently from African and Asian countries.

Until recently, the stock of irregular immigrants has commonly been guessed at 4–8 million (Sassen, 1996; Düvell, 2006a). Recent academic research, however, suggests significantly lower levels. In 2002, there were an estimated 3.1-5.3 million irregular immigrant residents in the EU-12⁹; this has dropped to 1.8-3.3 million in the EU-12 or 1.9-3.8 million in the EU-27 (Vogel, 2009). Most of the irregular resident population is estimated to live in the old and western and southern member states (i.e. the former EU-15).

Table 1: Dynamic aggregate estimate of the stock of the irregular foreign resident population in 2002, 2005 and 2008

Year	Absolute population numbers in millions		As percentage of population		As percentage of foreign population	
	minimum	maximum	minimum	maximum	minimum	maximum
<i>EU 15</i>						
2002	3.1	5.3	0.8%	1.4%	14%	25%
2005	2.2	4.8	0.58%	1.23%	8%	18%
2008	1.8	3.3	0.46%	0.83%	7%	12%
<i>EU 27</i>						
2008	1.9	3.8	0.39%	0.77%	7%	13%

Source: Compilation and adjustment of individual country estimates from different sources, Vogel and Kovacheva (2009)¹⁰.

⁸ Poland, Lithuania, Albania and later also Romania.

⁹ Austria, the Czech Republic, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and UK

¹⁰ Research conducted by the Clandestino consortium specifically aimed at examining the existing range of methods for estimating ‘hidden population groups’ such as the population group of irregular migrants residing in the EU and its Member States (see also Jandl *et al.* 2008; Vogel and Kovacheva, 2009). Applied methods in 12 EU Member States were analysed demonstrating the differing comprehensiveness, sophistication and methodological problem-awareness on diverse issues. An assessment of existing estimates indicating the size of irregular migrants was accomplished by

Irregular migration is not limited to high-income countries but it is also recorded in medium and low-income countries (see Düvell, 2006a). European and non-European countries in the neighbourhood of the EU, notably Russia, Ukraine, Turkey, Syria, Lebanon, Israel, Egypt, Libya and Morocco also host considerable numbers of IMs (Düvell and Vollmer, 2009). Estimates for Russia ranged ‘from 700,000 up to a rather implausible 15 million’ (Heleniak, 2002: 2) and now stand at 4 million not least due to a major *de-facto* regularization in 2008 (Moscow News, 2009). Estimates range from 500,000 to one million in Turkey, 500,000 to 3 million in Egypt (Zohri, 2003) and around 15,000 IMs in Morocco. Some of these are considered to be ‘in transit’ and intend to move on to the EU. Thus some of the stocks in the neighbourhood countries of the EU could lead to EU-directed inflows.

In terms of flows three types can be identified, geographic, status and demographic flows. The most visible and symbolic are geographic inflows: migrants trying to reach the EU in boats (sea borders), hidden in trucks, trunks, under trains or on foot through forests and mountains (land borders). Geographic outflows of irregular migrants, i.e. from one EUMS to another or out of the EU, are hardly known. Since 2000, status-related flows, i.e. moving from a legal to an irregular status or *vice versa* are the numerically most significant flows, whilst outflows mostly related to two policies - European integration and regularisation - have been far higher than status-related inflows. *Demographic flows* concern the birth and death of IMs, though hardly anything is known about the quantitative dimension.

The only hard figures on inflows are apprehensions of IMs, though these need to be treated with caution (Düvell, 2009b). In 2005, approximately 105,000 migrants and refugees were apprehended on the borders of the EU (Düvell and Vollmer, 2009), 151,000 in 2008, 103,000 in 2009 with a further decline of 13 percent noted during the first nine months of 2010 (appendix 1) (Frontex, 2009a, 2010b). In 2008, more apprehensions were made on sea than on land borders, whilst in 2009 this was the other way round. Presently around 8-10,000 individuals travelling on false documents are detected, which ‘remains negligible relative to flows of regular passengers and the number of entry points’ (Frontex, 2010a: 3). In recent quarters, 2,000 and 2,500 facilitators were detected (*ibid.*).¹¹ The multiplier of apprehended IMs vs. those who entered unnoticed is not known. But in 2008, 107,388 claims for asylum were filed in the peripheral EU countries (Lithuania, Latvia, Poland, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Greece, Italy, Malta and Spain) and in Austria and the Czech Republic (UNHCR, 2009) and the overwhelming majority of these asylum seekers had probably crossed the borders clandestinely and often applied for asylum after apprehension on EU territory. The figures of the Eurodac fingerprint system of ‘all individuals aged 14 years or over who have made applications for asylum in the Member States, who were apprehended when crossing a Member State’s external border irregularly’ was 16,183 in 2004, 41,312 in 2006, peaked at 61,945 in 2008 and halved to 31,071 in 2009 (appendix 3) (European Commission, 2010b). In three of the four main transit countries, Turkey, Morocco and Ukraine (no figures are available for Libya), 119,152 IMs were apprehended on the territories and the borders in 2007, 902,525 from 1998-2007. Apprehensions in Turkey peaked in 2000, in Morocco in 2005 and in Ukraine in 2007 and then decreased in all three countries (appendix 2).

The decline in the stock of irregular immigrants from 2002 to 2008 can be explained by the impact of three policies: (1) large scale regularisation in various countries (Spain, Italy, Greece, Belgium); 3.5 million to over 4 million IMs were regularised in the EU between 1996 and 2008 (Baldwin-Edwards and Kraler, 2009); (2) the accession of three major sending countries of IM’s to the EU - Poland and Lithuania, 2004; Romania 2007 - migrants from these countries can now migrate legally and dropped

(Contd.) _____

discussing quality criteria for scientific analysis of qualitative and quantitative data and how they can be applied to estimates of irregular migrant populations. Based on this assessment and analysis, dynamic aggregate estimates for the EU with its 27 Member States were published for three years 2002, 2005 and 2008 (for more details, please see: <http://clandestino.eliamep.gr>; <http://irregular-migration.hwwi.de/>). The EU acknowledged the estimate by the Clandestino consortium (European Commission, 2010e).

¹¹ This figures also includes facilitators of irregular work in Italy and is thus blurred

from the list of IMs; and (3) the increase in the apprehension of IMs, from 46.299 in 2005 to 85.554 in 2009 (European Commission, 2007, 2010b). In addition, the decline in the flow of IMs in 2009 and 2010 is, it is suggested, also a consequence of the economic crisis (Frontex, 2010a).

Irregular Immigration in the EU

- The stock of irregular migrants in the EU decreased from a maximum estimate of 6 million in 2000 to 3.8 million in 2008.
- Apprehensions on the territory of the EUMSs doubled post 2005.
- The flow of irregular migration to the EU peaked at 150,000 in 2008 and afterwards declined to 103,000 in 2009.
- Apprehensions in the neighbourhood countries peaked in 2000 (Turkey), 2005 (Morocco) and 2007 Ukraine but have since declined.
- The decrease in stocks and flows is due to the EU accession of several major sending countries, large scale regularisation, enhanced border controls and the impact of the crisis on

2. Definitions, Types, Patterns and Geographies of Irregular Migration in the EU

Definitions

Nation states successively introduced legislation that outlawed certain forms of migration or migrant practices. EU law (Return Directive) clarifies that “‘illegal stay’ means the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State” (Council of the European Union, 2008b).

Nevertheless, legal definitions and policies on irregular migration differ widely across the EUMSs (Düvell, 2009a). They are also not as clear-cut as one might assume and grey zones of irregularity have emerged. For instance, migrants might have a mixed status, e.g. have regular residence status, but work without permission; work with a permit though on another job than the one registered with the authorities; or they may work longer hours than their visa, e.g. their student visa, permits. This legal ambivalence or scale of irregularity is described as semi-legality (Düvell, 2006a), formal informality (Erdemir and Vasta, 2007) or semi-compliance (Ruhs and Anderson, 2006).

Types

The most commonly known type of irregular migration and the type that raises the greatest concerns is ‘illegal entry’, hence unauthorized or clandestine crossing of an EUMS’s border, for example, the arrival of irregular immigrants in boats, hidden in trucks or containers or with false documents. But this type of irregular migration is the exception rather than the rule. Instead, the most recent research suggests that the main pathways into irregularity are (Düvell, 2009a):

- Most relevant pathway: legal entry and overstaying, i.e. the migrant’s visa has expired, the migrant has not left the country on the day as stated on the visa; or legal entry and stay whilst working or engaging in self-employment in breach of immigration regulations.
- Second most relevant pathway: this is related to refused asylum seekers who do not return, are not removed and/or who are *de facto* non-removable because of lack of documents, unclear identity, unsafe country of origin, family links or health, age and gender-related constraints.

- Third most relevant pathway: this is related to bureaucratic failure in processing residence and work permit applications, inefficient renewal and appeal procedures resulting in withdrawal or loss of status.
- Least relevant: clandestine entry - often of individuals who subsequently apply for asylum.
- Finally, children born into irregularity as a consequence of the status of their parents are a growing phenomenon.

Another pattern is associated with IMs who were regularised in course of a regularisation programme, but fall back into irregularity because they do not meet the criteria for the renewal of their status (Baldwin-Edwards and Kraler, 2009; Levinson, 2005).

Patterns

There seem to be two principal but contrasting patterns of irregular migration to the EU: (a) once in an EU country some IMs stay as long as possible and add to the stock of IMs; (b) others come on a temporary basis only and stay and work for a limited period of time. Research has found that some IMs pursue only short-term strategies, such as earning a specific amount of money for buying goods or property, to invest in a business or to solve an immediate crisis (Jordan and Vogel, 1997). Some irregular migration might then be a one-off, might be repeated or might be done frequently; notably IMs from neighbouring countries or from countries with easy and cheap transportation are often more mobile, as observed in the case of Poles in the UK (Jordan and Düvell, 2002) or Belgium (Steinborn, 2003), hence they come more often but stay less long. In contrast, migrants from distant countries whose journeys are more expensive, cumbersome and risky or from countries whose nationals face visa restrictions may stay longer, as in the case of Brazilians in London (Jordan, Vogel & Estrella, 1997). There are also longer stay irregular migrants who believe that they cannot go back for fear of persecution (Pater, 2005). Thus, it is plausible to assume that the easier it is to enter, leave and re-enter a country the more likely it is that IMs come and go instead of settling down; *vice versa*, the more rigid the border and entry controls, the more likely it is that once a migrant has made it into the country, he or she will stay as long as possible. Some irregular migration is economically driven and once the demand for labour decreases and jobs are no longer available clandestine migration decreases too, as observed in Portugal before and after the World Cup (Baganha *et al.* 2004). Other clandestine migration is driven by non-economic factors such as network effects, cultures of migration and family reunification or by mere dreams of Europe.

Regarding flows of IMs, and particularly irregular transit migration, non-EU neighbourhood countries are often ill-prepared or unwilling to deal with and accept immigrants and refugees who are frequently refused an adequate status and become or remain irregular. Therefore, migrants and refugees heading for or residing in these countries often move on towards the EU either intentionally or in response to the lack of integration opportunities in these countries. In contrast, other migrants who were aiming to move on to the EU instead 'get stuck' or 'stranded' in these countries as involuntary immigrants and add to the irregular immigrant population (see Düvell, 2006b).

Geographies

There are five types of geographies of irregular migration in Europe, (1) countries or regions of origin, (2) routes of (irregular) migration towards the EU, (3) hubs of clandestine migrants, transit migration and points of entry, (4) on-migration within the EU and (5) countries of destination. None of this is fixed and constant changes are observed.

Generally, migration to the EU has to be analysed country by country as each country has specific links with and is part of specific migration systems linking together sending and receiving countries. For instance, the largest groups of IMs in Spain are from Spanish-speaking countries in Latin America and from neighbouring Morocco. In France the largest group is from French speaking countries and former

colonies in North and West Africa. In Italy IMs come from Northern and Sub-Saharan Africa. In Germany they arrived from Turkey and the former Yugoslavia, both once guest-worker countries. Then in the UK IMs come from former colonies in the Caribbean, Africa and South Asia¹². Regarding flows of clandestine migrants the majority seems to originate in refugee sending countries such as Afghanistan, Iraq, Iran, Somalia and Eritrea, but also from Moldova, Mauritania, Algeria, Senegal and Mali.

Irregular migration can be identified with transit zones (Düvell *et al.* 2008, also see Collyer 2007), notably in Saharan Africa and the Middle East (Fargues 2009) and some Newly Independent Countries (NIC) in Eastern Europe. Four quadrants of transit migration can be identified; the Eastern quadrant (Russia, Ukraine, Belarus, Azerbaijan), the South East European quadrant (Turkey, Syria, Cyprus, the Balkan), the Central Mediterranean quadrant (Mali, Niger, Libya, Tunisia) and the Western Mediterranean and Atlantic quadrant (Morocco, Algeria, Mauretania). The main routes are from (1) Sub-Saharan or West Africa towards the Cape Verdes, Canaries and/or Morocco towards Spain, (2) from Sub-Saharan, East and West Africa via Libya and the Central Mediterranean Sea towards Malta and Italy, (3) from West, Sub-Saharan and East Africa and from Central and South Asia (sometimes via Syria) through Turkey to Greece and sometimes to Bulgaria; (4) from West and East Africa and from Central, South and South East Asia through Russia and Ukraine to Hungary, Slovakia and Poland. Other minor routes run from Turkey to Cyprus and from Egypt to Greece and Italy and through the Balkans (see appendix 4). IMs cross the Saharan desert, the Red Sea, the Mediterranean or the Aegean; the Evros River between Turkey and Greece, the Carpathian Mountains between Ukraine and its EU neighbours or the forests and swamps between Ukraine, Belarus and Poland. Meanwhile, routes (1), (2) and (3) were almost barred due to increased controls, whilst movements along (4) and (5) also decreased (see ICMPD, 2010; Frontex, 2010b).

Certain hubs have emerged such as Moscow in Russia; Kiev and Uzhgorod in Ukraine; Van, Istanbul, Edirne and Izmir in Turkey; Agadez in Niger; Tamanghasset in Algeria; Tripoli in Libya; and Tangier and Rabat in Morocco. And also some islands stand or at least stood out notably the Canaries, Malta, Lampedusa and Sicily (Italy), and Samos and Lesbos (Greece). Some ports are associated with irregular migration, notably Calais (France), Patras and Igoumenitsa (Greece) and Zuwarah in Libya. Other places identified with irregular migration are refugee reception centres, notably Debrecen in Hungary or Humenne in Slovakia, certain detention centres, such as Edirne in Turkey or Chop in Ukraine, street markets where migrants and refugees work to finance their living and sometimes on-migration (Shulavska in Kiev, the '7th Kilometre market' in Odessa and the Medina in Tripoli) or ramshackle settlements (Oujda in Morocco, Patras in Greece).

Once inside the European Union, IMs often continue their journey which is facilitated by smugglers, migration networks and 'ethnic corridors' (Mosneaga, 2008) or independently. Evidence shows that IMs move on from their first point of arrival through various other countries to their destination, e.g. from Greece to Italy, from Italy to Switzerland, from Hungary to France or Sweden, from Poland to Austria or Germany, from Austria to Portugal, from Spain to France or Germany, from France to the UK and so on.

Irregular migration peaked in 2001 in Turkey but then decreased, in 2003 in Morocco, in 2006 in the Canary Island, in 2008 in Ukraine and in the Central Mediterranean, in 2009 in the Aegean Sea (Greece) and in 2010 on the Greek-Turkish land border. This illustrates a constant shift of flows and the emergence of new routes (Düvell and Vollmer, 2009; Düvell, 2009b).

So far, over 10,000 migrants have lost their lives (United Against Racism, 2010), 1,500 cases of deaths documented at the doors of Europe were reported in 2008 (Pro Asyl, 2008). Especially the death toll on the seas to the south of Europe raises considerable concerns.

¹² All information from country reports of the Clandestino project, see <http://clandestino.eliamep.gr/clandestino-country-reports/#more-62>

3. Borders and Migration Control in the EU

European borders are volatile and subject to continuous re-bordering and de-bordering processes. The collapse of the 'iron curtain' in 1989 changed the nature of the borders and lifted the division between East and West. Various countries broke up, notably the Soviet Union, Czechoslovakia and Yugoslavia. Others united, such as Germany. Then others still emerged, including Ukraine, Belarus, Moldova, Slovakia, the Czech Republic, Slovenia, Croatia, Serbia, Bosnia-Herzegovina, Montenegro and Macedonia. While once impermeable borders fell, previously open spaces were divided by new borders.

European integration has, from its beginnings, focussed on migration, though initially only on mobility within the alliance. Gradually, and in the wake of the economic crisis in the 1970s and the political transformation in the late 1980s and 1990s, all member states of the then European Economic Community were affected by an inflow of refugees and other self-selected migration. Thus, from 1975, member states began to coordinate their policies and a distinct European migration regime has gradually emerged involving all 27 member states.

In addition to internal and border controls the EU developed a comprehensive approach and also concentrated on sending and transit countries, hence EU candidate countries and almost all other countries in the EU neighbourhood. The EU's migration controls were pushed beyond its territory, externalised (Boswell, 2003) and internationalised (McKeever *et al.* 2005) resulting in a kind of 'shadow borders' (Düvell, 2009e). Thus a regime is emerging that links European with other regional and global processes.

Internal immigration and external border controls of the EU

Initially, irregular migration was dealt with on the national level alone. But in response to the emergence of irregular immigration in the late 1970s, steps were taken for a coordinated response. In 1985, the Commission of the European Community in its first ever 'guidelines for a community migration policy' declared 'illegal immigration' a European topic. From that period onwards, irregular migration has also been considered a security issue and has been dealt with by interior ministries. In 1989, the Council of the European Community in its famous 'Palma declaration' defined the principle doctrine of EU migration policies: internal free movement require tough immigration and external border controls. In 1999, the Maastricht Treaty established the European Community and within this a policy pillar of 'Justice and Home Affairs' (JHA) also dealing with migration affairs. Finally, in 1999, the Amsterdam treaty declared migration, asylum and borders a community affair. Notably the Tampere presidency conclusions agreed on a 'coherent approach' along four lines (European Commission, 2000):

1. Tackling illegal immigration at source,
2. Consistent control of external borders to stop illegal immigration,
3. Combating those who engage in trafficking in human beings and economic exploitation of migrants, and
4. Efforts to detect and dismantle relevant criminal networks.

In 2002, the Council toughened the penal response to facilitating unauthorised entry, transit and residence¹³, the European Commission (2002) prepared the ground for 'integrated management of the EU external borders'. And in September 2003, the Commission prepared the introduction of two sets of biometric data (fingerprints and facial image) on visas and resident permits for TCNs¹⁴. Finally,

¹³ Official Journal, L-328 (5.12.2002).

¹⁴ COM(2003) 558, CNS 2003/0218, Proposal for a Council Regulation amending Regulation (EC) 1030/2002 laying down a uniform format for residence permits for third-country nationals; COM(2003) 558, CNS 2003/0217, Proposal for a Council Regulation amending Regulation (EC) 1683/95 laying down a uniform format for visas.

from 2005 the EU began implementing Hague programme to step up the fight against all forms of 'illegal immigration' in border security, employment, return and cooperation with third countries.

These policies were translated into concrete policies:

1. Carrier sanctions (1986) integrated transportation businesses in the fight against irregular immigration, but also shifted the burden of responsibility for irregular migration to the businesses;
2. common visa procedures were introduced to prevent any abuse of visa and a common list of visa countries was agreed upon (2002);
3. deportations were coordinated and joint flights arranged (2007);
4. detention and deportation was regulated (Return directive, 2008/115/EC)
5. Employer sanctions addressing the employment of IMs was clarified (Employer sanctions directive, 2009/52/EC).

In contrast no agreement could be reached on regularisation programmes. These are rejected by some governments (e.g. the UK, France and Germany) who argue that these create a pull-effect, whilst others accept these as useful tools in facing the inevitable. Therefore, regularisation programmes remain at the national level.

Various agencies and institutions were introduced as an 'early warning system for illegal migration' to implement these policies (Council of the European Union, 1999):

1. Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration (CIREFI) for gathering and analyzing data on irregular migration (1992).
2. High Level Working Group Asylum and Migration (HLWG) (1998) of civil servants to further develop a strategic approach and integrated policies and to produce horizontal analyses as regards irregular migration (Council of the European Union, 1998).
3. The Strategic Committee for Immigration, Frontiers and Asylum Affairs (SCIFA) (2000) has overall responsibility in cooperation for a common European asylum and migration policy.
4. On the operational level, the Schengen Information System (SIS) (1995) was created which 'is the largest database on maintaining public security, support police and judicial co-operation and managing external border control and is immediately and directly accessible to all police officers at street level and other law enforcement officials and authorities' (Council of the European Union, 2010a).
5. In 1998, a databank for False and Authentic Documents Online (FADO) was established to gather information on documents.
6. In 1999, Europol, 'the European Union law enforcement Agency that handles criminal intelligence' (Europol, 2010) became fully operational and is involved in certain aspects of irregular migration on the territory of the EUMSs.
7. In 2000, the Eurodac fingerprint system was introduced which enables all EUMSs to identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union or of the territory of another EUMS (Council of the European Union, 2010b, 2010c).
8. In 2002, three *ad hoc* centres on air borders, land borders and risk analysis were set up, preceding Frontex (see below).
9. In 2004, the General Directors of the European Immigration Services Conference (GDISC) was set up. Many of its activities are organised as projects and many activities address irregular migration and border management (see GDISC, 2010).
10. In 2005, the border agency Frontex commenced operations. Frontex has no enforcement staff or enforcement powers, but coordinates operational cooperation between EUMSs, e.g.

coordinating joint deportation flights (35 in the first 10 month of 2010; Frontex, 2010d). Its budget increased substantially from €19 million in 2006 to €88 million in 2010.

Further to this, there is a certain trend involving private businesses, notably in developing, introducing and training staff to new surveillance technology, such as Finmeccanica, Thales, Raytheon and others (see below). Security businesses are also involved in immigration law enforcement operations, for instance, G4S is operating detention facilities for IMs, enforcing ‘overseas escorted repatriations on scheduled and charter flights globally’ in the UK and has other operations in France, Italy, Spain and Germany (G4S, 2010). Hence a trend to privatising certain aspects of migration and border control is underway.

Central to the management and control of the arrival of people from outside the EU through the regular paths and at border crossing points are still conventional policies, such as visa interviews at overseas consular posts, passport and visa controls and additional interviews on entry where deemed appropriate. These politics are supplemented by electronic controls based on data bases (Schengen Information System, Eurodac), advanced passenger information and digitalised IDs (chips, iris scanning). These are sometimes denoted as e-borders (UK Border Agency, undated) or digitalised borders (Broeders, 2007; Broeders and Engbersen, 2007). In addition, heart beat and mobile carbon dioxide detectors are deployed at border crossing points to detect irregular immigrants hidden in carriers or cargo (Frontex, 2010e). The green borders, mostly with Eastern European countries (Russia, Belarus, Ukraine and Moldova) are also controlled by conventional means, e.g. patrols on foot or by car, motor bike, snow mobile and quod. A survey¹⁵ found that a border section of 20-100 kilometres long and 100 metres to 6 kilometres wide is typically controlled by two pairs of border guards (Kayser, 2008). Green border controls are supplemented by fixed and mobile document examination systems, CCTV, night vision equipment, thermal cameras and movement detectors. This technology is also delivered to non-EU countries, such as Croatia (Council of the European Union, 2009a) and Moldova (ENPI info centre, 2009). Though not all technologies are available everywhere, thermovision/infrared and motion detectors are used most and radar and acoustic technology least (Kayser, 2008). On the inside of the EU controls are conducted within a zone of varying size involving border guards as well as local, federal and national police forces. On the Eastern land borders there are still largely dilapidated and almost dysfunctional fences, mostly on the territory of the non-EU neighbouring countries (notably Ukraine). In Greece, there were or perhaps are minefields left from the conflict between Greece and Turkey and whether de-mining is completed has been disputed. Blue borders are controlled by maritime vessels and fixed-wing aeroplanes (Frontex, 2009e), though in 2002 Spain, in response to a rise in irregular migration across the Straits of Gibraltar, began to introduce an Integrated External Policing System for its external borders (Sistema Integrado de Vigilancia Exterior, SIVE) (Guardia Civil, 2010).

Meanwhile, surveillance technologies are at the heart of new policies. For instance, the Maritime Security Service project (MARISS) is by implemented by Telespazio (Finmeccanica-Thales joint venture) (Transnational Institute, 2009). And the development of an EU sea-border surveillance system (ibid.), funded through an EU-FP7 grant, was awarded to a Finmeccanica-Selex-led Seabilla business consortium; Finmeccanica-Selex also won another contract with Libya for a ‘border control and security system’ (Kington, 2009).

In addition to routine operations specific projects and targeted enforcement operations are conducted to secure the external borders of the EU:

1. CRATE (Frontex), ‘Centralised Record of Available Technical Equipment’ intending to improve the operations led by FRONTEX by swiftly detecting the ‘deployable’ vessels by the EUMSs to be used for the FRONTEX operation.

¹⁵ Conducted in Finland, Estonia, Poland and Romania.

2. Hera (2006), Minerva and Hermes (both 2007), Frontex operations which efficiently stopped the arrival of ‘boat people’ on the Canary Islands and mainland Spain. Nautilus (2007) addressing the flow to Italy and Malta was less successful due to lack of collaboration of Libya.
3. RABITs, ‘Rapid Border Intervention Teams’ of Frontex, an EU network of over 700 personnel and technical equipment (aircraft, mobile RADAR units, heartbeat detectors etc) first deployed in 2010 on the Greek-Turkish border.
4. EUROSUR, enhancing border surveillance through technical advances (e.g. Earth observation satellites, unmanned aerial vehicles, etc.) (European Commission, 2008b).
5. Operation Hermes (2010), mapping the flows and routes of irregular migration within the EU; promote a European police networks of traffic police (Tispol), waterway police (Aquapol) and railway police (Railpol) (Belgium Integrated Police 2010).

Resources were mobilised and distributed through targeted programmes, such as

- ARGO (2002-2007), €25 million, an action programme for administrative cooperation for external borders, visas, asylum and immigration. One of six aims was to ‘strengthen the fight against illegal immigration networks and the prevention of illegal flows of immigrants’ involving training, exchange of staff, data exchange, setting of common operative centres and staff and activities in non-EU countries.¹⁶
- AENEAS (2004-2006), €120 million, a programme for financial and technical assistance to third countries for migration and asylum. Two of five objectives were concerned with irregular migration.¹⁷ Projects included return to Morocco and Albania, border controls between Libya and Mali, regional collaboration to prevent irregular migration from Senegal and other sub-Saharan countries, and information programmes to deter potential irregular immigrants.
- Framework programme (FP) ‘Solidarity and Management of Migration Flows’ (2007-2013), €8 billion, two of the four areas are (a) ‘controls and surveillance of external borders’ and (b) ‘return of Non-EU Member Country nationals residing illegally in the EU’. An additional €900 million went to an information system and €285 million to Frontex (European Commission, 2005). The FP is divided into four funds:
 - External Borders Fund (2007-2013), €1.82 billion, including €10 million annually to Frontex, for supporting ‘states who endure, for the benefit of the Community, a lasting and heavy financial burden arising from the implementation of common standards on control and surveillance of external borders and visa policy’ (European Commission, 2010a).
 - European Return Fund (2008-2013), €676 million, community funding for the return of irregular immigrants.
 - European Refugee Fund, €699 million, community funding for refugee reception.
 - European Integration Fund (2007-2013), €25 million, to support economic, social, cultural and political integration of third-country nationals.

This implies that at least 43 percent of the EU’s migration management funding in addition to the EUMS’s funding was or will be spent on measure preventing or addressing unwanted migration. In comparison, only 14 percent and 12 percent are spent on immigrant integration, respectively refugee reception.

Across EUMSD, immigration control and immigration law enforcement within countries varies considerably. On the passive side, obligations to carry ID (except in the UK), register residence with the authorities (except France, Ireland and UK), data exchange between authorities and ID checks, residence and immigration status when approaching employers or public services authority prevent

¹⁶ Official Journal L 161, 19/06/2002 p. 0011-0015

¹⁷ Official Journal L 80, 18/03/2004 p. 0001-0005

IMs from regular access to these. On the active side, the main immigration law enforcement measures are (1) random ID controls on streets/train stations/trains, (2) routine workplace inspections, (3) reporting obligations or denunciation practices, (4) routine police inspections of public places, (5) one-off high profile raids and (6) arrests of suspects at hospitals, schools or NGOs (in that order of importance). But IMs are aware of these measures and avoid certain practices and places, thus the risk of being apprehended is considered medium to low by European NGOs (Düvell, 2011b).

There are certain problems to these policies and practices. For instance the introduction of the air and land border and risk analysis centres reflected ‘intense competition between member states governments to obtain the setting-up of one of these centres on its territory’ (Jeandesboz, 2009). There is significant overlap of the activities of various agencies, e.g. Frontex and EUBAM¹⁸ and Frontex and CIREFI with the latter, in fact, to be soon dissolved (ibid.). The institutional framework is subject to constant changes, for instance, because they are only agreed for 5-year periods and subject to regular reviews, renegotiations and extension (e.g. SCIFA, see Council of the European Union, 2006c), because mandates change or are extended (e.g. Frontex) or agencies go (CIREFI, sea and land border centre) or come (Frontex). Whilst there is a general trend to mandate civilian structures with border controls, e.g. Ministries of the Interior and the police. There is, nevertheless, also a trend towards ‘militarisation’ (Lutterbeck, 2006), because of the type of equipment used by of border control forces or because the navy of various countries are involved in some operations. Policies that are organised as projects have a limited lifeline and are often not sustainable. Member states sometimes dislike the engagement of EU agencies on their territory and either do not fully cooperate as was the case with Frontex in Italy¹⁹ or drop out as Malta did in 2010. Staff from certain EUMSs participating in EU operations on another EUMS’s territory, as with the deployment of RABITs in Greece in 2010, may find themselves engaged in operations that violate their professional and ethical standards (Pro Asyl, 2010). In order to reach an agreement with all 27 EUMSs EU directives often end up being overly broad and thus fail to set clear standards. Certain EUMS, notably Denmark and the UK, ‘opt out’ of many agreements and policies and thus undermine a coherent EU approach. But private landownership issues as well as related legal activities in border zones, such as agriculture, hunting or tourism impact on and can even limit control practices (Kayser, 2008). Finally, the potential or *de facto* violations of the EUMS’s obligations under international law, notably the Refugee Convention and the Children Convention have been highlighted (e.g. ECRE, 2007; Pro Asylum, 2007; Human Rights Watch, 2009; Border Monitoring Project Ukraine, 2010).

Regional and international processes

From the mid 1990s, efforts were made to expand the supranational EU migration control system regime to sending and transit countries something that had the effect of putting greater emphasis on controlling the *hinterland*. Typically, an EU member state, with the support of one body or another, organised an international governmental conference or a technical mission and invited the relevant EU and non-EU governments. For instance in 1991, the German government initiated a regional process that addressed external border issues. This became known as the *Budapest process* and aims at improving border controls and coordinating ‘measures for controlling illegal migration’ from Central and Eastern Europe. It has a permanent secretariat hosted by the International Centre for Migration Policy Development (ICMPD) which gathers and analyses data from national information centres, ICMPD also publishes a ‘Yearbook on illegal migration in CEE’. From the mid 1990s, concerns were associated with the Mediterranean region and in 1995 an agreement was reached between the EU and its non-EU Mediterranean neighbours (the Maghreb states, Egypt, Israel, Syria, Lebanon, Palestine and others), the Barcelona process, which also aimed at containing unwanted migration and readmitting irregular

¹⁸ EU Border Assistance Mission to Moldova and Ukraine set up in 2005 to deal with the dissolution of Transnistria from Moldova.

¹⁹ Personal informal conversation with Frontex staff, 11/2009, Brussels.

immigrants²⁰. In 1998, the HLWG worked out ‘action plans’ on six countries/areas of major concern (Iraq, Morocco, Albania, Somalia, Sri Lanka, Afghanistan and its neighbouring regions). These targeted the relevant routes, aimed at containing and readmitting unwanted (i.e. irregular and refugee) migrants and keeping them close to the country of origin, while training up authorities in transit countries (Council of the European Union, 1998). In 2001, a cross-border collaboration process of the Eastern EUMSs and their non-EU neighbours (Belarus, Ukraine, Moldova), the Söderköping process, was launched to focus on enhanced border controls and irregular migration (Söderköping process, 2010). In addition, in 2002, an ICMPD project on Mediterranean Transit Migration (MTM) involving seven non-EU and 27 EU member states plus Europol, Frontex, Interpol, IOM, UNDOC, UNHCR was launched followed in 2004 by the EU-funded and IOM implemented project on Transit and Irregular Migration Management (TRIM). In addition, the European Commission (2004) conducted a ‘technical mission’ to Libya to ‘move forward the EU-Libya relationship’ with a view to addressing irregular transit migration to the EU. Migration concerns were also integrated into the stability pacts for Eastern Europe, for South East Europe, the Balkans (2001), regional *fora* (e.g. MARRI - Migration, Asylum, Refugees Regional Initiative, Balkans) and the action plans with Ukraine and Russia (Council of the European Union, 2001). Even collaboration with Asian countries was put in place in 2002 at the Asian-European Meeting (ASEM) when all governments agreed on working together to tackle irregular migration (Council of the European Union, 2002c).

These broad policies and ambitions were translated into a variety of concrete politics:

1. Readmission (i.e. return and deportation) agreements with countries of transit and origin. To date 17 have been implemented with countries in Europe, Asia and Africa.
2. Deployment of ‘liaison officers to control migration flows’ (Council of the European Union, 2001).
3. Missions to control the borders of other countries, notably the EU Border Assistant Mission (EUBAM) to combat illegal migration on the Ukrainian-Moldavian border.
4. Projects contributing to ‘capacity building’ in border and migration controls including the setting up of refugee reception and irregular immigrants detention facilities in third countries, e.g. in Ukraine, for instance, through the ERIT (GDISC, 2009 and GUMIRA projects (IOM, 2009).

As in the EU, non-EU countries also began to not only control their borders but the movement of people towards borders with the EU. Notably in Ukraine, an ‘echelon of controls’ (Düvell, 2009c) have been introduced reaching from Kiev, the capital to the borders with the EU thus covering a distance of 600 kilometres and all railway lines and motorways and involving intelligence and law enforcement and border control agencies.

Meanwhile, most European development aid, reconstruction, trade or technical cooperation negotiations or agreements with Eurasian, African, Asian or South American states also include a paragraph on irregular migration and readmission policies. Thus, immigration concerns, notably over irregular migration are embedded in many policy fields (see Garson, 2004, Düvell 2011a).

The EU and its member states also collaborate intensively with the International Organization for Migration (IOM), the United Nations and several of its agencies, the Intergovernmental Consultations on Migration, Asylum and Refugees in Europe, North America and Australia (IGC), the International Centre for Migration Policy Development (ICMPD) and the International Labour Organisation (ILO) (Newland, 2005; Düvell, 2011a). Collaborations with IOM, who implement several of the projects mentioned in this report, focus, *inter alia*, on the return of irregular migrants, the introduction of detention facilities and capacity building border controls in third countries. The IGC is a regional consultation processes with the aim of initiating collaborative actions of receiving, transit and sending countries of irregular migration. ICMPD conducts research, but also works together with Europol and

²⁰ EU Development Conference, Barcelona, 27-28/11/1995.

Frontex on the intelligence side of irregular-migration policies and, like IOM, plays a role in implementing certain projects including introduction of detention facilities.

The expansion of the EU towards the Balkans, i.e. Croatia, Serbia, Bosnia-Herzegovina, Macedonia and Montenegro (at present Albania and Kosovo are the least likely candidates) would shorten the length of the external borders considerably. Several loopholes would be closed, notably Serbia and Montenegro. In contrast, the EU accession of Turkey has more complex implications in terms of border and migration control. First, the EU would move into the immediate or close neighbourhood of conflict regions (the Middle East, Caucasus) and countries that are producing (Iraq, Iran) or hosting large numbers of refugees (Iran, Syria, Lebanon). Second, controlling some of Turkey's 2,573 kilometres long land borders, notably with Iran, Iraq and Syria would be a challenge. Third, Turkey's liberal visa arrangements with many North and other African and Central Asian countries and the new free-trade agreement with Lebanon could contradict and potentially undermine the country's capacity to control irregular migration.

Repressive measures go together with (at least to date) small-scale policies to promote alternatives to irregular migration; 'once certain conditions have been met, such as cooperation on illegal migration and effective mechanisms for readmission, the objective could be to agree Mobility Packages with a number of interested third countries which would enable their citizens to have better access to the EU' (European Commission, 2006b: 8). These are meant as a carrot 'to enhance signatories' efforts to fight further illegal migration' (Council of the European Union, 2009b). So far, only three have come into force with Moldova, Georgia and Cape Verde.

Finally, there are certain flaws in these policies. Non-EU countries, notably Turkey and Morocco, have sometimes complained that they have been turned into mere 'buffer zones' or 'dumping grounds' for migrants unwanted in the EU and that they bear the brunt of the closed borders of the EU, something which has the potential to poison international relations (Kirisci, 2006). In addition, the EU's ambitions in migration control were occasionally turned into a negotiation tool by third countries which demanded certain conditions in other fields in exchange for compliance with EU migration-policy goals (de Haas, 2007).

Discourses

Border controls lie at the heart of the EU migration regime. From the 1990s, political discourses increasingly developed a sense of migration representing an 'external threat' (e.g. Bigo, 2000; Vollmer, 2010). Consequently, the Europeanisation of asylum and immigration policies became entangled in a security discourse (see Ceccorulli, 2009). Restrictive immigration policies and the protection of borders have been justified by linking the modern argument of the dangers inherent in globalisation and the loss of state sovereignty with a nineteenth-century's repertoire almost reminiscent of the idea of 'dangerous classes' (Bigo, 2001: 123). Migration, borders issues and clandestine border crossings are, indeed, almost emotional issues as acknowledged by EU commissioner Ferrero-Waldner (2006) (see also Balzacq, 2006). From the perceived magnitude of the threat arguments are made for higher surveillance resources and provisions for security agencies. Thus there is an emotional background to the perception of threats regarding border security and the importance assigned to this is emerging from a mix of factual and emotional influences. From the data considered in this report – 714 million regular international arrivals vs. 151,000 detected irregular immigrants (2008) representing approximately 0,021 percent of all arrivals - and the level of attention given to the phenomenon there is a clear gap between the factual and the perceived threat.

EU Migration and Border Controls

Seven simultaneous trends can be observed:

- a) a transgression of the traditional division between foreign and domestic policy (Lavenex and Wichmann, 2009);
- b) the Europeanisation or centralisation of coordination, i.e. through Frontex),
- c) a certain federalisation or decentralisation (i.e. through the co-existence of Frontex and GDISC), and/or
- d) diversification of actors (i.e. national and supranational state and non-state actors), projects (Eurosur, GUMIRA), and funding (FP, Argos and Aeneas),
- e) regionalisation of polices and externalising migration control practices (i.e. Budapest process, Söderköping process and TRIM etc) to countries of origin and transit; thus
- f) the emergence of network structures in border controls; and
- g) the transformation of borders into movement controls, the expansion of controls to the *hinterlands* on both sides of the border and the transformation of borders as lines into borders as zones of controls.

The decrease of irregular migration flows implies that integrated policies, concerted actions and technological advances have a significant impact on irregular migration and deter migrants and human smugglers from continuing to use certain routes, i.e. the straits of Gibraltar, the Canaries, Malta and Lampedusa, and Lesbos and Samos or mainland Greece.

On the other hand, it is sometimes argued by actors in the border regions (NGOs, smugglers) that those individuals who have the resources to afford the best smugglers, their rising fees and/or who are the most committed will sooner or later manage to overcome controls. Notably, corruption of law enforcement and border-control forces plays a role in this though this is an area which requires further investigation.

Economic crises

The global economic crises of 2008-10 affected all migration flows (irregular, permanent or temporary labour migration, humanitarian or migration of students etc.) (Castles and Miller, 2010; Düvell, 2009c; Fix et al. 2009; Reyneri, 2010; Koser, 2010; Papademetriou *et al.* 2009; Papademetriou and Terrazas, 2009). But still, little or no comprehensive data as regards migration flows in general and irregular migration in particular is available. Therefore, only some tentative implications can be suggested:

- A decrease in the international movement of people to Europe: in 2009, international tourism to Europe fell by 6 percent but is increasing again (WTO, 2010); this could have reduced the number of potential IMs. But net migration declined and remains positive in main receiving countries (except Ireland) (IOM, 2010).
- Fall of migrants' remittances: the World Bank (2009) predicted a decline in remittance flows by 6.1 percent in 2009. *Ad hoc* observations suggest three consequences, (a) transit migrants get stuck and fail to move on to the EU, (b) would-be migrants in sending countries lack the resources for migration, (c) people relying on remittances migrate themselves (also see Alexander, 2010; Ruiz and Vargas-Silva, 2009).
- Rising unemployment in the EU: OECD expects 57 million people to be unemployed, an increase of 53 percent from 2008 to 2010 and unemployment rates to rise from 9.4 percent (2009) to 10.1 percent (2010 and 2011) (OECD, 2009; 2010). Migrants are the most severely affected group (IOM, 2010). This has three consequences: (a) drop in the incentives for migrants to come to the EU; (b) regular and irregular immigrant workers are squeezed out of the labour market, so, for example, in Spain, unemployed Spaniards now accept previously unpopular jobs such as harvest work and substitute migrant workers (Arte TV, 20/12/2008);

(c) return of unemployed immigrant workers is reported, partly encouraged by according policies (e.g. Czech Republic, Spain) (IOM, 2010); (d) regular migrants lose their jobs, and, as a consequence, their status but stay irregular (as observed in Ireland; also see Koser 2010). However, the trend seems to be that regular and irregular migrants are pushed down the ladder, but that they do not return in large numbers.

- The crises might lead to rising demands for cheap labour and services, thus a rise in shadow economic activities. This might, in turn, increase opportunities for irregular immigrants.
- Rising poverty in countries of origin means that (a) fewer migrants are willing to return; even some hardship in their destination country is preferred (Plewa, 2009; Ratha *et al.*, 2009) whilst (b) the need to migrate increases. There is evidence that migrants staying in hard hit non-EU countries, e.g. Ukraine, move to the EU irregularly.
- Increasing immigration restrictions, notably for unskilled labour, hence a decrease in legal migration channels (e.g. Italy, UK, Poland, Portugal, Hungary, Ireland, Slovenia), this could, in the medium-term, fuel irregular migration (IOM, 2010).
- Unequal economic developments, recession in some countries and growth in others could divert any kind of migration to new destinations, e.g. China, Brazil, Argentine, Turkey, etc (see Castles and Miller, 2010).
- At the EU level, there has been no decrease in migration and border control funding and activities, but there are examples from EUMSs of funding cuts (e.g. the UK Border Agency faces 20 percent cuts of their budget) which could open opportunities for IMs.

From this and the data considered in this report it can be concluded that the crises so far have had diminishing effects on immigration and that it did not lead to significant return migration. The geographic inflow of IMs also fell considerably, but because regular migrants might fall into irregularity status-related flows seem to increase and the stock of IMs might temporarily rise.

Political crises and transformations

Also the recent upheaval and probable political transformation in North Africa impacts on and results in irregular economic and refugee migration. So far, the authoritarian regimes in Algeria, Tunisia and more recently also in Libya not only suppressed their own people but also any unwanted migration. But recently, almost one and a half years after final loophole for irregular migration from Northern Africa to Southern Europe - the route from Libya - was finally closed control broke down again, as in Tunisia, opening up new opportunities for migrants. Within one month after the overthrow of the regime in Tunisia around 2,000 migrants arrived on Lampedusa, an Italian island situated between Tunisia and mainland Italy (Spiegel online 2011). In media reports migrants explained that there were 'no more controls in the Tunisian ports', in response the Italian government called on the EU and Frontex to set up controls along the coast of Tunisia (ibid). Various scenarios seem plausible:

- Transit migrants from third countries who got stuck in Libya take advantage of the probably only temporary break-down of controls, use the window of opportunity and move on to Europe.
- Citizens from Northern African countries, i.e. Algeria, Tunisia and Libya who aspired for some time but were deterred by border controls take advantage of the current situation and migrate to Europe.

Two contrasting trends could determine future (irregular) migration from North Africa and other Middle Eastern and Arab to Europe. On the one hand, probable political transformation, potentially followed by some economic transformation could raise hopes and optimism for change and thus encourage people to stay, contribute to and take advantage of changes for the better and build new lives. On the other hand, and in particular in case these hopes are frustrated, e.g. in case new authoritarian regimes emerge and/or economies break down aspirations to leave the country could increase significantly.

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Appendix 1

Table: Interceptions at EU land and sea borders during 2008

	Border	Number of interceptions	% of total
sea	Lampedusa	31,300	20.6
	Sicily	3,300	2.2
	Sardinia	1,600	1.1
	Italian mainland	800	0.5
	Malta	2,800	1.8
	Greece/Turkey	29,100	19.2
	Canary Islands	9,200	6.1
	Spanish mainland and Balearics	7,000	4.6
	Total sea	85,100	56
land	Ceuta and Melilla/Morocco	7,500	4.9
	Greece/Turkey	14,500	9.6
Total across Southern borders (land and sea)		107,100	70.5
	Greece/Albania	38,600	25.4
	Poland	3,298	2.2
	Slovakia	978	0.6
	Hungary	877	0.6
	Romania	756	0.5
	Finland, Estonia, Latvia, Lithuania	291	0.2
	Total land	66,800	44
Total	151,900	100	

Source: Frontex, 2009a.

Table: Detection of irregular border crossing

	Italy	Malta	Spain			Balkan	CEE	Greece		
			land	sea	Canaries			land	sea	Albania
1-9 2009	8,289	1289	1,369	3,540	2,212	2,337	1,089	6,616	23,735	31,563
1-9 2010	2,866	29	1,089	2,592	16	1,768	828	31,021	5,606	25,294

Explanation: white box –decrease; grey box – increase.

Source: Frontex, 2010b

Appendix 2

Table: Number of interceptions of irregular immigrants (illegal entry, exit and residence) in selected EU neighbourhood countries

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Turkey	47529	94514	92365	82825	56219	61228	57428	51983	64292	
Morocco		15056	15056	15363	15363	17252	21140	9469	6954	
Ukraine					23160	25383	32382	34046	47906	15612*

Source: Morocco: Ministry of Interior, Directorate of migration and border surveillance; Turkey: People Movements Bureau; Ukraine: State Border Guard Service, Söderköping Process (*only apprehensions on the borders)

Appendix 3

Table: Eurodac apprehension figures, 2004-2009

	2004	2005	2006	2007	2008	2009
On border	16183	25162	41312	38173	61945	31071
On territory	App. 35000	App. 40,000	63342	64571	75919	85554

Source: European Commission, Annual report to the Council and the European Parliament on the activities of the EURODAC Central Unit, various years.

Appendix 4

