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CONTROLLING IMMIGRATION -

WHAT ROLE PLAYS FRONTEX IN EUROPEAN MIGRATION POLICY?

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1 Introduction and Outline

“Europe is a magnet for people seeking greater opportunities, from the east and south (...) we have already seen, most obviously in Germany¹ but also elsewhere in the Community, the tensions and antipathies which can result from the inflow” said British Foreign Secretary Douglas Hurd in 1992 (quoted in Koslowski, 1998). European policy makers agreed upon that the challenges imposed by migration can best be met through a common approach where all governments pull together. In the following years, especially after the abolition of the internal borders due to the Schengen Agreement stricter and common entry and immigration and asylum rules were implemented in the EU. Even though the entry to the EU became more and more difficult hundreds of immigrants risk their lives every year by trying to illegally cross the European border. Pictures of overloaded refugee boats on the Mediterranean Sea that try to enter countries like Italy, Malta or Spain pace through the media. Those countries with the long external borders finally called out for help from the European Community which the EU answered with the development of an agency responsible for integrated border management- FRONTEX.

In general this paper aims to give an overview about the European attempts to control immigration with regard to the possibilities FRONTEX brings Europe’s migration policy.

The first part answers whether or not there is immigration to the Western industrialized world and abstracts the theories on migration. Furthermore it attempts to give explanations about what may cause migration to liberal states. Furthermore, the chances and risk coming with migration are outlined and linked with the challenges imposed on the immigration control. Several ways of controlling migration in European countries are presented in chapter 2.4 and are compared to the strategy of the US. Thereby the different control strategies of two similar state unions are being compared for their effectiveness.

In the second part the migration policy of the EU Member States is presented together with the reasons for the development of a close cooperation on this policy field. Frontex is exemplarily be presented as a measurement for the control of immigration of the European

¹ From August 22–24, 1992 violent attacks against foreigners in an apartment block that housed asylum seekers took place in Rostock-Lichtenhagen.

Union under the question whether or not the attempt of controlling unwanted immigration to the EU through the implementation of FRONTEX is successful.

2 Theoretical Background: Migration theory

2.1 What is migration?

When talking about migration it is usually distinguished between four different forms of migration that all result from different circumstances and have different impacts on the immigrant- receiving countries. However it is not always possible to make exact distinctions because transitions are quite smooth and sometimes several categories apply to a case. Not all receiving states experience the same types of migration and not all face the same problems or benefits. Nevertheless, in order to create a good overview, the four categories labor migration, family reunification, humanitarian or forced migration and illegal migration will briefly be presented (Messina & Thouez, 2003).

Labour migration and family reunification is being caused through an interaction between potential migrants and the immigrant- receiving states. People who cannot find work in their home country or want to ameliorate their job situation often look for opportunities in foreign countries. At the same time the potential receiving countries offer jobs for foreign workers and regulate for how long and under what conditions the foreign workers can stay and work in. Without the chance of finding work a potential migrant would probably not start the cost and times consuming process of emigrating. The same implies for the secondary immigration- family reunification. It does not only depend on the will of the family members to be reunified but also on the willingness of the receiving state to allow the people to join their family members and to admit rights to them.

Asylum, refugees and illegal migration² however is mostly something states allow because they are obliged by law and regulations. It is mainly due to the effort of the migrants. Asylum seekers flee their countries because of political persecution or other circumstances that

² A person who stays in a foreign country without having the required papers is commonly called „Illegal immigrant“. The use of the term is critical, since the word illegal has a pejorative connotation and creates an association with delinquency. I will therefore use the French term “Sans Papiers” (“Without papers”), by which immigrants who live in France without residence permit call themselves.

don't allow them to live a peaceful and safe life at home, whereas refugees mostly leave because of poverty, famine and drought.

As stated the motivations for immigrants are not always clear: It is best demonstrated by a boom of asylum request in post-1980 in Western European states. These asylum requests were often being used as a "ticket" to Europe in order to avoid the route of economic migration which was constricted by harsh rules. The humanitarian obligation of the Western world persuaded the governments into granting asylum to many refugees, who were economic migrants camouflaged as refugees.³ The strategy was however thwarted by a restrictive Asylum policy of the EU Member States implemented in the mid 90s (Moraes, 2003).

"Sans Papiers" however can be migrants of any kind and for any reason. They either entered the country clandestinely or simply overstay the Visa/working permit. It is very hard to estimate the number of "Sans Papiers" staying in a country, since there are no reliable documentations about the successful illegal border crossings.

After given a definition of migration the next chapter will focus on what might be the reasons for international migration and the difficulties liberal states face with the control of it.

2.2 How to explain migration?

There are several theories about what causes migration and even more about what are the reasons for the weak influence of sovereign states to forestall immigration.

Widely admitted is a gap between official restrictive politics towards immigration and the actual outcome, the number of immigrants who enter the foreign territory. These policy gaps are empirical facts such as modern states have difficulties to control immigration. In addition is there is an obvious gap between the liberal policy outcomes and a skeptical public opinion towards immigration (Kolb, 2004). James F. Hollifield is one of the pioneers in the discussion of this phenomenon. He arose the question how it is possible to explain the

³ It is to be emphasized that I don't intend to generalize the motives of asylum seekers and thereby to undermine their serious reasons for fleeing their home countries. It is only a tool to outline that migrants cannot be classified in general but have to be analyzed individually which would go beyond the scope of this paper.

continuation of migrant flows into states, when the government's aim to get greater control and the public opinion is opposed to immigration (Hollifield in Kolb, 2004). Since then, the gap between restrictionist policy goals and the moderate outcomes is referred to as gap hypothesis in the political sciences literature. The gap hypothesis brought the revival of migration research in political sciences and is used in many scientific approaches (Kolb, 2004).

In the following potential reasons for migration will be presented under regard of the challenges imposed on states controlling the migration influx

2.2.1 Reasons for migration

There is not just one argument to explain the rise of international migration; it rather is an interaction of many factors imposed on a person's decision to emigrate his or her country of origin.

First of all a distinction between push and pull factors can be made. On the one hand there are issues that push a person to emigrate his or her country of origin and on the other hand certain aspects situated in the receiving country may pull a person to immigrate. Push factors are to be found in the country of origin- unfavourable living circumstances imposed on the life of a person. Civil wars, large scale disasters, political persecution are what cause migration, wherein the migration flows mostly go to the neighboring regions or countries. The main motivation is to find rapid improvement of the livelihood with the option to return home, when the situation turns back to normal in the home country.

Beyond those, economic forces drive people to migrate. In order to look for economic improvement, such as relatively high wages and social benefits- better education, better health care, to be able to provide for the family people migrate to attractive areas.

Moreover, there are so called pull factors. Areas that are very attractive to migrants, due to their economic performance, their rule of law and social standards act as pull factors. These areas seem so appealing that people put off with long dangerous distances and times of deprivation to get there- in the hope of improving living and working standards. Modern welfare states such as the EU Member States act as powerful pull factors (Betrell & Hollifield, 2000).

It can therefore be stated that certain circumstances in the country of origin can act as push factors and on the other hand the welfare state acts as pull factors for migration.

Due to modern communication possibilities through the media the information about attractive pull factors are easily spread even to the very rural and remote areas in the developing world.

2.2.2 Challenges for receiving countries

It is not possible for liberal states to act against their good reputation of liberalness- in contrary they have to promote it in the international game of diplomacy. As stated by C. Joppke (1998, p. 292) "Accepting unwanted migration is inherent in the liberalness of liberal states". Joppke asks why liberal states accept unwanted immigration if it contradicts their main goal of sovereignty- basically the control of their external borders. In contrary, other states, for example in the Arabic World are very effective in sending back unwanted immigrants, but not so liberal states.

By looking at some examples of immigration policies of liberal states it shall become clear that immigration control faces many challenges that cannot easily be evaded.

According to the Liberal state theory, liberal states seem to feel a moral obligation admitting rights to immigrants. One reason might be their particular immigration policy. Some former colonial powers such as Great Britain drove a very strict zero immigration policy, during the times of decolonization however immigration was often tolerated for the "maintenance of the empire" (Joppke, 2006.p.594). Whereat, some states have bilateral agreements with the citizens of their former colonies. In France for example, Moroccans and Tunisians meet softer conditions to obtain a residence permit than citizens from other states. "Individuals in former African colonies who were born during French rule have the legal right to request 'reintegration' into French nationality" (Hollifield, 2004.p.194). During the glorious economic times of the 60s some European countries such as Germany and Switzerland established guestworker- programs for their job market. During that time workers from the southern European countries and Turkey were recruited to work in the exploding industrial sector. The program aimed at adding foreign labour to the national workforce but not to integrate the aliens into the society. However, when the guestworkers started to settle in their receiving country they made their family members join them. Thus the governments had to

admit certain rights for the guestworkers and their families. Nevertheless those states desired to tighten rights for migrants. Yet the attempts to implement strict migrant measures were overturned by national courts as violation of Constitutional rights. The labour importing states were bound by the law and had to grant rights (social and economical) to their immigrants- this commitment to laws limits the government's capacity to control immigration (Cornelius & Tsuda, 2004)

Another factor that puts forth the powerlessness of controlling is the pressure imposed by the International Community. International Contracts like the European Convention on Human Rights and the Geneva Convention provide international rights for asylum seekers, refugees and other migrants. Governments have to follow these conventions in order to respect the Human Rights, which are essential for a peaceful cooperation between nation states (Soysal, 1997).

Free liberal markets and sophisticated legal systems guarantee civil and domestic rights to individuals and play an important role in the expansion of migration. Hence diminish at the same time the states regulatory power (Ibid).

It's worth taking a look at the political economic side of migration theory, where the approach of public choice theory serves as an explanation for the abiding migration flows despite restrictive politics. It says that well organized interests groups are very effective in enforcing their ideas. Gary Freeman employs the idea by implementing it in his model of client politics. He argues that migration policy is the result of the policy of special interests groups (Freeman, 1998). Given that economical, powerful employer, religious and ethnical groups and even labour unions influence the decision making by lobbying their interests, it makes it harder for governments to implement their control measures. Especially in countries where business and politics are close it is hard for the decision makers to overlook the hunger for foreign work force. Before restrictive decisions can be made they are mitigated by the interventions of the interests groups.

Furthermore, an important factor that promotes the continuation of migration are migrant networks. These are complexes of immigrants, who became well established in their new home country, former immigrants, non- immigrants and sympathisers with immigration who somehow feel bonded by kinship and friendship. They have made common experiences and

shared community origin (Massey et al. 2006). These networks also count as pull factors. These networks also count as pull factors. As mentioned, the globalized world with its compression of time and space, meaning better information and cheaper communication and transportation, allows the distribution of information beyond transnational borders. The integrated migrant communities hence share their immigration related knowledge and resources through transborder social networks which drives their compatriots to relocation (Cornelius & Rosenblum, 2004).

Another aspect is a poorly managed economic system in the receiving states. As long as there is a need for foreign workforce, aliens will easily find employment. And with lack of controls at work places by the state officials, immigration both regular and irregular will continue (Schuck, 2008).

In sum, the reasons for a liberal immigration policy output in the western states is an interaction between well organized interest groups, moral duty of the liberal governments toward immigrants and their families, the bondage of international law and social networks and the communication opportunities of the immigrants themselves.

2.3 Chances and Risks of immigration

The constraints implemented on government's restrictive immigration policy (see chapter 2.2.2) explain why it is so hard to control immigration. However, it is argued by scholars that governments accept irregular immigration rather than that they are powerless to control it.

In the following I will outline the experiences of some liberal states with immigration and see whether they experience mainly costs and social burden or rather gain benefits out of it.

Following the argumentation of Gary Freeman the benefits of immigration are concentrated whereas the costs are diffuse. That means one can easily detect where immigration brings benefits but it is hard to show where it is a burden, because the costs of immigration are shared by several parties (Freeman, 2002).

Hence different stakeholders have different interests in migration and a variation of opinions towards immigration exist. Whereas economic groups may think positively about economic migrants, because they see the profit of their workforce, it can release negative public reactions. As Cornelius notes "countries are facing a trade-off between the sociocultural

costs of admitting more foreigners- many of whom will settle permanently- and the economic costs of not importing them.” (Cornelius, 2004.p.41). The fear of the population to lose their identity and to be overrun by new traditions and costumes and the integration costs immigration cause stand against the economic benefits. Anti- immigration political sentiment can be found in all states and in all parts of the society. Radical right winged populist parties don’t tire of emphasizing that irregular immigration has a negative impact on the crime and the labour market situation and causes and costs on the social systems. Especially in the late 80s and in the beginning of the 90s, political leaders like the French Jean Marie le Pen or the Austrian Jörg Haider used the issue immigration in order to respond to the citizen’s fears. By using slogans like “Eliminate unemployment: Stop immigration!” or “Austria to Austrians- Foreigners out!” (Betz, 2006), they give fear of cultural and social transformation a voice. They expect votes to be gained from advocating strong measures against immigration (Saggar, 2003). However, their impact on immigration policy is not very strong but with their slogans they contribute to a hostile public opinion towards immigrants, especially those who are socially and ethnically different (Freeman, 2006).

In contradiction to this, immigration is often expected to have several benefits. According to Martin (2004a.p.68) countries open to immigration “tend to have more people, more workers and larger economies”. Coleman (2006.p.360) adds to this that “without large- scale immigration, Europe will become an ageing, uncreative and poorer society, beset by high taxation and inflationary wage claims, serious intergenerational conflict and deteriorating competitiveness”. Immigration can stop population decline and the ageing. Not only Italy, a recent country of immigration has a great need of immigration due to their negative demographic trend and the resulting labor shortage. The public debate over the need for immigration and an appropriate policy in response to the countries difficulties is heated (Calavita, 2004). However, some facts like the low birth rate, the ageing population and the increased demand for low paid workers cannot be ignored in that debate. Despite its high unemployment rate of 8 %, Italy is in need for further labor immigration in view of its precarious demographic position (Eurostat, 2010; Coleman, 2006). With a birthrate less than 1.2% per couple, one of the lowest in the world, Italy has a dramatically fast ageing population (UN World Population Prospect, 2000). Italy is called “the oldest country in the world” (quoted in Calavita, 2004.p.351) and the president of the Italian Banca Italia pointed

out that “it will be immigrants who save Italians’ pension”, saying that only an infusion of young immigrants can offset Italy’s demographic crisis (La Repubblica, 1999). Besides, employers have an interest in recruiting immigrant workers. Immigrants have the reputation of doing undesirable work and working disproportionately much for a low salary. Additionally, they can easier be hired and fired than nationals (Calavita, 2004). Relatively strong Labor Unions support indirectly the demand for immigrants workers, mainly unregulated, since the strong regulations implemented by the Unions can be avoided by illegally hiring immigrants who don’t have working permits and aren’t members in Trade Unions (Kirchner, 2006).

Similarities can be found in Spain, where the Spanish service and agricultural sector highly depend on low skilled low paid workers, mainly African and Latin American immigrants. Mostly female “Sans Papiers” from Central America work in the domestic sector, where most employers don’t screen for working permits (Cornelius, 2004). Immigrant workers and “Sans Papiers” constitute a source of low cost labor (cheap and young workforce), who are hired by employees who aim at reducing their social costs. Immigrant workers are paid worse than the national workforce and they work under worse conditions which makes them attractive for employers (Ibid.).

Thus immigration can be seen as beneficial because it contributes to population growth and can stop population decline and ageing. However, it should be seen proportionally to the costs that are caused by immigration and the costs of immigration control.

Governments invest heavily in immigration control particularly in border control, although immigration cannot be controlled efficiently and positive outcomes cannot be granted. Immigration pressures are uncontrollable, such as wars, conflicts, poverty etc. Therefore governments should aim at taking the best out of immigration (Coleman, 2006). “Poorly managed migration can negatively affect people’s livelihoods” (Papademetriou, 2003.p.47). Instead of combating immigration governments should set realistic goals and deal with the imperfection that immigration control brings in order to keep the social costs low. Public opinion towards migration ebbs and flows with the economic performance of a country and will be even more critical when the government promotes a harsh immigration policy. International immigration can best be managed through laws and regulations which don’t implement high costs by contrast to well equipped border patrols (Ibid., Jorry, 2007).

The number of domestic stakeholders in an expansionary immigration policy is very large and will increase (Cornelius & Tsuda, 2004). Even the British House of Lords admits “that the growth of the United Kingdom GDP will be maintained at 1.8% in 2008 only because of an increase in the number of predominantly unskilled economic migrants entering the country, mainly from the Eastern European Member States.” (House of Lords, 2007). Although there is a variation in the need of economic migrants among the EU Member States, it is stated that most countries have benefited from migration (Ibid.).

Anyhow there are winners and losers of migration (Freeman, 2002). Private households and home care of ill people profit enormously from cheap workers. Even though it is against the law to hire somebody without working permit the demand regulates the supply. Also, mainly construction companies recruit their workforce from sub companies and thus have no responsibility towards their staff and their legal status (Kirchner, 2006). If the illegal employment is detected by a working inspector the construction company delegates the responsibility to the sub company. In many countries there are “day labourer miles” where people offer their workforce for little money without the required papers. Any person can go there and hire a person for very little money and no questions being asked (Stobbe, 2005a). Of course money can be made and it constitutes a way, sometimes the only one for immigrants, to earn some living. However, illegal employment of “Sans Papiers” has negative impacts, mainly for the “Sans Papiers” themselves. In Spain for example immigrant workers are paid worse than the national workforce and they work under worse conditions, which led to the denomination of “semi-slavery” of agricultural employers from Africa or Eastern Europe (Cornelius, 2004).

Besides it is said that native people from the low scale of the social class mainly lose from immigration, because they are faced to more competition when it comes to jobs of the low skilled and low paid sector. Whereas affluent citizens tend to gain out of immigration since they profit from their cheap workforce (Borjas, 2006). That is the reason why low skilled people tend to be against liberal immigration policy and well educated and well suited people see the benefits of immigration and are therefore in favor of it (Cornelius & Tsuda, 2004).

2.4 How to control immigration?

After having depicted the multiple chances but also risks of (uncontrolled) immigration, the following chapter will show, what measures are taken by immigration-states to control this mostly influx-oriented migration movement.

“National borders are hugely symbolic. They define the territory over which a state exercises sovereignty; they are an integral part of its identity; and they traditionally represent the point at which a person seeking to enter the country must demonstrate their admissibility.”

These are the opening words of a report on the Proposals for a European Border Guard of the House of Lords in 2008.

It is one of the oldest requirements of nation states to show their power by deciding who will be permitted to enter their territory (Hammar, 2006). Nowadays, governments have to somehow manage the balance of open and free markets in order to be able to compete with globalized markets and the control of their territory. In times of constant negative public opinion towards immigrants on the one side and the rise of worldwide migration on the other side, western democracies face with difficulties of harmonisation their policies in this area.

But how do states control immigration? Most modern societies are in need of high skilled workers as they cannot find enough qualified people beyond their citizens to meet the demands on the job markets. In order to be attractive to potential high skilled workers most states implement a system to recruit high qualified workers. A good example is the German “Green Card”. Implemented in 2000, it aims at primarily recruiting high qualified IT-specialists to meet a substantial reported shortage. It allowed the IT branch that was in need for good personnel but couldn’t fill the gaps with native workers, to hire foreign workers. The “Green Card” guarantees employers and employees a safe and legal working relation with less administrative barriers. The advantages are that it demands less administrative expenses and an easier and quicker procedure.

Also the US have experienced the advantages of high qualified immigrants very early. The success of Silicon Valley, a Californian IT-industrial area, for example is foremost due to the existence of successful Asian entrepreneurs and computer scientists (Hunger, 2009).

The most evident way to reduce immigration is the implementation of restrictive laws and rules. Thus, it is explicitly described who is allowed to come and live in the respective country and under what conditions. At some point when legislation aims to become more restrictive aliens law usually changes, wherein applications and conditions for the law become stricter. Most of the time the aim is to reduce the number of foreigners who are already in the country or to discourage potential immigrants. Hence, Hammar mentions that “Immigration regulation implies the foreign citizens remain under some kind of alien control until they become naturalized citizens” (Hammar, 2006. p.240).

Some countries allow foreign workers only for seasonal working. The United States and Spain have always pursued this policy with their seasonal workers from Mexico in the US and mainly from Africa in Spain. They admitted a system of short term labour- where the immigrants obtained a working permit for one season, but had to depart when the permit expired. This is one of the reasons why there is such a big number of “Sans Papiers” in Spain today. Their system of short labor and work permits “causes many immigrants to move into and out of legal status continually” (Cornelius, 2004), because their employers miss out to renew the work permissions or the bureaucracy for the renewal works inefficiently (Ibid.).

Another strategy to reduce the number of aliens in the country is the rotation system, which was used in Germany and Switzerland during the guestworker program. It intends to have a number of foreigners in the country, preferably high skilled workers, who work a period of time in the country. After the time they were allowed to stay in the country they had to leave in order to make room for new foreign workers. This seeks to prevent the aliens to settle in their receiving country- which was not totally fulfilled, as shows the cases of Germany and Switzerland.⁴

So as could be seen, a common method to reduce the influx of immigrants is to deny or impede immigrants to obtain a permanent status. Moreover it aims to reduce the attraction of the country in order to act less as a pull factor for potential immigrants. The conditions

⁴ The rotation- system in Germany and Switzerland failed, because the politicians didn't consider the settlement of the guestworkers and therefore didn't introduce any kind of integration measures into their recruitment policy (Martin, 2004). The failure of the rotation system and integration policy is often described with the dictum of Max Frisch: “Wir riefen Arbeiter und es kamen Menschen” (We called for workers but Humans came).

attached to a permanent status can thus function as a means in controlling the “size or composition of immigration” (Hammar, 2006. p.241).

Besides, restrictive legislation states make also use of delegating certain measures to non state actors. Lahav (2006) stresses that states assign the responsibility of implementation and enforcement of immigration law onto three levels. Functions are being delegated “upward, to intergovernmental forums and cooperation (...); downward, to local authorities (...) and outward, to non state actors” (Lahav, 2006.p.307).

As governments are imposing certain tasks of immigration control onto non state actors thereby they reach a control on a multilevel approach. Very common, and employed by nearly all states, is to impose the duty of document checks onto the carrier agencies. Airlines and shipping agencies are urged to make sure that their passengers carry the required documents; otherwise they have to refole them on their own costs (Guiraudon, 2003).

Strong rules are hold for employers to make sure that their staff possesses the required residence and working permits. Somebody who hires “Sans Papiers” faces punishment and is forced to high fines. By sending labor inspectors to the working places, especially those which are famous for recruiting illegal workers (agriculture and service) the governments impose a certain pressure on the employers to follow their rules. Thus the government passes the responsibility to detect and remove unauthorized workers to a labor agency and thereby diffuses the costs of control (Lahav, 2006).

Besides, responsibility is not only imposed on actors of the economical sector but also onto the citizens and the social society. Citziens who help a foreigner who is not in possession of a residence permit may face penalty. According §622 of French Aliens law a person who helps a Sans Papiers with every day services can face a punishment of up to 5 years of imprisonment⁵. Same implies in Germany when doctors, teachers and jurists help “Sans Papier” by giving advice and consultancy. By supporting a Sans Papiers, following e.g. the Hippocratic Oath they violate the Aliens law § 96, I (Bericht des Bundesministeriums, 2005).

Furthermore another practical approach is to decentralize the system and to involve the city halls and other local elected officials. The reason can be seen in the dependence of national elected nationals on their local the local elected officials. They are in need for votes and gain

⁵ See website of Sénat de la France.

them by adopting “exceptionally harsh measures against immigrants” (Ibid. p.303). In France for example the district prefect has the right to delay a marriage, when an alien is involved and has even the authority to prevent it (Cimade, Rapport d’observation, 2008).

After having shown some examples of migration-preventing measures it has to be said, that border control and immigration regulation lies in the sovereignty of the states and therefore distincts significantly amongst European states. However, in the course of globalization and transnationalization the state’s power to regulate immigration has been weakened. With the Schengen area and the Dublin agreement⁶ the EU states developed a regional control system, with common regulations, which is exceptional in the world. They introduced a joint visa- list, to determine which countries need what kind of visa requirements and they also set up same standards for asylum seekers (Lahav, 2006).

A multilevel approach in controlling immigration seems to be the best way of controlling immigration since immigration concerns almost all parts of the a state’s policy, economy and society (Brettell & Hollifield, 2000).

Before further examination of this new European Policy the next part will compare the measures taken by the US. Both the European Union and the United States constitute of Liberal States that delegated some of their power to a common institution. It is interesting to have a look on the measures implemented by the US government in order to combat

⁶ In 1995 internal borders were abolished between the original participants of the Schengen agreement. Today all member states (except Great Britain and Iceland) have signed the Schengen agreement of free movement. During that time the EU Member states experienced an increase of asylum, therefrom results the call for joint action. The Member states could not alone deal with the increasing attempts of border crossing, especially at the weak points like the sea borders. They agreed on the necessity of common entry and post- entry standards for asylum seekers in order to regulate the number (Moraes, 2003). In 2003 the Dublin Regulation was adopted and regulates since then the application of asylums seekers seeking protection in the EU. “In accordance with the Dublin Regulation, Member States have to assess which Member State is responsible for examining an asylum application lodged on their territory on the basis of objective and hierarchical criteria. The system is designed to prevent "asylum shopping" and, at the same time, to ensure that each asylum applicant's case is processed by only one Member State” (Council Regulation (EC) No 343/2003).

unwanted immigration at the Southern borders. Thereby a comparison of the strategies of the EU and the US can be made.

2.4.1 Immigration control strategy in the United States

States invest heavily in border control to reduce unwanted immigration. In this context it is interesting to have a look at the immigration control strategy of the United States. The US see themselves exposed to a great influx of immigrants coming from Latin America trying to cross the Mexican- American border. Americans have paradox sentiments towards immigration. The nation founded by immigrants has always been welcoming immigrants as for their wish for multiculturalism. There are those who favor controlled access, but more open borders to allow foreign workers into the U.S. economy to provide for a perceived labor shortage. On the other hand people feel threatened by the growing immigrant population. Especially after the terrorist attacks of 11 September 2001 the number and countries of origin for illegal immigrants coming to America from Mexico has raised concern for the national security and the safety of the citizens. Debates about harsh border controls and how to gain better control were set on the political agenda. Since 2007 Mexico and the US are divided by a border fence - several separation barriers along their shared borders. Besides the fence the border is protected by the United States Border Patrol, which is responsible for apprehending individuals attempting illegal entry to the US. The border is guarded by more than twenty thousand border patrol agents, more than any time in its history. According to official numbers the border control enforcement records a decline of 61 % of illegal entries, from 1,189,000 in 2005 to 463,000 in 2010 (Fact Sheet, Office of Immigration Statistics, 2011).

The work of the border police is praised as a service to the nation and homeland security. The picture drawn shows heroes who are making the US a better place, as seen in the mission statements of the US department of homeland security: *"We are the guardians of our Nation's border. We are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and the instruments of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve*

*American public with vigilance, integrity and professionalism”*⁷. In addition the immigrations policy employs strong measures for keeping unauthorized immigrants out of the country. It is a very evocative and aggressive action to build up a fence in order to protect the country.⁸

The aggressive strategy of the US can be seen as primarily the obvious and publicly stated aim to reduce illegal border crossings in order to decrease social costs. Secondly it is also as an initiation of government’s reaction to public concern. The people want the government to take drastic measures, because they are afraid of losing their jobs to immigrants. Especially in the field of low skilled jobs the US citizens compete with immigrants who are willing to work for less money than the Americans.

Although a closed border strategy may prevent the illegal entry of a future terrorist it does not address what caused the mass immigration to the U.S. in the first place – The US are a pull factor for immigrants. The strength of the U.S. economy and its ability to provide jobs are very attractive for immigrants. Martin (2004a) argues that the concentrated border enforcement operations of the US have not been able to reduce the constant growing number of immigrants in the US. The economic sense of this measure is debated as well. On the contrary the immigrant population has become more stable and settled down, even changing into better paid working sectors. He states that immigrants benefit the US, because the “value of what they produce is more than the wages they are paid” (Martin 2004a, p. 69) and that everybody hiring immigrants is more productive and records higher benefits while immigrants are working. The notion of the hardworking immigrant was present in America’s public opinion, but after 9/11 it changed into the pictures of American killing foreigners. Nevertheless, the US economy highly depends on low skilled- low paid workers. US

⁷See website US Customs and Border Protection.

⁸Somehow the Berlin Wall comes into mind when thinking about the US Border fence. To remember, the construction of the wall was not only to hinder citizens of the GDR to flee but also to demonstrate the power of the state. The wall stands for the fight against capitalism and protected against the “poisoned” influence of the capitalized world. The wall was used rhetorically as symbol for the state’s ability to protect their citizens against the bad influence of the Western world. Not only did it stand for protection but served as a tool of demonstration of power- for the citizens and the world and furthermore clarified the objectives of the government- insulation against the Western hemisphere. Obviously constructing the wall was not only to hinder people from border crossing but stand for power, ideology and an affirmation about the sincerity of the political goals.

agriculture has long depended on immigration as seasonal farmworkers. Without the help of the low paid workers America's economy would probably collapse (Cornelius and Tsuda, 2004).

To sum it up, the US conducts a very strict and harsh immigration control system mainly since a somewhat sceptical public opinion towards immigrants developed in course of a developing fear of terrorism. The combat against illegal immigration is initiated in a very patriotic manner and makes use of strong symbolism. Nevertheless considering the economical benefits of penetrable borders the US immigration policy might rather serve as an attempt to manage public opinion than reducing unauthorized immigration.

The following comparison with EU Migration policy will allow having a view of a similar approach, where a harsh border control policy is initiated.

3 EU's Migration policy

In course of the European Integration the by now 27 Member States of the European Union grew closer together over time. The Schengen acquis in 1990 implemented a common migration policy. It started out with the Schengen Agreement signed by five Member States⁹. Abolishing border controls within the EU brought new challenges to the policy making of migration. Whereas the right of EU citizens to move and reside freely within the territory of Member States is one of the fundamental freedoms of the European Single Market, strict rules are implemented for people who want to enter the European territory.

In respect of the European Integration the community originally had no common rules and standards concerning migration policy. With the establishment of the Schengen area in free movement of people within the European territory was granted. This development encouraged the closer cooperation of the Member states where immigration policy is concerned, since they now shared common external borders. Within coming into effect of the Treaty of Amsterdam in 1999 an Asylum and Migration policy became firstly part of the common law of the EC. The core of Title VI was to establish progressively an area of freedom, security and justice, measures aimed at ensuring the free movement of persons in

⁹ Belgium, France, Luxemburg, the Netherlands and West-Germany

accordance with Article 14, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration (Title IV, Article 62). The Union's law now offered a common ground for visa, asylum and migration policy.

Since the crossing of external borders provided free access to the whole of EU territory external border management and the establishment of a common asylum and visa policy gained new importance. After 9/11 and the eastern enlargement of the European Union migration policy and border securization became one of the top priorities across Europe (Jorry, 2007). The member states perceived the need for an increased cooperation amongst them with regard to an extended border control. There were increasing calls to reinforce homeland security, to fight organized crime and for tightening the borders (Leonard, 2009). *"The management of migration flows (...) should be strengthened by establishing a continuum of security measures that effectively links visa application procedures and entry and exit at external border crossings. Such measures are also of importance for the prevention and control of crime, in particular terrorism"* (Hague Programme, 2004).

The European Union faced several lacks of uniformity to implement standards for a common policy. The first aspect is that some states face more substantial problems with illegal migration than others, especially those with long external borders such as Italy, Spain and Greece. These states see a fast resolution of the issue as the highest priority on their political agenda, whereas other states, which are surrounded by internal borders don't give a high importance to the topic. Furthermore, regarding uniformity it has to be considered that the National Guard services distinct from each other as well as the communication languages are not the same. This lack of compatibility between the practices adds to a lack of resources. The Member States which are directly affected by Migration flows, especially new members such as Poland, with a total of 1, 258km of external borders, could not carry the financial burden all by themselves (Jorry, 2008). Thus an innovative concept known as 'integrated border management' emerged in the EU institutional sphere, wherein the border Agency FRONTEX (from French *Frontières extérieures*) was deliberated to become the key figure to execute EU policies.

Germany and Italy were the first states who came up with the idea on a "European Border Police" (Ibid.), both of them with quite different motivations. Italy could not deal with

increasing influx of immigrants coming from Northern Africa and crossing Mediterranean Sea and hence called out for solidarity of the other Member States, whereas Germany had other intentions. Since the “Eastern Enlargement” Germany has no external borders anymore, as it is now surrounded by Member States- hence the Bundespolizei is out off its main duty: the protection of the external borders. By implementing an integrated border management the border officers were assigned to new tasks (Möllers, 2010). It can therefore be stated that the Member States’ interest in a common border management results from different motivations.

In 2004 the European Council agreed upon the Hague Programm- a set of principles to strengthening the area of freedom, security and justice in the next five years. Among them one can find a balanced approach to migration, which “involves fighting illegal immigration and the trafficking with human beings”. The burden of financial costs resulting from illegal migration should be shared solidarily among the states through several Funds. Despite plans for a common asylum procedure were set up, by which the Commission wants to accomplish a harmonised and more effective asylum procedure. Same for an effective visa policy through the implementation of an EU wide visa information system (request for identical travel documents).

The Hague Programme was the actual birth of the FRONTEX : “The free movement of persons is made possible by the removal of internal border controls. This requires greater efforts to strengthen the integrated management of external borders. The FRONTEX-Agency has been set up to manage external borders and may be given additional tasks in the future” (Hague Programme, 2004).

3.1 *FRONTEX Operations*

After having depicted the birth of a common European migration policy now FRONTEX will be analysed further. FRONTEX is namely the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. FRONTEX’s main task is to support the Member States cooperation in the field of border security. Furthermore it assists the member states with controlling their external borders and with the deportation of aliens who don’t have the permission to stay.

In May 2005 FRONTEX started to operate with a fixed budget and the assistance of 27 second national experts and auxiliary staff only (in sum 43 employees). Two years later it moved to the new headquarters in Warsaw, Poland and changed its staff structure. Since then FRONTEX grew steadily and gained much importance in the field of border control. The agency's annual budget is granted by revenues coming from the members of the Schengen aquis and the European Commission. FRONTEX's budget and staff has increased radically. From 2005 to 2010 it has increased tenfold from 6.2 Mio Euro to 86 Mio Euros (see FRONTEX report, 2010). Besides using the money for the operations it is also used for the recruitment of its own staff. Its growing responsibility within the years makes the increase of staff and budget indispensable as stressed by FRONTEX's Executive Director Ilkka Laitinen in 2008 (quoted in House of the Lords, 2008).

Notwithstanding the remarkable increase of its financial and human resources, FRONTEX is and will (at least in the near future) stay a supportive and supplementary agency only operating within the limited though increased mandate and budget (Pollak, 2009). At the same time it illustrates the importance migration policy has gained on the stage of European policy execution.

FRONTEX' legal basis is the Council Regulation (EC) 2007/2004, wherein its power and tasks are defined. FRONTEX has to a) coordinate operational cooperation between Member States in the field of management of external borders (Joint operations); (b) assist Member States on training of national border guards, including the establishment of common training standards; (c) carry out risk analyses; (d) carry out border related research (e) assist Member States in circumstances requiring increased technical and operational assistance at external borders; (f) provide Member States with the necessary support in organizing joint return operations. Besides the joint operations, FRONTEX provides the member states with technical supplies and supports them in organising coordinated return flights.

When it comes to research and development FRONTEX doesn't carry out research but offers a platform where European guard personnel can meet and discuss innovations and action plans for border control management.

An important issue of the coordinated border management is the need for uniformity and common standards in the control of persons and surveillance at the external borders. The member states called out for a standard approach in order to be more effective in their control. Thus FRONTEX provides common training standards for border guards. It established academies throughout Europe where the border guards and state police officers are trained the same and learn how to conduct risk analyses.

One of its main tasks is to co-ordinate joint operations by Member States at the external sea, land and air borders of the EU. To date, FRONTEX has managed several such operations on the main land and sea routes of irregular migration to the EU, and at key EU transit and destination airports. *“Generally Joint Operations (JO) are regarded as successful in improving cooperation and knowledge sharing among Member States as well as in streamlining procedures and they are ensuring an increased degree of uniformity in handling illegal immigrants, traffickers etc “(COWI Report, 2007).*

The aim of the joint operations is to strengthen external border security by using the information retrieved from the risk analyses whereby the participation and involvement of the states it requested. The projects are authorized and financed by the member states. However, FRONTEX is responsible for the implementation.

The joint operation is what made FRONTEX most popular in the media- especially the Joint Operation Hera and Nautilus in 2008. The media generated public awareness of the arrival but also the death of thousands of migrants, who tried to reach the European islands Lampedusa, Malta and the Canaries in small boats on the Mediterranean Sea. FRONTEX was initiated as a powerful organisation that supported the helpless Member states to resolve the dramatically high number of migrants, allegedly also motivated not only by reducing illegal immigration to the EU but also through the wish to save lives. FRONTEX calls Operation Hera in 2005 one of their best operations, as stated on their website: *“FRONTEX’s most successful joint-operation to date was Operation Hera, which targeted the passage of irregular migrants, and the criminal organisations that transported them, from West Africa*

*to the Canary Islands. By stemming the flow of people through this highly dangerous route, hundreds if not thousands of lives were saved”.*¹⁰

However, immigration control measures don't imply the reasons that drive people to emigrate their home countries. The borders fence in the US and FRONTEX come to naught when improving the situation in the sending countries which are the actual source of the steam. The responsibility for that lies mostly in the hands of the sustainable development cooperation of the governments.

In June 2011 the European Parliament, the Commission and delegates of the Member States (MS) discussed about the future role of FRONTEX. They agreed upon giving to FRONTEX the key role in integrated border management. FRONTEX already held full responsibility during the operation POSEIDON at the Evros region¹¹ (Greek- Turkish border-river) from November 2010 to March 2011. The reasons for the meeting are the different opinions of the MS regarding the role of FRONTEX in common operations with the national border controlling institutions. Up to now the Member States voluntarily contribute technical and personal support to the operations. In order to become more efficient, the new guidelines envisage that the Member States contribute to a minimum stock of technical supplies and personal. That would make FRONTEX less dependent on the willingness of the MS, because FRONTEX would have the right to launch operations with its own resources. In addition FRONTEX could forward data and information about undocumented immigrants, border crossing crime and human smuggling to Europol and other law enforcement agencies but only in consideration of data privacy protection (Migration und Bevölkerung, 2011).

Besides decisions about the strong compliance of Human Rights during FRONTEX operations were taken. A department of basic Human rights and a consulting platform for basic rights is to be established. Instead of delegating the duties to an independent agent the task will be carried out by a department closely related to FRONTEX. It remains questionable in what way an independent and neutral evaluation of FRONTEX performance is possible. Human Right organisations such as Amnesty International, Pro Asyl etc have always critiqued the violation of Migrant's Right during High Sea operations. A central argument is the fact that no distinction between economic migrants and refugees and asylum seekers is being made

¹⁰ See Frontex website. Origin and Tasks.

¹¹ See Frontex website. Newsroom.

when redirecting the boats away from European territorial waters. Potential right on asylum of the boat people has been ignored hence they were all treated as migrants searching for better livestock (see Pro Asyl).¹²

Nevertheless the so far informal agreement on the change of FRONTEX mandate has still to be approved by the Council and the Parliament which is expected after this year's summer break.

3.2 What role plays FRONTEX in EU's migration policy?

After having given a brief overview of FRONTEX' tasks in this chapter it will be outlined what impact FRONTEX has on the control of unwanted immigration. Immigration affects the Member States of the European Union differently. Some have no external borders other than their airports; others, and Malta in particular, are by their position principally vulnerable to illegal immigration. As seen above up to a scale they can barely cope with. On immigration related questions each Member State is self interested and is motivated by its own policy goals. Even when the Member States show same or similar interests the order of priority in the political agenda differs. In some countries the topic is of high priority and a solution is very urgent whereas in others it plays an important factor but overlaps with other political questions (Messina & Thouez, 2003). However, the Member States agreed on cooperation when it comes to border control, mainly because the policies of the governments could not alone deal with the problems alone. Due to the public pressure imposed on EU governments through the media flashpoints concerning illegal immigration and asylum seekers (Moraes, 2003).

Since FRONTEX is a relatively young agency there is not much literature to be found yet about the effectiveness of the agency. Empirical studies of scholars about the success of FRONTEX are limited and don't include the discussion about a change of the mandate of FRONTEX or the operations of 2011, where FRONTEX hold already full responsibility.¹³ Publicly available information and data about FRONTEX' operations are mainly to be found on the website of the agency. With an impressive web presence the agency informs about their legal status, budget, structure and the operations. However, neither details and exact

¹²See Pro Asyl (2009).

¹³ See Frontex website. Joint Operations.

data about the effectiveness of their actions nor information about the agreements made with the participating Member States can be found on the website. Nevertheless, the actual evaluation of the media, governments and among scholars is quite coherent. According to them FRONTEX has achieved remarkably much in its short existence. It has established itself as the focal point for community discussions on practical border management and it has developed a path that will enhance cooperation and data sharing among Member States (COWI Report, 2007). As stated in an evaluation report of the House of Lords (2008) *“FRONTEX has demonstrated an ability to coordinate the efforts of the Member States in operations at the external Schengen borders. Those operations have demonstrated that they are not capable, by themselves, of preventing irregular migration, but a drop in illegal migration across the Mediterranean this summer suggests FRONTEX activities are having some effect on stemming the flow.”* However, the success of an operation under the lead of FRONTEX highly depends on the willingness of the Member States to cooperate, which has increased over time also due to its positive outcomes. However, Pollak and Slominski (2009) argue that the state’s involvement depends on what they can take out of it. When looking at the uneven involvement of Member States in FRONTEX’ activities, it comes clear that the Member States saw FRONTEX more as an offer that can be taken or not. Germany and Italy for example have participated quite much on Joint operation during the years 2006 and 2007, whereas other countries participated more in training activities (Commission, 2008). After Pollak and Slominski FRONTEX still needs to convince the Member States of its effectiveness and efficiency. But since this summer there will be a voting about an enlargement of FRONTEX’ mandate, FRONTEX may already have succeeded to convince the Member States.

FRONTEX’ call for more cooperation and involvement of the Member States led to better cooperation and burden sharing of immigration control. The involvement of the Member States contributed to more solidarity among the Member States. However, the EU Commission is not quite satisfied and calls the “operational cooperation (...) inefficient and insufficient” (EU Commission Report 2010) and therefore advocates an enlargement of FRONTEX’ mandate.

Through the cooperation in the operations and other activities of FRONTEX the exchange of information and data has been ameliorated to a large extent. FRONTEX promotes better

exchange of information between the institutions and the Member States. FRONTEX collects information from several institutions such as Europol, Eurosur and ICONet and local authorities. With the given information they conduct Risk Analyses in order to accurately plan the joint operations. Furthermore FRONTEX uses the information to organize joint return operations and provides the Member States with the collected data (Carrera, 2007).

Möllers (2010) on the other hand argues that the uncritical reports of FRONTEX and the Commission report about outstanding results should be seen sceptical, because the former Commissioner for Justice and Security Frattini (in office 2004-2008) was in favor for the implementation of FRONTEX. She states that the new number of incoming migrants in Spain 2008 and the alarming situation in the refugee camps in Lampedusa¹⁴ pose the question of the effectiveness of FRONTEX' operations. Especially the revolution in the Arabic countries in spring 2011 and its subsequent big flow of refugees coming from Libya and Tunisia don't show a visibly impact of FRONTEX' operation on border control.¹⁵ According to FRONTEX' annual report 2009 the influx of illegal migration was declining remarkably, though they admit that not only their operations but also the economic crisis are causing factors. In their Risk Assessment 2009 they evaluated that a decline is to be expected due to (a) availability of work in destination countries is likely to be reduced, and that (b) economic decline usually leads to the introduction of additional immigration restrictions (legal and physical barriers) in Member States (FRONTEX Risk Analysis, 2009). It can therefore be stated that the current economic crisis makes it even more difficult to evaluate the effectiveness of FRONTEX, because it cannot surely be said how big the impact of neither the crisis nor the operations is.

Illka Laitinen, the Executive Director of FRONTEX stated in an interview with the German daily newspaper "Die Süddeutsche"¹⁶ in December 2007 that the biggest amount of illegal entry attempts to the European Union is at the Eastern Borders and not, as illustrated by the media and politicians, at the Mediterranean Sea. He explains that people mainly try to enter illegally the European Union via airports or at the borders of the Balkans and Kosovo. Even though the Mediterranean Sea is not the heart of illegal entry attempts to the EU it has high

¹⁴ See Süddeutsche, 2011.

¹⁵ See Tagesschau, 2008.

¹⁶ See Süddeutsche, 2007.

priority on FRONTEX' work owed to the humanitarian catastrophes that take place on High Sea (see interview, 2007).

People smuggling however constitutes a serious problem that mainly occurs at the Southern borders. It is organized by criminal networks that for financial gain smuggle humans across national borders. The trafficking conditions are very often catastrophically and don't live up to the promises made by the smugglers. Overcrowded boats and trucks with little food and water and fatal accidents occur frequently. Scholars argue that by adopting restrictive immigration policies government unwillingly raise the demand for people smugglers. Since border control has very much developed and border crossings thanks to modern technology migrants seek the help of smugglers. The smugglers promise them to bring them on the other side of the border (Koslowski, 2000 and Cornelius & Tsuda, 2004). Alas, the informal agreements go even further so that often the migrants are obliged once arrived in the receiving country to work in the illegal labor networks to pay off their debts to the smugglers (see website of Interpol and Human Trafficking).¹⁷

In the COWI Report the authors debate over the impact of the sea operations as the EU has no bilateral agreements with the bordering or transit countries. Supposedly there are "signs that increased surveillance may lead to an increase in illegal immigration as the vessels intercepting illegal immigrants are unable to turn them back." (COWI Report, 2007). When the immigrants detected on High Sea cannot be returned to the starting point of their journey due to a lack of agreements and cooperation the migrants have to be brought to European territory (Ibid.). It raises the question about the impact of the costly sea operations, when thus they somehow escort the immigrants to Europe.

Furthermore, the majority of "Sans Papiers" in Europe didn't enter the territory clandestinely, but with the required Visa. Most of the time they simply overstayed the duration of the residence permits (Laitinen in Süddeutsche, 2007). Yet to control or combat this efficiently would mean to control citizens and immigrants regularly for the identity card and thereby invading the people's privacy. These regular controls would probably cause much protest coming from civil liberty groups (Bhagwati, 2006).

¹⁷ See Interpol (2009) and Human Trafficking.

4 Conclusion

Even though the EU Member States have different and nationally affected interests in immigration they succeeded to find an agreement on a regional system (Schengen and Dublin) and a common immigration policy. The EU governments have taken cooperation on migration beyond that of any other group of states in the world (Messina, 2006). The establishment of FRONTEX came as a response to the need of cooperation amongst the Member States. However, immigration is of public concern and often polarises. It separates the people into the ones in favor of immigration and those who are against or even afraid of an increasing immigration flow to their country. Politicians tend to make huge promises to their citizens in order to gain votes. When it comes to immigration they promise better controls and to reduce the influx of illegal border crossings. However these are promises that they often cannot or maybe not want to meet as shown in this paper.

In this context it is interesting to have a look at the reasons why the members chose to establish especially an agency to be in charge of the border management. By delegating the tasks of border control to a semi-independent agency the governments also release the responsibility of the unpopular policy to the agency (Möllers, 2010). Agencies are seen to be able to involve more stakeholders in the policy making process and to assure a continuation of policy even when the parliamentary majority changes (Leonard, 2009). Furthermore agencies tend to give more visibility to EU policies- “in that respect, delegation to agencies often has a strong element of symbolism” (Ibid. p.374).

The creation of FRONTEX can be seen as a step with a twofold approach: Firstly it addresses the perceived problems with regard to external border control and secondly it constitutes a symbolic aspect that is to show the assertiveness of the European Union regarding the combat of illegal migration.

The success of FRONTEX is not going to be measured only by the numbers of repulsed immigrants, but by its ability to establish and develop more common standards. The agency has not found its place in European policy yet but is already a well respected actor. Its main achievement is certainly “the bundling of formerly widespread activities under one common roof” (Pollak & Slominski, 2009.p.920).

As a matter of fact FRONTEX has achieved better border controls and might be even more effective when it can act independently from the Member States with its own resources. Up to now, the Member States mainly follow their own interests and support FRONTEX only when they gain benefit out of the actions (Ibid.). However, the border patrols and joint operations at the borders might not be the most efficient way to reduce unwanted immigration, since they can only reduce the immigrant influx whilst operating. As soon as an operation ends the migrant stream continues unhindered- long-term results haven't been detected yet (EU Commission Report, 2010). As explained in chapter 2.4 there are several measurements to control immigration- measurements that seem more effective and less costly. That brings to the assumption that FRONTEX' determination is not only to combat illegal migration by actual operations but also to contribute to the raise of the EU's policy reputation. FRONTEX' operations can be seen as sabre rattling of the Member States that addresses two parties. On the one hand they show their citizens that they care about their concerns and take action on immigration issues on the other hand it is a warning for potential immigrants not to attempt illegal border crossing, because they will be monitored and detected before entering the EU territory. The comparison with the US strategy supports the assumption that Frontex is not only to protect the national borders but carries a strong meaning of symbolism.

Besides criticism of violation of Human Rights brought up by NGO's (chapter 3.1) it is widely agreed that FRONTEX' operations only combat the symptoms of illegal migration but not the causes (Möllers, 2010).

One should keep in mind that FRONTEX' is not the only one to be blame for the harsh border controls. In fact it executes what is wanted and advocated by the European governments. Despite its impressive appearance not even FRONTEX can stop irregular immigration. Thus if it is not possible to restrict illegal immigration to a level near zero, government should turn to a migration policy that integrates immigrants and reduces the social costs. Migration can be best managed through laws and regulations (Spencer, 2003), because it addresses the problem at several levels. An advantage is that the regulations are reliable and don't need the amount of justification that FRONTEX' operations need. Moreover it is less costly but highly effective. Besides, tightly closed borders would probably even endanger certain local

economies of the European Union and jeopardize the development of the social- cultural diversity of Europe

On my opinion the Member States should consider whether or not they want to keep on promoting the aggressive image caused by FRONTEX operations. Even though most of the criticism is directed to the agency it may come back onto the Union itself. Somehow FRONTEX is in charge of the “dirty work” that the European governments are not willing to do by themselves. It seems a clever move to make FRONTEX the scapegoat for unpopular policy measures.

Nevertheless, FRONTEX still needs to find its proper place in the policy making and should foster the cooperation with Human Rights institution.

Furthermore, studies on the impact of FRONTEX operations on the incoming migrants need to be intensified. Objective evaluations about the effectiveness can only be made when there is enough research on the impact of Frontex operation and not only reports and data from parties either in favor or against the agency.

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