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Bachelor Assignment:

## **Patterns and Determinants of Irregular Migration in Europe**

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**List of Acronyms**

AufenthG	Aufenthaltsgesetz
EU	European Union
Frontex	European Agency for the Management of Operational Cooperation at the External Border of the Member States of the European Union
ILO	International Labor Organization
NGO	Non-governmental Organization
NHS	National Health Service (of the United Kingdom)
UK	United Kingdom

## 1 Introduction

In December 2010, Tunisian citizens started to protest against the economic and political conditions in their country and ousted the dictator Ben Ali. The surprising success of the Tunisian protests triggered uprisings in Algeria, Yemen, Egypt and Libya. Only a little later, the Egyptians forced their president Mubarak to resign whilst Libya's head of state Gaddafi continues to use military force to subdue his rebelling people (ARD, 2011). The European Union was uncertain how to react to the political instability in the south not only because of their dependency on North Africa's oil but also because of the European Union's fear of North African refugees trying to enter Europe. During the time of political instability in Libya, the Italian island of Lampedusa has had to deal with growing numbers of refugees and is clearly unable to cope. Especially the Southern European countries fear the political instability in Northern Africa and the resulting migratory movements that could have a "further destabilizing effect on Southern European societies which are already facing difficulties as they struggle to emerge from economic crisis" (Tsardanidas & Guerra, 2000, p. 322). The media is a major driver of this fear, speaking of a 'biblical exodus' of migrants fleeing the economic and political instability of their countries (Spiegel Online, 2011).

In fact, for a few years, scholars have recognized that irregular migration is on the rise; even before the recent developments in North Africa were on the horizon. They have increasingly considered irregular migration to be a non-negligible phenomenon or even the "new reality of immigration"<sup>1</sup> (Laubenthal, 2006, p. 22). Moreover, Alt (2009) assumes that irregular migration is the fastest growing of all migratory movements. He depicts migration as one major result and component of globalization processes (Alt, 2005), partly because of increasing and inexpensive opportunities to communicate and travel, and partly because the global economic system demands flexible work (Alt J., 2009). But also national developments, such as internal conflicts as well as socio-economic problems and unemployment, create push effects resulting in increased migratory movements. This is especially true for African states: In 2009, 27 of the 53 African states were experiencing some sort of internal conflict (Alt J., 2009). Consequently, migrants seek stability and economic opportunities in Europe. In light of these push effects, the increasing border controls and strict visa require-

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<sup>1</sup> Translation: Maike Herbst

ments of the European states have an accelerating effect on irregular migration, as less options for legal migration are available for an increasing number of people trying to enter Europe (Black, 2003).

Politicians especially like to emphasize how increasing irregular migration to Europe is threatening the internal stability and prosperity of the continent (Collison, 2000). The Ministers of the Interior of Germany, France, Great Britain, Italy and Spain claimed to have

“clear evidence of a link between people smuggling and international terrorists. ‘We have proof, which we cannot make public, that [...] such a connection exists and our police have come to the conclusion that immigration and the terror mafia are running together.’” (Alt, 2005, p. 36).

Such statements trigger fear in the public and sustain the image of invasion. This provides policy makers with a general consent for stricter border controls and the closure of ‘fortress Europe’. An immigration officer at the Spanish border stated: “We are the plug for the whole African bathtub of misery. If we pull the plug, Europe will be flooded.”<sup>2</sup> (Milborn, 2006) In saying so, he reveals the misconceptions and dramatization behind the Fortress Europe approach.

Another possible reaction to increased irregular migration in the public discourse is that of victimization. Irregular immigrants are depicted as poor refugees trying to flee poverty and persecution in search of a better future in Europe (Vogel D., 2003). However, both fear and victimization are inadequate responses to the phenomenon of irregular migration in Europe.

The fact is, that European countries are putting increasing efforts into migration control but are less able to control for these movements. Politicians and the media often base their reactions on false assumptions: they treat migration as random or non-directional movement. Yet it is not, and, moreover, irregular migration is also not an irrational choice of masses of poor people who are trying to invade Europe.

On the contrary, I will argue that irregular migration is a conscious strategy to enhance livelihoods and is directed towards those countries that potentially offer the highest livelihood outcome. Two major implications follow this hypothesis. First, prospective migrants are usually embedded in a network that provides them with infor-

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<sup>2</sup> Translation: Maike Herbst

mation about their opportunities in the destination country. This allows them to make a rational assessment of opportunities and constraints to pursue livelihood strategies. Second, the framework for these opportunities and constraints is created by national migration policy. By this means, countries actually shape irregular migrants' livelihood strategies and thus direct migration movements.

Specific patterns of irregular migration in Europe become visible and prove to be caused by various determinants; with national migration policy, shadow economy, networks and civil society being substantial. The aim of this study is to analyze these determinants that influence the livelihoods of irregular migrants and to identify major patterns of irregular migration in Europe. Subsequently, these patterns are exemplarily shown for Italy, the United Kingdom and Germany; three countries in which the particular national manifestations of the determinants brought forth very specific patterns of irregular immigration.

## **2 Methodology**

### **2.1 Research Approach**

The results of this study are based on several studies on issues concerning the phenomenon of irregular migration that were published in the English- and German-speaking scientific research. The majority of the data analyzed in this study is of qualitative nature. Quantitative data on this topic can be misleading, as data is always estimated and can result in premature or inaccurate assumptions. Therefore, qualitative data and research that is based on field studies and reports seems to be slightly more accurate.

### **2.2 Data**

In fact, the reliability of the qualitative, but in particular the quantitative, data is also limited because the very nature of the phenomenon demands concealment. Irregular migrants try to avoid official authorities and the inclusion in any kind of official statistic. Thus, the full volume of stocks and flows cannot be fully observed and determined (Jandl, 2004). However, a variety of different data can be systematically compared in order to estimate the stocks and flows of migrants, such as legalization statistics, police statistics, statistics on border crossing, asylum applications, legal migration and population censuses (Tapia, 2002). Naturally, uncertainty about these

estimates remains since, besides general problems of extrapolation, a strong temptation to overestimate the numbers exists (Black, 2003), especially on the side of policy makers seeking support for stricter immigration and visa policies. Furthermore, most of these indirect methods of estimation have a large margin of error: Using statistics on illegal work in order to determine the stocks of irregular migrants in the country will also include those migrants who legally reside in the country but perform undocumented work; the number will be overestimated. On the other side, statistics on border apprehension ignore those migrants who enter legally but overstay their visa and become irregular; thus, the numbers will be underestimated (Jandl, 2004).

Imprecision of statistics constitutes another problem in researching patterns of irregular migration. First of all, the data gathering methods used can be inadequate. This problem is particularly severe in countries to which the problem of irregular migration is relatively new, namely the Southern European countries (Tapia, 2002). Yet these countries are among the most prominent destination countries and at the center of most studies on irregular migration. Migrants often change their status back and forth over time (Laubenthal, 2006), which makes it hard to gather relevant data. This is even harder when it comes to circular migration (Jandl, 2004), a phenomenon that is of great relevance in Germany and Greece. It is almost impossible to prevent double counting. Lastly, most statistics are unclear about what they mean by the term 'irregular migration', as each country defines the phenomenon differently (Alt J., 2009). As a result, cross-country studies bear the risk of comparing different measures.

### 2.3 Concepts

A lot of imprecision in statistics on irregular migration occurs because the underlying concept dealt with is not clearly defined. The phenomenon of irregular migration can take different forms and has to be distinguished from other forms of migration. There is an ongoing debate whether migrants entering and residing in a country without proper documents are to be called 'illegal'. Some authors argue that most of the respective migrants do not cross the border illegally but simply overstay their visa, thus they are not illegal per se. Furthermore, depending on the country, migrants not holding the proper documents do not necessarily commit a criminal offense (Bommes, 2006). Some social activists even speak of 'illegalized' migrants, emphasizing that it is the state that is not giving migrants the opportunity to reside le-

gally. This implies, that the state constructs the very phenomenon of illegal migration that it is trying to fight. In fact,

“[...] it was only when states were in a position to formulate rules governing the entry and residence of foreigners and to enforce them that contravention of those rules – and consequently the concept of illegal immigration – became possible.” (Düvell, 2006)

For this reason, the term ‘illegal migration’ is considered problematic and is usually avoided: The German ‘Zuwanderungsgesetz’ speaks of ‘unauthorized entry’ and ‘residence without permit’ (§ 14 Zuwanderungsgesetz), in France, the term ‘sans papiers’ is common, similar to the US-American ‘unauthorized immigrants’ whereas the United Nations speak of ‘irregular migrants’ (Vogel D., 2003). In order to avoid the controversy associated with the term ‘illegal migrants’ and to include the different national legislative particulars, in this study the term ‘irregular migrants’ will be used to describe the phenomenon of migrants entering and residing in a country without proper documents.

The International Labor Organization (ILO) defines irregular migration more specifically as

“migrants [who] find themselves during their journey, on arrival or during their period of residence and employment in conditions contravening relevant international multilateral or bilateral instruments or agreements or national laws or regulations” (Kaizen & Nonneman, 2007, p. 122).

Thus, irregular migration is a breach of national or international law that states could not inhibit. Whereas the ILO’s definition emphasizes the state’s role in defining irregular migration, Bommers (2006) stresses the migrants’ agency. He considers regular and irregular migration as the attempt to participate in the global market as mobile labor force. The state is merely intervening in this attempt. Hence, the only difference between irregular and regular migration lies in the fact that irregular migrants at the same time try to circumvent this governmental intervention and elude the state’s surveillance. Thereby, migrants deliberately deprive themselves of their political and social rights as well as their ability to exert political and social pressure.

The ILO definition indicates that situations of irregularity can occur during the journey and entry, arrival, residence and employment. Irregular entry includes the unauthorized crossing of a land or air border as well as the irregular crossing of the

sea border (Reyneri & Baganha, 2001). Irregular entry can also occur when forged documents or valid documents under a different identity are being used (Alt J., 2009). In most cases, however, migrants enter regularly with a short-term visa, simply overstay and thereby become irregular. Regular migrants, knowingly or unknowingly, return to an irregular status when they cannot renew their residence permit or when asylum seekers' applications are denied. Irregular employment occurs when migrants holding a valid residence permit take up unregistered work as well as when migrants are irregular in terms of stay and work (Reyneri & Baganha, 2001).

Economic migrants, who enter a country irregularly in search of better economic opportunities, are to be distinguished from refugees leaving their country, in which they are being persecuted, to seek asylum. The latter would face serious threats if they returned to their country of origin (Finotelli, 2006). Consequently, immigration and asylum policies differ in their nature: immigration policies are oriented towards the respective economic situation and needs of the receiving countries whereas asylum policies are of a humanitarian nature rooted in the destination country's moral obligation as members of the international community (Finotelli, 2006). Then again, some authors regard asylum as disguised form of economic migration (Jordan & Düvell, 2002) and thereby imply that economic migrants and asylum seekers basically follow the same agenda of enhancing their livelihoods in the destination country.

Around half of both, asylum seekers and economic migrants entering the European Union (EU) irregularly, do so with the help of human smugglers (Simon, 2006) and the increasing controls at the external borders of the Union predict rising numbers (Muus, 2001). Correspondingly, human smuggling and trafficking is a booming business with estimated revenues of around €4.3 billion per year in Europe alone (Simon, 2006). Human smuggling and human trafficking is distinguished by the degree of free will involved (Kaizen & Nonneman, 2007); child work, slavery and sex slavery in particular involve no free will whatsoever and are the worst forms of bondage that migrants can fall into (Alt J. , 2009). Unfortunately, this business is flourishing as well.

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In fact, “never have more people been enslaved to produce goods or services than at the end of the 20<sup>th</sup> century”<sup>3</sup> (Düvell, 2006, p. 149).

### 3 Theory

Regardless of the way in which irregular migrants enter and reside in their country of destination, they all share the hope of achieving an enhanced livelihood; whether they are economic migrants in search of better income opportunities or refugees in search of social and political freedom.

Livelihood studies seek a better understanding of the lives of the poor and the various factors in their environment that influence their ability to make a better living (Haan & Zoomers, 2005). In this respect, livelihoods are to be understood as a wide concept that

“expresses the idea of individuals or groups striving to make a living, attempting to meet their various consumption and economic necessities, coping with uncertainties, responding to new opportunities, and choosing between different value positions” (Haan & Zoomers, 2005, p. 32).

These various attempts, or livelihood strategies, to achieve a certain livelihood outcome are constrained by the particular combination of livelihood resources available at that point in time (Scoones, 1998). Livelihood resources available can best be summarized as capital assets, namely financial, human, social, physical and natural capital. Moreover, the ability to convert livelihood resources into positive livelihood outcomes as well as the available livelihood strategies is shaped by external institutions and policies. These external factors can constrain, hinder or enable certain livelihood strategies (Haan & Zoomers, 2005).

Based on the livelihood approach, the act of migration constitutes a decision to establish a new livelihood elsewhere (Scoones, 1998) in the hope of achieving better livelihood outcomes in the destination country. Moreover, the opportunities to achieve these outcomes in the destination country are shaped by external factors and the migrants’ capital assets.

Along the lines of these factors, largely shaped by the institutions of the respective country of destination, a very distinct pattern of irregular migration was be-

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<sup>3</sup> Translation: Maike Herbst

ing generated in Europe. In other words, migrants follow distinct migration systems (Düvell, 2006), which developed in line with livelihood opportunities that migrants face in the respective receiving countries. Obviously, the social and political context in the source countries also has an impact on the formation of migration systems; however, this research is putting special emphasis on the receiving countries, stressing that to a great extent countries unknowingly or knowingly attract and direct the phenomenon of irregular migration that they are trying to inhibit (Haug, 2000).

The determination and relative weight of factors that shape the patterns and systems of irregular migration to Europe bears similar problems as generating exact data on the phenomenon as such. Yet, concluding from the logic that irregular migration seems to follow and the data available, one can identify a variety of determinants that shape and influence irregular migrants' decision to seek better livelihoods in European countries.

## **4 Determinants of Irregular Migration in Europe**

### **4.1 European Migration Policy**

The opportunities of migrants to enter and reside in any European country is necessarily influenced by the political framework set by the European Union. With the ratification of the Lisbon Treaty in 2009 and the subsequent abandonment of the three-pillar structure, the Union's competences on border checks, asylum and immigration became subject under the ordinary legislative procedure instead of unanimity voting (Chalmers, Davies, & Monti, 2010). Since then, decisions on the European level are more likely to be made and the Union's abilities to regulate was expanded. These abilities are legally anchored in Articles 77 through 79 TFEU on the Area of Freedom, Security and Justice (AFSJ), comprising the common policy on border checks, asylum and other forms of humanitarian protection as well as immigration (Art. 77-79 TFEU). In the negotiations, the 'traditional' asylum countries, such as Germany or the Netherlands, clearly pushed for a strong emphasis on protection and security (Finotelli, 2006). The opening of the internal frontiers in the Schengen area justified a strengthening of the external border controls, also through the creation of the Union's border management agency Frontex (Chalmers, Davies, & Monti, 2010). Moreover, closing the borders of 'Fortress Europe' is considered to be the crucial instrument of preventing irregular migration:

“According to the strategy of fighting illegal immigration, the control of the external borders constitutes the most important tool to prevent illegal immigration and human trafficking.” (Stange, 2006, p. 144)<sup>4</sup>

Special emphasis is put on the maritime borders in Southern Europe (Kicinger, 2004), especially in light of these countries’ little experience with irregular immigration but their prominence as major destination countries. Although the EU is emphasizing border controls, it is also setting standards for asylum and refugees. The principle of non-refoulement, laid down in the Geneva Convention, prohibits the return of refugees to a country where their life or freedom could be threatened. Further, the Dublin Regulation determines, which European country is responsible for asylum seekers’ applications. It is the duty of that particular member state to provide for a humane level of welfare coverage and to determine whether an expulsion is justified (Chalmers, Davies, & Monti, 2010). Lastly, the return of irregular migrants is regulated through the Returns Directive that covers periods of detention, re-entry bans and other legal safeguards (Baldaccini, 2009).

The regulations on the common policy on immigration, border checks and asylum cut deep into national competences to regulate and shape the problem of irregular immigration. The cooperation and shared burden in the area of border controls, and thus the closing of Europe for unwanted immigrants, to a great extent, determines the way that countries regard and regulate immigration. The security-centered framework laid out by the European Union barely leaves room for differentiated national interpretations of irregular migration. However, a more sophisticated approach and less European harmonization might actually be a more adequate response to a highly complex phenomenon. In fact, especially in Southern European countries, the realities of the labor market and the growing demand for cheap labor require European policy to adjust to national contexts.

#### 4.2 Border Management and Geography

The Southern European countries play crucial and salient roles as important gateways into the European Union for many irregular migrants since most internal border controls were removed with the introduction of the Schengen area. These countries, in cooperation with Frontex, have expanded their border controls, for example with the “Integrated System of External Vigilance” (SIVE) that detects migrants

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<sup>4</sup> Translation: Maike Herbst

crossing the Mediterranean in small boats (Carling, 2007) or the expansion of the well-known “razor wire”, the fence between Spain and Morocco (Amnesty International, 2006). In fact, Frontex (2010) reports a general rise of detections (see Annex 9.1.). However, the total numbers of irregular entries probably remains high: Migrants find many possible alternative points of entry along the long coast lines of Italy, the Straits of Gibraltar and the Spanish land borders with Morocco (Ceuta and Melilla) as well as the deserted coast lines of Greece (Carling, 2007; Reyneri & Baganha, 2001), which are almost impossible to control. As a result, growing numbers of refugees from a growing number of countries try to cross the Southern European borders; such as refugees from Afghanistan and Iraq trying to enter at the Turkish-Greek border or Sub-Saharan Africans transiting through North Africa (Frontex, 2010). Accordingly, it is easier for refugees to enter the European Union through these long and more porous borders than to try and fly into Europe, where controls are more feasible. Thus, irregular migrants entering Europe through air borders are usually from overseas, such as Brazil, China or India (Frontex, 2010). Moreover, it is likely that immigrants will stay in the Southern European country through which they entered, at least for a while, in order to save money to continue their journey. However, this paper will show that Southern European countries are not only relatively easy to enter, but also offer further opportunities for irregular immigrants, which encourage most of them to stay in Southern Europe.

Countries that are not, or are only to a limited extent, part of the Schengen area, such as Great Britain and Ireland, still largely control immigration via border controls; a quite effective tool to prevent irregular entry due to the isolated location of the two islands (Cyrus, Düvell, & Vogel, 2004). Thus, irregular migrants probably have a harder time to enter Great Britain than Southern Europe.

### 4.3 Economic Opportunities

Indeed, it is not only more likely to successfully enter Europe through the Southern European countries without papers, these countries also offer good opportunities for irregular migrants to pursue economic livelihood strategies. The demand for cheap and flexible labor in European destination countries – especially in the south - is a major driver of irregular migration. This demand for irregular labor exists in most European countries; yet, the respective structural characteristics of the national economic sectors allow migrants to participate in the informal economy to a

different extent. Thus, in some countries migrants without papers are more likely to realize economic livelihood strategies, namely generate income, than in others.

Irregular migrants producing legal goods and services for money without the corresponding authorization are inserted in the respective national shadow economy that comprises “all economically relevant activities that avoid state regulation, fail to observe institutional rules and/or are unprotected by the state” (Mingione & Quassoli, 2000, p. 33). Both, irregular migrants and also regular residents perform these activities. Regular residents do so through moonlighting or holding an irregular job after or during regular work (Schneider & Klinglmair, 2004). Nonetheless, irregular migrants most notably fulfill a demand for flexible, mobile and cheap labor that is created and tightened by processes of globalized labor markets (Alt J., 2009). Irregular migrants that participate in the shadow economy put themselves in a precarious position as they completely expose themselves to their employers; lacking official surveillance, employers are likely to evade labor protection and exploit or even blackmail their employees: by reporting their irregular status, employers can at any point dismiss their employees (Bodvarsson & Berg, 2009). In fact, “some of the worst labor conditions for unauthorized immigrants have been found in Western Europe [...]” (Bodvarsson & Berg, 2009, p. 302).

#### 4.4 Labor Market Structure

Shadow economies are primarily flourishing in economic systems, which are characterized by an employment structure that is favorable towards irregular work. This is the case for economies with a high demand for so called “3-D jobs”, meaning dangerous, demanding and demeaning (Alt J. , 2009). These jobs are highly unattractive for native workers and generally hard to control (Alt, 2005). Irregular work tends to be low skilled and low productive; employers can only afford to produce these goods if they save wage costs, otherwise they run the risk of being priced out (Reyneri & Baganha, 2001). A majority of these jobs are services that cannot be outsourced, such as catering, cleaning, domestic work and construction. Also seasonal agricultural jobs are prone to be irregular as well as jobs in small-and medium sized firms in the manufacturing sector (Mingione & Quassoli, 2000).

This labor market structure characterizes the Greek economy, where the demand for this kind of unskilled and low skilled work is high. A large number of small and often family run firms demanding labor-intensive production methods character-

ize the Greek economic sector. High-income jobs create a rising demand for services, such as catering, hotel services, entertainment and domestic services. The low level of social security and the lack of kindergartens, combined with the growing insertion of women in the labor market, again, increase the demand for housemaids. Accordingly, low and unskilled jobs are numerous whilst the native supply of labor is decreasing due to rising educational levels. Flexible immigrant workers are easily being inserted into the thriving Greek underground economy and are filling the gap between native supply and demand (Fakiolas, 2000).

Similar structures are typical for Italy. A high level of self-employment and a large agricultural sector in the south characterize the Italian informal economy. In fact, Italy was never fully industrialized, thus the deindustrialization period and the simultaneous transformation from an emigration into an immigration country strengthened the already existing informal economy (King, 2000). However, the Italian labor market is territorially differentiated: In the south, plenty of unskilled jobs are available in the agricultural sector, whilst the north is characterized by smaller entrepreneurial activities (Mingione & Quassoli, 2000). Migrants whose goal is to merely earn money to send home rather stay in the south to work in the agricultural sector, whereas those migrants who intend to settle in Italy usually move further north after a while. The small and medium sized firms in the centre and northeast, the so-called 'Third Italy', attract a number of irregular migrants as well (Mingione & Quassoli, 2000).

Similar to Greece, Italy shows a growing demand for informal labor due to rising educational levels. The highly educated youth in particular prefers to rely on strong family ties for support than have a 'bad' – meaning unskilled - job on their résumé (King, 2000). The demand for irregular work is also rising in middle-class families. Here, it is considered prestigious to employ a foreign maid; however, this is only affordable if wage costs are low: Undocumented housework is the rational solution for many of these households (King, 2000).

In fact, all the Southern European economies share characteristics that attract irregular work. Tertiary employment holds a large share of the labor markets, which makes these economies heavily dependent on tourism, agriculture, trade and shipping. The seasonal nature of the majority of jobs matches the irregular migrants' willingness to accept flexible and insecure employment. Additionally, native workers are

increasingly unwilling to do these jobs; such as in Italy where this is the case not only in the rural agricultural south, but also in the low wage jobs in the industrialized north where labor used to be supplied by internal urban-rural migration. Furthermore, the demographic change in Southern Europe constitutes a sharp contrast to the high fertility rates in the southern Mediterranean countries of North Africa, which supply a large amount of irregular workers who can fulfill the demand in Southern European economies (King, 2000). In short, these labor markets offer

“many opportunities for immigrants created by the specific nature and evolution of the South European economy – a economy marked, as we have just seen, by informality, duality, flexibility, tertiarization and the dynamism of small scale enterprise.” (King, 2000, p. 15)

Accordingly, the shadow economies are comparatively larger than those of other European countries. The share of the shadow economy in the GDP is significantly higher in Greece, Italy and Spain and Portugal than in Great Britain, Germany or France. (see: Annex 9.2.).

To a smaller extent, shadow economies also exist in other European countries. The highly deregulated labor market in Great Britain demands flexibility and mobility, and thus attracts irregular migrants in search of opportunities to work in unskilled and low wage jobs in the informal economy. Particularly ethnic minorities are involved in self-employment that contains a high level of informality and exploitation, such as Turkish-sweatshops (Jordan & Düvell, 2002). Employers in Germany are enticed to employ irregular workers because of the high non-wage labor costs, namely tax and social security contributions and high minimum wages (Jordan & Düvell, 2002). Following a rational choice approach, employers maximize their outputs and minimize their costs if they employ irregular workers who cost considerably less but produce the same or even higher output (Entorf & Moebert, 2004). Thus, they naturally engage in the shadow economy.

Nonetheless, the chances for irregular migrants to find work without papers are in no other European country as high as in the flourishing shadow economies of Southern Europe. Finding employment gives irregular migrants the opportunity to multiply their potential livelihood strategies as it enhances their financial capital. In fact, an economy that easily inserts irregular migrants gives them a feasible chance to achieve greater livelihood outcomes and is a strong pull-factor for more migrants to come.

#### *4.4.1 The Role of the State*

While shadow economies primarily exist outside the state's realm, the level and efficiency of state controls as well as labor market regulations are important tools for governments to prevent or silently accept irregular work. As a matter of fact, France actually managed to keep the informal economy small due to rigid and tight controls as well as high sanctions. The French law on irregular labor became a guideline for other European countries to tackle the issue (Reyneri & Baganha, 2001). No other country in Europe has proven to be similarly successful. Policy makers' natural reaction to the growing informal economy in Germany usually consists of stricter controls and higher sanctions. However, so far, the effects are not as successful as initially hoped: only one in four actually pays the imposed fine and the German customs authority reports only 72 seizures in 40,000 controls (Enste & Schneider, 2006). The British controls are rather tight, however, in contrast to Germany working without permission is not considered as serious or criminal offence and officials seem to be rather relaxed about the irregular migrants that are detected:

They accepted that, with their number and given the extent of this activity, the best they could do was 'let people know what they were about', and with hope that a certain amount of mythology about their effectiveness, together with denunciation and betrayal, would keep irregular migrants on their toes." (Jordan & Düvell, 2002, p. 196)

Despite the tight regulations in Southern Europe, the system of controls is even less effective because of the particularly slack enforcement (Reyneri & Baganha, 2001). The state's difficulties to control informal work and impose fines are further impeded by the particular features of typical informal jobs, which are by nature hard to control. For that reason, controls are relatively low in the areas of housework (Mingione & Quassoli, 2000) as well as in smaller firms, and sometimes even non-existent, such as in some sectors in Greece (Fakiolas, 2000). As the Southern European economy to a large extent depend on its flourishing shadow economies, their interest in actually controlling for undocumented work might be accordingly low.

Where state controls are tight and effective, irregular workers run a higher risk of being detected, which lowers the attractiveness and incentives of participating in the informal economy in the first place. The informal economy is generally smaller where controls are more effective, also because fewer employers are willing to run the risk of employing informal workers. The risk of irregular work is even higher for irregular migrants since their detection would not only result in high fines but possi-

bly in expulsion. For that reason, the insertion of irregular migrants in shadow economies with lax and ineffective controls, such as in Southern Europe, is more likely than in those with strict and effective surveillance, such as France.

#### *4.4.2 Native Participation in Undocumented Work and Acceptance*

Besides the strong reaction to informal work of the French government, the French public also condemns informal work and considers it unacceptable (Reyneri & Baganha, 2001). A disapproving public is likely to hamper the social integration of irregular migrants performing undocumented jobs and is another explanation for the relatively small informal economy in France. In Greece on the other hand, the underground economy is an integral part of the Greek social and economic system. Here, irregular work does not bear a social stigma because both irregular migrants and regular residents often perform some sort of irregular work. Among the self-employed, irregular work is likely, moonlighting is common even among public employees and the shadow economy is widespread even among the higher income classes. Actually,

“the large underground economy is due to the belief of most Greeks that, due to political party inferences and abuses in spending of public money, taxation and social insurance contributions are too high compared with the quality of public services provided.” (Fakiolas, 2000, p. 62)

The shadow economy has been a persistent characteristic of the informal economy in Italy as well. Since the level of social security is comparatively low, it is common for family members to perform undocumented work in order to increase financial security (Mingione & Quassoli, 2000). The increasing public debt and taxation provides further incentives to resort to irregular work. However, the resulting growth of the shadow economy leads to decreasing revenues for the state, which again forces the government to raise tax and social security contributions; the state is trapped in a vicious circle (Schneider & Klinglmair, 2004).

Irregular migrants in Southern European countries performing irregular work do not particularly stand out, but simply do what everyone else does. They experience less stigmatization and marginalization than in Northern European countries, which makes it easier for them to follow their livelihood strategies without national interference.

## 4.5 National Migration Policy

In Europe, migrants holding an irregular status live a precarious lifestyle. Despite the fact that they might be able to – to a greater or lesser extent – earn money and pursue livelihood strategies, they will generally strive for a regular status. This status gives them more securities and opens more possible opportunities to enhance their livelihood. Granting this regular status is in the hands of the respective destination country. The legislation of each state defines what is to be considered ‘irregular migration’. In its migration policy, the state sets the framework that influences the livelihood strategies available for irregular migrants. Regulations on migration, asylum and access to the national welfare system, as well as the actual policy implementation – namely the national migration policy - are indicators of the state’s position towards migration in general, its values and benefits on the one side and perceived threat on the other side. The formulation of this national migration policy depends on the fundamental understanding of the state concerning its position in the international community. Whether states put humanitarian concerns over economic interests or not influences the irregular migrant’s opportunities and restriction to enhance their livelihood outcomes. This position is laid out by the states’ policy on irregular migration.

### 4.5.1 *National Regulations on Migration: Opportunities for Regular Stay and Work*

In their formal regulations and general rhetoric governing migration, states tend to be very careful and restrictive. Especially in light of the growing numbers of immigrants in most European countries and the restrictive and securitized framework set by the European Union, states increasingly deny migrants the right to enter. But actually, closing legal channels for immigration entails the unintended side effect of increasing irregular migration. As pull factors continue to create the wish for better livelihoods, migrants deliberately choose the precarious status of being ‘irregular’ in order to, at least to a certain extent, increase their livelihood outcomes.

‘Old immigration countries’, such as Germany, France and Switzerland, took a restrictive position after they stopped recruiting foreign workers following the oil crisis in 1973 and increased their border controls (Laubenthal, 2006). In 1993, the French Minister of the Interior proclaimed the goal of ‘immigration zéro’ and passed according regulations. Since then, rights of irregular migrants have been extremely limited; privileges of citizens of former colonies were abolished as well as opportuni-

ties for legalizations. Identity controls and expulsions have occurred more frequently. Similar to most European countries, France concluded bilateral agreements with several third countries, which ensured that these would take back 'their' irregular immigrants (Laubenthal, 2006).

An even more restrictive concept than 'zero immigration' prevails in Switzerland, one of the oldest immigration countries in Europe. Since the 1940s, the concept of "Überfremdung"<sup>5</sup> has been the justification for closing Switzerland to foreign migrants. The only reason to allow migrants to come to Switzerland is the demand for highly skilled labor; legal recruitment of low skilled workers was abolished, ignoring the demand for seasonal workers. The resulting lack of labor is being filled with irregular recruitment practices, in which workers from the former Yugoslavia are particularly involved (Laubenthal, 2006).

When it comes to the issue of irregular migrants, Germany is more in line with the European Union's rhetoric as it appeals to the country's security: "The illegal residence of foreigners in Germany threatens the public security and order"<sup>6</sup> (Cyrus, Düvell, & Vogel, 2004, p. 57), as well as in line with the German tradition, which holds up the need to enforce the prevailing law:

"Foreigners, that enter or stay in Germany without the corresponding residence permit breach the law in force and are [...] usually aware of the resulting consequences for their living conditions in Germany. Being in that position, they cannot claim any benefits from the Germany state or society."<sup>7</sup> (Cyrus, Düvell, & Vogel, 2004, p. 58)

Only recently did Germany recognize the fact that is it an immigration country. However, this has not alleviated the position of irregular migrants, as migration policy remains restrictive (Cyrus, Düvell, & Vogel, 2004).

The sudden turn from net emigration to net immigration met Southern Europe completely unprepared. The lack of an adequate migration policy served as a magnet for more migrants to enter these countries (King, 2000) until the European integration demanded more regulations. Since then the Southern European migration policy is more in line with that of the traditional immigration countries. In 2001, the Berlusconi administration passed a bill that reduces the possibilities to reside legally in Italy

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<sup>5</sup> foreign dominion

<sup>6</sup> Translation: Maike Herbst

<sup>7</sup> Translation: Maike Herbst

and aims at fighting irregular migration on a wider scale (Finotelli, 2006). The Spanish government passed a similar bill and speaks of the “migration avalanche” threatening the country. Still, the Italian and Spanish labor markets offer somewhat more opportunities for foreigners to work regularly, though legal economic migration is only a temporary means for filling a demand in the host country (Laubenthal, 2006); the idea of integration is not included in these policies. Yet, in Southern Europe, the irregular opportunities to work are plentiful and policy-makers silently accept that not their restrictive law on migration but rather their lack of an active migration policy is a strong determinant guiding the flows of irregular migration. Their lack of capacity to control the flourishing shadow economy has a stronger effect on migratory flows than their actual migration policy.

At least on the outside, the British government holds a less restrictive position than other European countries but also ties its migration policy to the economic needs of the country:

“The development of managed migration schemes will help to ensure that whenever possible, those wishing to come to the UK have legal routes open for them to do so and employers can fill vacancies with legal workers. [...] Providing opportunities of work in the UK legally will reduce the need for economic migrants to enter and work clandestinely. [...] A modern, flexible and coherent immigration policy means welcoming those who have a contribution to make to our country.” (Cyrus, Düvell, & Vogel, 2004, p. 50)

The British government seems to recognize a certain demand for foreign labor and is more open to the idea of immigration. However, the majority of these immigrants that are granted the opportunity to make “a contribution” are likely to be highly skilled. Therefore, low skilled workers wanting to enter the UK (United Kingdom), will continue to do so irregularly.

#### **4.5.2 Legalizations**

A strong incentive to enter a country irregularly is the hope of future legalization. Migrants are more willing to take the risk of holding an irregular status for a while when they see the chance of gaining a regular status. A legal status gives migrants more opportunities to increase financial capital and diversify livelihood strategies. Naturally, legalizations tend to increase the numbers of irregular migrants trying to enter the respective country. Spain even recorded “Regularization-immigration” of Senegalese, who consciously chose Spain as destination countries because of the opportunities for legalization (Laubenthal, 2006).

Sure enough, legalizations are particularly common in Southern European countries: Between 1986 and 2002, Italy regularized 1.4 million immigrants in several regularization schemes (Finotelli, 2006); earlier sources report 850,000 regularizations in Italy between 1986 and 1998 and 250,000 migrants who received a regular status through regularizations and the quota scheme in Spain (Reyneri & Baganha, 2001). The Spanish quota scheme is in fact a mechanism for legalizations. It was initially created to recruit foreign workers in their home countries but actually gives illegal migrants already residing in the country the chance to obtain a residence and working permit (Laubenthal, 2006). However, it is probably more likely to be regularized in Italy, where legalizations in construction, tax and irregular migrants comply with the country's political culture (Bommes, 2006) and became a common mechanism to deal with the issue of irregular residence and work. Policy-makers in Italy are quick to resort to regularization schemes because this merely entails costs for the state. In case of unemployment, the regularized immigrants are more likely to find employment in the shadow economy than to claim the meager unemployment benefits (Finotelli, 2006).

Nonetheless, the regular status in Italy and Spain is not a long-term solution for many migrants as the return to an irregular status is very likely. The incapacity of the Spanish and Italian bureaucracies to process migrant's applications for residence, the short duration of residence permits and the incomprehensible or simply absurd regulations result in a back and forth of regular and irregular status (Finotelli, 2006; Reyneri & Baganha, 2001). As a matter of fact, one third of the migrants who had been regularized in Italy, and one fourth in Spain, fell back into irregular status (Reyneri & Baganha, 2001).

Regularizations used to be of a similar importance in France. Following protests, the France government regularized 14,000 migrants in 1997/1998. However, with the stricter immigration policy, regularization schemes have been abolished. Although individual regularizations are still possible, they are rather unlikely (Laubenthal, 2006).

In Germany, on the contrary, regularizations completely contradict the political culture and are thus out of question (Finotelli, 2006). Regularizations would bear higher costs than in other countries, as regularized migrants would have a right to

inclusion and unemployment benefits. Thus, migrants seeking regularization are not likely to settle in Germany.

#### 4.5.3 *Asylum*

Irregular migrants seeking regular status can opt for regularization schemes, or as another possible livelihood strategy, apply for asylum. The welfare benefits, the opportunities to enter a country without papers, as well as the likelihood of approval are factors that influence the migrants' decision to apply for asylum in a certain country. Since Germany rejects regularization schemes in the first place, the livelihood strategy of asylum is of greater importance for irregular migrants entering Germany. The humanitarian responsibility for politically persecuted migrants is rooted in Germany's historical responsibility and reparation. Whereas regulations used to be quite generous, they became stricter after the asylum crisis following the collapse of the Soviet Union (Finotelli, 2006). Germany reduced the benefits available for asylum seekers and keeps the numbers of successful application rather low:

“The quick processing, practical registration, quantitative overview and the efficient allocation are at the fore of the German asylum procedure.” (Finotelli, 2006, p. 63)<sup>8</sup>

For that reason, the number of asylum applications has been decreasing significantly over the last fifteen years (see: Annex 9.3.). Whilst in 1995, 127,937 immigrants applied for asylum for the first time; in 2010 only one third of that number (41,332) issued new applications (Bundesamt für Migration und Flüchtlinge, 2011).

Since Germany strongly opposes regularizations, other arrangements exist that deal with asylum seekers who cannot be expelled:

“The supreme federal state authority can order the suspension of the deportation of foreigners from particular states or other defined groups of foreigners in general or to specific states for six months on grounds of international law, humanitarian reasons or the protection of the political interests of the Federal Republic of Germany.” (AufenthG; §60a)<sup>9</sup>

These so-called “Duldungen”<sup>10</sup> simply postpone the expulsion for six months, or in some cases longer. This kind of residence permit is clearly based on humanitarian reasoning, in contrast to more economically motivated legalizations in other European countries. However, foreigners with that residence permit do not have

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<sup>8</sup> Translation: Maike Herbst

<sup>9</sup> Translation: Maike Herbst

<sup>10</sup> Toleration

permission to work in Germany or only under restricted circumstances (Flüchtlingsrat NRW e.V., 2009). As these immigrants live in great insecurity, the opportunities for integration are very limited. Tolerated immigrants in Germany probably have fewer opportunities to enhance their livelihoods than irregular immigrants in Italy who easily find irregular employment; thus, it is more rational for them to settle there, especially for those, who cannot expect to receive asylum in Germany. In fact, rejections of asylum applications are increasing in Germany, a development that confirms the declining importance of the German asylum channel (see: Annex 9.4.).

In contrast, the importance of Great Britain as destination for asylum seekers has grown. In 2007, the headlines of the 'Times' read: "Britain is favorite destination for asylum seekers in the EU" (Charter, 2007) and described an ongoing trend: in 2007, 27,905 people sought asylum in the UK, compared to 19,165 applicants in Germany. With 29,160 applications in 2007 only France and Sweden (36,205 applications) report more asylum seekers than the UK (Eurostat, 2011a). Too little research has been done concerning the factors that influence the asylum applicants' decision of destination country. The opportunities to enter a country irregularly are definitely an important factor whereas it remains uncertain whether welfare benefits actually have an influence. France, for example, cut back on benefits even more than other European countries during the last year and is a major destination for asylum seekers still (Schuster, 2000).

Rather insightful are the decisions on asylum applications. A high level of positive decisions will attract more immigrants that envisage good chances to gain a regular status. Whereas most countries reject the majority of the asylum applications, Sweden generally approves more applications than it rejects (see: Annex 9.5.). The high proportions of positive decisions can be traced back to Sweden's self-image as humanitarian and morally responsible state; accordingly, Sweden is more inclined to approve asylum seeker's applications than other European countries (Schuster, 2000). On the contrary, in Italy and similarly in the other Southern European states, the asylum application as migrants' livelihood strategy is of minor importance. Asylum seekers receive very little support and for only 45 days (Schuster, 2000), and therefore have to depend on the goodwill of humanitarian organizations for support. Since Southern European countries were only recently confronted with immigration, they lacked a proper asylum policy for too long. Even today, the Italian administration is

unprepared for asylum seekers. Legislation is incomplete, contradictory and obscure (Finotelli, 2006). Immigrants are

“increasingly persuaded that in Italy there is no way they can understand regulations and their implementation, interact productively with public bureaucracy or have their rights clearly recognized. Their compatriots, foreign or Italian friends and acquaintances and everyday contacts with the public administration repeatedly confirm this attitude. Information about bureaucratic matters is scattered, contradictory and difficult to obtain. Public offices and services are viewed as incapable of meeting in concrete terms migrants’ needs. This situation is generating increasing skepticism among migrants regarding the possibility of coping with a bureaucracy that is often incomprehensible even to Italians. Migrants often describe Italy as a country controlled by an irrational and unpredictable bureaucracy with which it is better not to come into contact.” (Mingione & Quassoli, 2000, p. 52)

Since it is faster, easier and more promising to participate in a regularization scheme than to successfully apply for asylum, most irregular migrants live and work irregularly in Italy without ever formally applying for asylum but are instead hoping for regularization.

#### *4.5.4 Welfare*

Most states consider it a matter of humanitarian obligation to grant immigrants residing irregularly limited access to their welfare system. However, the extent to which they do so varies. Obviously, migrants are more inclined to choose destination countries that allow them to send their children to school, receive health care or even housing despite their irregular status.

To some extent, all European countries offer basic health care to irregular residents in light of the potential threat to national security. Most countries do not obligate social services to report irregular migrants as they make use of welfare services. Thus, in Great Britain, Italy and Spain, irregular immigrants receive free health care without being denounced (Laubenthal, 2006; Waller, 2008). Granting these rights to irregular immigrants is relatively inexpensive for tax-funded welfare systems with a relatively low coverage, such as the Southern European systems (Finotelli, 2006). In contrast to this, the German state offers very limited health care to irregular immigrants since the system is contribution-financed (Finotelli, 2006; Waller, 2008). Also, German officials have the duty to denounce, meaning that irregular immigrants’ status will be uncovered when they seek health care. As a result, irregular migrants are likely to refrain from their right (Waller, 2008) and instead make use of informal arrangements through social networks.

#### 4.5.5 *Internal Migration Controls*

The German practice of denunciation is one tool to detect irregular migrants in order to enforce law. Countries that have no external EU borders especially have to rely on their internal control policy in order to control irregular immigration. Effective controls limit the possibilities of irregular migrants to participate in the social and economic life of the country. They are forced to rely on help from regular migrants or citizens and if they lack that support they have little opportunities to pursue any successful livelihood strategy. On the other side, few or ineffective controls leave irregular migrants undisturbed in the pursuit of particular livelihood strategies and gradually allows social integration.

Irregular migrants report of this kind of ease in Italy, especially in the South. Controls in Italy are infrequent and detection rarely results in serious consequences for the immigrants: In 1998, only two out of ten immigrants who received an expulsion order were actually deported; and those who ignored the order were not even excluded from regularization (Reyneri & Baganha, 2001). Except for the relatively more frequent controls in Spain, the situation is similar in most Southern European countries. Also, irregular migrants in Great Britain do not have to fear excessive controls. The country puts a clear emphasis on border controls but once in the country, immigrants are rarely asked for their papers since even citizens have no obligation to carry an ID. Controls of the labor market are more frequent, but even in case an irregular migrants is detected, this information is not forwarded to the Immigration Service Enforcement Directorate (ISED), the only office in charge of immigration control (Cyrus, Düvell, & Vogel, 2004). The multicultural society of Great Britain has produced a culture of non-discrimination (Cyrus, Düvell, & Vogel, 2004) that results in a widespread tolerant attitude towards irregular residence:

“The freedom of which they [irregular immigrants, A/N.] spoke – and they gave examples of the easy-going attitude of UK authorities as well as the indifference of citizens – was a direct reflection of the political and economic culture of liberal individualism, quite different from the more tightly regulated societies of the Continent, and especially from the Germany society” (Jordan & Düvell, 2002, p. 104)

In line with the German political culture, controls, in fact, are a central pillar of the national migration policy. Allowing irregular migration to reside in Germany is considered an insufficient solution (Stange, 2006). Increased controls however, are regarded as effective and are socially expected. One means to implement controls is the obligation to denounce migrants that use welfare services (Finotelli, 2006), others

are the cooperation of different offices, the obligation for all foreigners to register and the regular matching of data, which renders regular work impossible for irregular immigrants (Cyrus, Düvell, & Vogel, 2004). Naturally, migrants consider Germany to be rather “closed” (Finotelli, 2006).

## 4.6 Social Capital

### 4.6.1 *The Influence of Social Networks*

In this kind of “closed” environment, social networks play a crucial role in facilitating irregular migratory projects and enabling irregular migrants to accomplish their livelihood strategies. The leading social scientists that described the potential of these Social Networks – Pierre Bourdieu, James Coleman and Robert Putnam – considered these mutual acquaintances and the resulting norms and values of a respective network to be valuable capital, namely social capital (Halpern, 2005). Concerning irregular migration, social networks lower the costs and risks of the migration process through providing information in the country of origin. In the destination country, social networks can substitute the services that irregular migrants cannot access due to their status, such as finding housing or work (Fakiolas, 2000) or even providing education. A study on irregular migration in the Netherlands clearly illustrates the importance of these networks: Migrants that were not embedded in networks had to draw on criminal survival strategies, meaning they committed more crimes than those that had a strong network support (Staring, 2004).

These supporting networks are particularly important when migrants arrive in the destination country for the first time; having initial help upon arrival significantly lowers the threshold for irregular migration (Alt, 2005). A strong social network can thereby compensate the lack of access and integration of irregular migrants and thus greatly reduce the major risks of living irregularly. As a result,

“for economic migrants and refugees the presence of relatives or friends has more influence on the choice of destination country [...] than more abstract variables like a promising asylum procedure or even social benefits”<sup>11</sup> (Alt, 2005, p. 37)

Since social networks have this strong risk-reducing potential, they lower the threshold for further migration and trigger chain migration: irregular migration follows certain migration systems. Irregular migrants that stay in touch with their fam-

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<sup>11</sup> Translation: Maike Herbst

ily at home, send remittances or return home, provide information for other prospective migrants about the possibilities of living irregularly in Europe. However, the most important information is simply that the returning migrants somehow managed to pursue livelihood strategies; details about problems and hardships often do not have a deterring effect or are left out of the returning migrants' account in the first place so that "the migratory chain spurs additional migration regardless of the information it transmits" (Reyneri & Baganha, 2001, p. 23).

In countries where the risk of living irregularly is higher, migrants are more dependent on networks than in those that by the nature of their labor market and by their political culture or history offer more opportunities for irregular migrants in the first place: Compared to irregular migrants in London, their counterparts in Berlin reported to be more dependent on their social networks due to the more effectively enforced labor-market regulation (Jordan & Düvell, 2002). Thus, the factor of networks weighs heavier in Germany than in Great Britain or Italy. In fact, during the last years the importance of migratory chains has decreased in Italy and a large number of irregular migrants from countries with no special migratory ties have settled in Italy (Reyneri & Baganha, 2001). Yet, dependency on social networks can also vary within a country. Turks that seek political freedom in the UK through asylum tend to be in a more precarious state than the economic migrants that the British migration policy is more in favor of. Nevertheless, the more irregular migrants have to rely on social networks, the more the already existing migrant communities determine the future patterns of irregular migration.

Very often, social networks are defined by ethnicity. Hence, one destination country is usually involved in a few distinct migration systems with certain source countries, with the exception of Italy, where the importance of social networks is decreasing. This phenomenon is particularly visible in Greece, where about 34% of the immigrants originate in Albania (Hamburg Institute of International Economics, 2009). Albanians have strong networks in Greece and can stay in close connection with family and communities in Albania due to the geographical proximity. This lowers the costs and risks of irregular migration significantly, which entices for Albanians to come to Greece (Fakiolas, 2000).

#### 4.6.2 *Historical Ties*

Migration systems usually develop between countries that are historically tied and where migrant communities could therefore develop over a long period of time. Colonial powers usually sustain strong ties with their former colonies, such as Great Britain. Until 1962, citizens of the Commonwealth did not face restrictions on arriving in Great Britain and despite the stricter regulation today, they still hold a privileged position (Cyrus, Düvell, & Vogel, 2004). Accordingly, Great Britain is a prominent destination for migrants coming from Commonwealth countries. Similar patterns are evident in France, where decolonization triggered massive immigration from former colonies: almost 97% of the Algerians living in Europe reside in France (Laubenthal, 2006). The same logic applies to the Netherlands, where a large Suriname population resides (Staring, 2004) or Italy, where the first among the immigrants were Ethiopians and Somalians. In this regards, the Catholic Church also influences migratory flows as it holds special relationships with Catholic developing countries. Here, a majority of the female migrants originate (King, 2000).

Chain migration is an unintended effect of labor recruitment. Labor recruitment triggers family reunification and gives rights of residence to a large group of immigrants. This is true for the Netherlands and especially for Germany, which could not simply stop the immigration flow after the prohibition of foreign labor recruitment (Cyrus, Düvell, & Vogel, 2004; Staring, 2004). The more 'guest workers' decided to settle, the larger the communities grew, also in regard of family unifications, and the more other guest workers were inclined to stay in Germany where they were well embedded in their social networks. Other larger ethnic communities find their roots in a certain perceived obligation of Germany to take in refugees, as well as in returning ethnic German emigrants after the Second World War (Cyrus, Düvell, & Vogel, 2004). The liberal asylum policy in Germany helped social networks grow and triggered further migratory streams.

#### 4.7 *Other Capital Assets*

Besides social capital, other capital assets also influence the migrants' choice of destination country. A case study on irregular immigrants in the UK emphasizes their human capital. A number of respondents stated that they chose the UK because of language reasons (Jordan & Düvell, 2002). Being able to communicate in the respective destination country enables immigrants to find more qualified jobs and thus gen-

erate more income. Naturally, the UK so offers favorable conditions to irregular immigrants, who are not necessarily always uneducated. On the contrary, the first generation of emigrants in particular often belongs to the educated young elite of the source country (Reyneri & Baganha, 2001). This also makes sense in light of the financial capital needed to emigrate: The costs of a 'one-way ticket' to Spain or Italy are estimated to lie between 3,000 and 9,000 Euro, depending on the mode of transport and length of the journey; air transport is estimated to cost around 15,000 to 20,000 Euro (Moppes, 2006). Thus, only emigrants with substantial financial capital can afford to make the journey.

#### 4.8 Civil Society

Besides social networks, civil society organizations can substitute the services that irregular migrants are being denied by the state due to their status. Even more than that, they can advocate for irregular immigrant's rights and make the public and politicians aware of their situation and problems. Yet, depending on the respective political culture, civil society's impact varies. In multicultural societies, non-discrimination of ethnic minorities is held in high esteem and contradicts controls specifically targeted at these groups (Cyrus, Düvell, & Vogel, 2004). Here, civil society organizations concerned with multiculturalism, such as anti-racism associations exert strong influence on policy making. In the multicultural Great Britain, anti-racism associations with the support of entrepreneurs associations averted a bill on fighting irregular work and strongly protested against a German-style cooperation of offices to better control irregular migration. Also due to a political culture of liberalism and deregulation civil society organizations are influential actors in shaping policies on immigration in the United Kingdom (Cyrus, Düvell, & Vogel, 2004). Anti-racism associations are similarly significant in France. Social protest is an integral part of the French political culture, which is conducive to the campaigns for regularizations, health care and shelter.

In contrast to the French associations' long tradition and well-established position in the French public; civil society associations in Spain are rather new. Those that are concerned with immigration have only been formed in the late 1990s and accordingly have less power to influence the political process, also in light of the fact that most immigrants' associations are dependent on the state (Laubenthal, 2006). Very little attention is paid to the issue of irregular migration in the German public

discourse. Only few actors are concerned with the issue at all and they have not yet been successful in mobilizing the public to protest for better living conditions of irregular migrants (Cyrus, Düvell, & Vogel, 2004).

Since European countries in general officially deny irregular migrants extensive social security, they depend on civil society organizations such as non-governmental organizations (NGOs), churches, immigrants'- and homeless organizations for support. This is similarly true for all European countries (Jordan & Düvell, 2002; Cyrus, Düvell, & Vogel, 2004; Mingione & Quassoli, 2000; Gibney, 2000). However, the national applicable law sets the framework in which civil society actors operate. Meaning, if supporting irregular immigrants is considered to be a criminal offence, doctors, teachers and social workers but also immigrants' associations will be more hesitant in doing so. Whilst the members of the Dutch Parliament did not support the government's recent attempt to make the support of irregular migrants a criminal offence (DutchNews, 2010), since the Berlusconi administration's amendment of immigration law in 2009 (Welt Online, 2009) that made irregular stay a criminal offence, supporting irregular immigrants is at least considered an administrative offence in Italy. However, the Berlusconi administration could not enforce the obligation to denounce, which forces officials in Germany to denounce irregular migrants that use welfare services. More than that, humanitarian support for irregular immigrants is equated with aiding and abetting irregular stay and thus a criminal offence, if performed repeatedly or for a larger group of foreigners (§ 96 Abs.1, 1b AufenthG). Despite this strict legislation, civil society actors silently support irregular immigrants in Germany. Furthermore, in 2009, 39 irregular immigrants found asylum in German churches. In Germany, churches can grant asylum for immigrants that are facing expulsion, and thereby take responsibility for the immigrants' shelter and accommodation (Ökumenische Bundesarbeitsgemeinschaft Asyl in der Kirche e.V, 2011). Churches are also important supporters for irregular immigrants in other countries with a strong church, such as the Roman Catholic Italy (Mingione & Quassoli, 2000). There is little research on the national differences of civil society support for irregular migrants. In general, countries with a strong civil society would also have more resources available for supporting the particular group of irregular immigrants. This support enables irregular migrants to stay in the country and pursue livelihood strategies.

## **5 Interim Conclusion**

Irregular migration is not a random movement. To the contrary, it is developing along the lines of a variety of determinants. Taken together, the national manifestations of these determinants create a framework that sets the limits and opportunities of irregular immigrants' livelihood strategies. Accordingly, these opportunities and limits vary depending on the national context. As this is the case, over time, destination countries but especially returning migrants have created certain images of European destination countries. These strongly guide prospective migrants' choices where to migrate. Naturally, countries that supposedly offer the best opportunities to successfully pursue the various livelihood strategies are the first choice of the respective migrant group. Summarizing, different countries attract migrants with different characteristics that pursue different livelihood strategies. For Europe this becomes evident by comparing the irregular immigrant groups of Germany, Italy and Great Britain.

## **6 Patterns of Irregular Migration in Europe – Three Case Studies**

The estimates of the stocks of irregular immigrants in Great Britain, Germany and Italy are all relatively high. Yet, the patterns and characteristics of the irregular immigrant populations differ.

### **6.1 Italy**

The long coastlines of Italy offer good opportunities for migrants to enter the country irregularly; this explains Italy's dependency on the Union's border management agency Frontex. Yet, the Italian coastline is long and porous enough for migrants to diversify their routes when border controls are intensified. These are often more dangerous and strenuous; accordingly, the majority (65 – 70%) of irregular immigrants enters the country regularly and overstays their visa (Clandestino, 2009a).

The Italian migration policy holds a restrictive rhetoric similar to other European states. However, since Italy has only recently been confronted with the issue of immigration (Clandestino, 2009a), the administration and legislation is incompetent to deal with incoming streams of immigrants. It might be a bigger problem for immigrants to enter and reside in the country regularly than to just reside irregularly; undetected in the shadow of an ineffective bureaucracy.

One strategy of the Italian bureaucracy to deal with irregular migration is frequent regularizations. Italy holds the record of having the highest number of general regularizations processes (5 general amnesties since 1986) and the largest number of regularized immigrants relative to the resident migrant population (1.5 million immigrants) (Clandestino, 2009a). Thus, immigrants residing irregularly in Italy can almost count on being regularized at some point in time. These regularizations draw more and more irregular immigrants to Italy and are among the strongest determinants that guide migratory streams to Italy.

Another exceptionally strong determinant is the flourishing Italian shadow economy, where migrants can easily find work without having papers. The demand for low-paid and low-skilled jobs is high. The large agricultural sector in the south and the various small manufacturing firms in the north attract male irregular immigrants, who account for more than half of the total irregular immigrant population (Clandestino, 2009a). The female irregular immigrants find work in the many households as well as the growing sex industry (Campani, 2000). Irregular workers do not actually have to fear labor market controls, as these are inefficient and infrequent. Since irregular work is a structural characteristic of the Italian labor market and includes foreigners and natives, irregular migrants do not make themselves conspicuous when performing undocumented work (Finotelli, 2006).

The strong insertion of irregular migrants in the Italian underground economy as well as the chances for regularizations compensate for the lack of other legal channels. Asylum applications in Italy tend to be unsuccessful. Accordingly, the numbers of applications are relatively low, despite the relatively large numbers of incoming requests related to the Dublin Regulation (see Annex 9.6.). Scholars also emphasize the importance of social networks of irregular migrants in Italy. Although Italy is a relatively young immigration country, large networks of Albanians, Moroccans and Tunisians (Clandestino, 2009a) attract and support even more migrants coming from these countries. Due to their geographical proximity these communities could easily settle in Italy and have become an important safety net for immigrants residing irregularly. These communities, but also the Catholic Church, compensate for the rather low level of health care that the Italian state offers both, regular and irregular residents (Finotelli, 2006). Yet, frequent regularization and the large shadow economy reduce the importance of these networks and communities. This attracts more and

more pioneer migrants - migrants with no social networks or historical ties – to settle in Italy (Reyneri & Baganha, 2001).

Recapitulating, Italy attracts migrants who pursue economic livelihood strategies. The flourishing shadow economy offers them relatively good opportunities to earn money to send back home. These irregular migrants, especially those working in the agricultural south, hold strong ties with their families in their home country. Migrants, usually the young elite, in search of both, social and economic opportunities, tend to move further north in search of better-paid jobs (Reyneri & Baganha, 2001). Irregular migrants become irregular by entering the country irregularly, usually crossing the Mediterranean from North Africa (Haas, 2008) or overstaying their visa. As they do not have to fear internal controls, they have little incentive to find regular channels of immigration. Most of them can expect to be regularized at one point in time. The lack of regulation, the frequent regularizations and the vibrant shadow economy substituted an active immigration policy (Finotelli, 2006; Clandestino, 2009a). Irregular immigration in Italy is governed by the variety of informal institutions instead of formal policies.

## 6.2 United Kingdom

Contrary to Italy, the United Kingdom is one of the few countries in Europe that can actually control immigration through its external border management, as it is not part of the Schengen area and can more easily control migrants trying to step foot on the island. This automatically increases the importance of overstaying. In fact, the majority of irregular immigrants in the UK is, or used to be in possession of a visa and simply stay longer than allowed (Kovacheva, Vogel, & Vollmer, 2010).

Similar to the Italian pattern of immigration, the United Kingdom's migration policy is rather oriented towards economic migration than asylum (Clandestino, 2009b). Whilst the public debate is dominated by the problem of asylum seekers, the typical pattern of overstaying and undocumented work is neglected (Cyrus, Düvell, & Vogel, 2004). The government continues to stress the country's openness to contributions of foreign workers in Britain's multicultural society. In fact, asylum applications are rarely successful and further restrictions push more people, to a large extent rejected asylum seekers, into irregularity (Clandestino, 2009b): "about 60 per cent of asylum seekers were neither accepted nor effectively removed" (Kovacheva, Vogel, & Vollmer, 2010, p. 2). In individual and occasionally collective regularizations, the Brit-

ish government partly rectifies this blemish, yet, the numbers are considerable lower than in Italy (Kovacheva, Vogel, & Vollmer, 2010). Large numbers of immigrants were also regularized with the EU enlargement in 2004.

Irregular immigrants face a relatively open society in the United Kingdom. Ethnic minorities in general are protected since non-discrimination is a high-held virtue in the multicultural society (Cyrus, Düvell, & Vogel, 2004). On top of that, irregular immigrants are granted almost unlimited access to the NHS and do not have to fear denunciation (Waller, 2008).

Vibrant networks and ethnic communities that developed along the lines of Britain's colonial history substitute for the provision that irregular residents lack due to their status. Members of the Commonwealth still enjoy certain benefits and accordingly large communities of these nationalities still exist in the UK. These further attract large numbers of irregular migrants: among the top six nationalities of migrants in detention centers (between 2001 and 2006), only two (China and Turkey) were not members of the Commonwealth, whilst the other four were from former British colonies and members of the Commonwealth (Jamaica, Nigeria, Pakistan, India) (Clandestino, 2009b). History is a major determinant of irregular migration in the UK.

The deregulated labor market in Britain offers many opportunities for irregular migrants to pursue economic livelihood strategies, especially through self-employment. One salient feature of the British shadow economy is ethnic communities who established their own small businesses and usually employ irregular workers from their own communities (Jordan & Düvell, 2002). The demographic characteristics of most irregular immigrants, male and between 25 and 29 year old, matches the demand for hard, arduous manual work (Kovacheva, Vogel, & Vollmer, 2010). Combined with the relaxed attitude of officers in charge of controls and the extensive data protection, irregular workers have relatively good opportunities to earn money in the UK, albeit not as good as in Italy.

All in all, irregular migrants from countries historically tied to the UK in search of better income opportunities have relatively good chances to achieve their goals, once they have managed to enter the country.

### 6.3 Germany

In Germany, in contrast to Italy and the United Kingdom, controls play a crucial part in the government's management of irregular migratory flows. The republic's self-understanding brings forth an attitude that emphasizes the migrants' responsibility in transgressing the law rather than the humanitarian problems that follow from a life of an irregular resident.

The national handling of irregular immigrants follows the same logic: Irregular entry and stay is a criminal offence, the public debate evolves around issues of security and public order and the government takes on a strict and consistent control approach (Clandestino, 2009c): the access to welfare institutions is very limited and as migrants have to fear denunciation, they tend to avoid official institutions in the first place; only two federal states decided that school directors should not be allowed to ask attendants for residence documents; the state puts the humanitarian responsibility for irregular immigrants in the hands of civil society and churches. Yet, supporting irregular immigrants is regarded as aiding and abetting irregular stay and thus a criminal offence (Clandestino, 2009c). Since the German state rejects the idea of regularizations, migrants rather move out of the country than gaining a regular status through regularizations or other policy channels in Germany (Vogel, Kovacheva, & Cyrus, 2010).

Despite this policy approach between 500,000 and 1,000,000 irregular immigrants managed to reside in Germany in 2004. The most frequent pattern is the use of the visa-free entry and subsequent irregular employment in the shadow economy (Clandestino, 2009c). Germany, geographically at the heart of the European Union, is prone to attract commuting migrants: A considerable group of Polish migrants travels to Germany to conduct undocumented work and regularly returns home (Finotelli, 2006). In the public discourse, these patterns are barely discussed; and so are the opportunities for these migrants to work in Germany's shadow economy. Undocumented work, however, is not so much a characteristic of irregular immigrants only; compared to irregular work performed by legally resident workers, the irregular immigrants share is relatively small (Clandestino, 2009c). The demography of irregular immigrants residing in Germany confirms the assumption that irregular migration is less focused on economic livelihood strategies, as it is in Italy or Great Britain: Beside the majority of 20 to 40 year olds, a considerable number of children and elderly re-

side in Germany, increasingly from countries facing war and political struggles (Clandestino, 2009c).

The predominantly humanitarian patterns in Germany - despite the declining importance and acceptance rate of asylum applications - might be rooted in the responsibility the country adopted after World War II (Finotelli, 2006; Vogel, Kovacheva, & Cyrus, 2010). Since the likelihood of gaining asylum as well as the level of welfare provided for undocumented immigrants is relatively low, irregular migrants are more dependent on network support. The labor recruitment from the 1950s to the 1970s and the resulting migratory movements as well as the formerly lax acceptance of asylum seekers and refugees (Vogel, Kovacheva, & Cyrus, 2010) allowed for a variety of ethnic communities to settle in Germany. They now attract and offer support to new migrants coming to Germany, including those without the proper documents.

To sum up, Germany rather tends to attract migrants in search of more political freedoms, nevertheless also, although to a lesser extent, migrants seeking economic opportunities. Since the government takes on a restrictive control approach, irregular migrants are highly dependent on social networks and community support.

## **7 Conclusion**

In the public discourse it is often implied that migrants without proper documents are blindly invading Europe, fleeing from desperate circumstances in search of a better future. This picture does not spring from nothing; yet, in this paper I have argued that migration is a conscious strategy of individuals or households to enhance their livelihood outcomes. Therefore, it is directed towards those countries that potentially offer the highest livelihood outcomes. This potential again depends on different determinants, a majority of which governments are actually able to influence.

A shadow economy that demands low-skilled and low-paid labor and that flourishes without efficient state intervention gives irregular migrants manifold opportunities to earn money, thus pursue economic livelihood strategies, without papers. A national migration policy that barely offers migrants opportunities for regular stay and work but rather tends to regularize them at a later stage is highly attractive. Large immigrant communities offer important support for their fellow countrymen and more than that transfer information to their home country and lower the thresh-

old for migration, even without papers. A civil society that is concerned with humanitarian issues of irregular migrants and advocates for regularizations lightens the burden of holding an irregular status. And finally, geographical proximity and porous borders of countries potentially promise more social, political and economic opportunities are incentives to take the chance.

The comparison of the manifestations of these various determinants in Italy, Germany and the United Kingdom shows that the livelihood opportunities for irregular migrants in Europe vary (see: Annex 9.7). Accordingly, some countries attract more migrants than others. Whilst Italy offers many informal opportunities to earn money, irregular migrants find a generally open society in the United Kingdom with relatively good opportunities to find work. Their counterparts in Germany however, are more dependent on social networks as they face a more closed society. Immigration is rather justified by humanitarian needs than enhanced economic opportunities.

Yet, a lot of these processes remain nebulous. Naturally, it is hard to research a phenomenon, which is dependent on staying undiscovered. Irregular migration does not want to be researched and hence chronically suffers from misconceptions. This paper attempted to give an overview on factors that determine or influence irregular migration movements. However, it is beyond the realm of this research to assess the relative weight of each factor and to specify the ways in which these determinants influence migrant's livelihoods. And yet, adequate policy responses have to be based on a better understanding of the logic of irregular migratory streams. The public debate that either criminalizes or victimizes irregular migrants needs to be shaped by more informed opinions. The 'fortress Europe approach' might just not be the adequate response to Europe's growing demand for foreign unskilled labor. More research could shed more light on a phenomenon that neither policy-makers nor the media have sufficiently understood.

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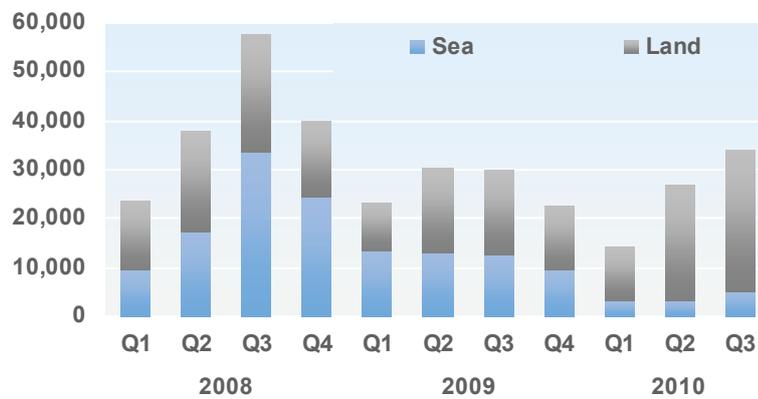
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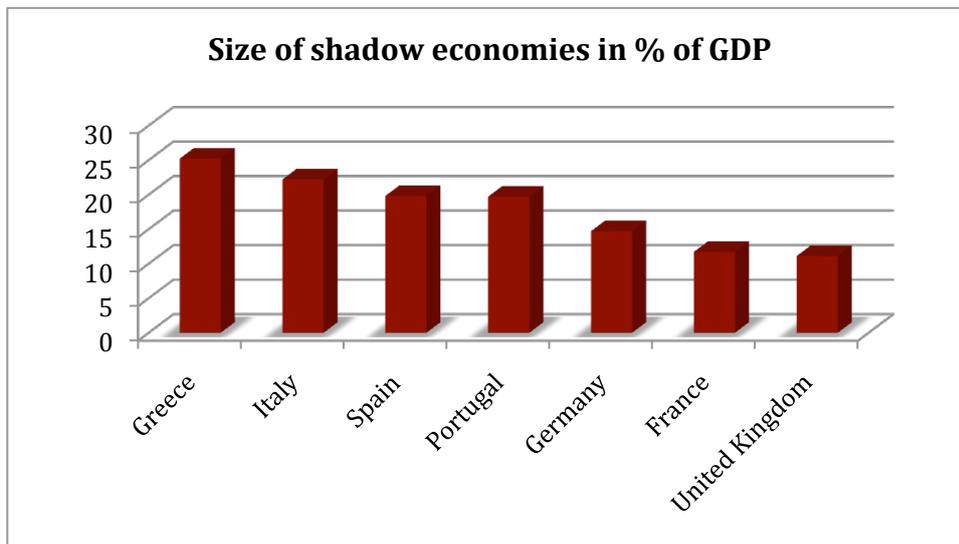
## 9 Annex

### 9.1 Total quarterly detection between Border Crossing Points by border type



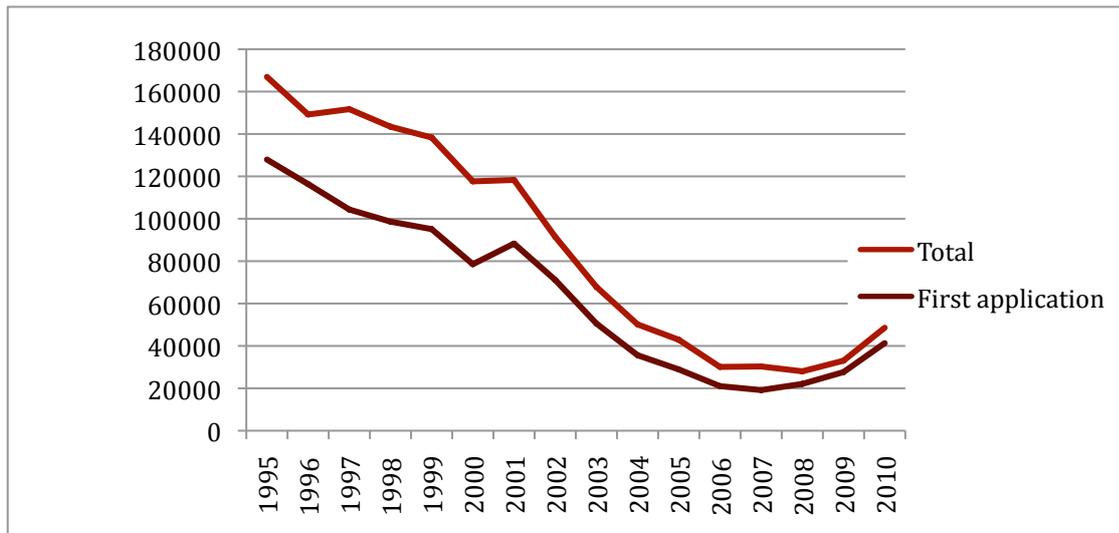
Total quarterly detections between Border Crossing Points by border type: land (grey) and sea (blue); Source: Frontex. (2010). *Frontex Quarterly Update. Issue 1, January - March, 2010*. Warsaw

### 9.2 Size of Shadow Economies in % of GDP; 2010



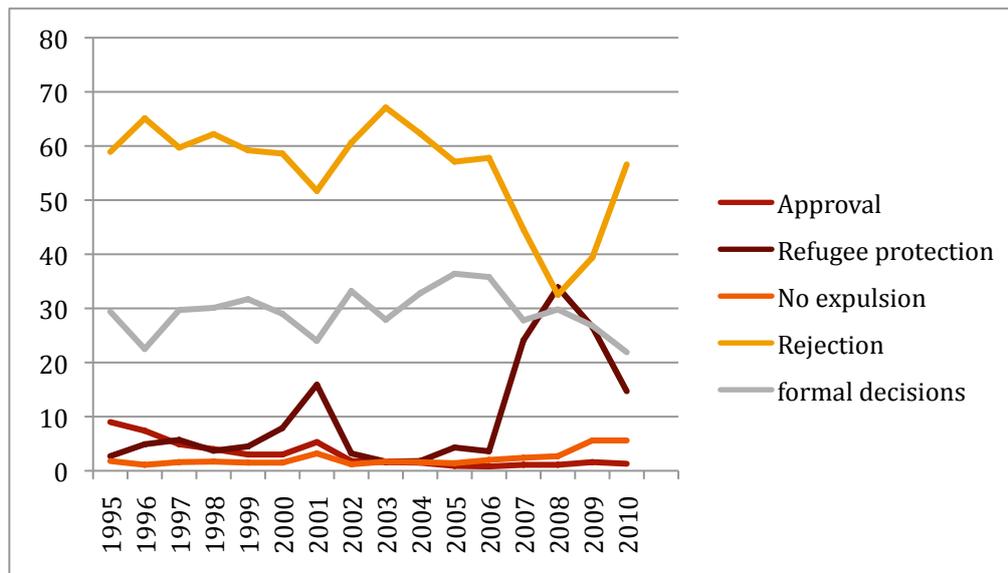
Size of Shadow Economy in % of GDP, 2010. Data retrieved from: Schneider, F. (2010). *Size and Development of the Shadow Economy of 31 European Countries from 2003 to 2010 (Revised Version)*. Johannes Kepler University, Linz.

### 9.3 Development of Asylum Applications in Germany



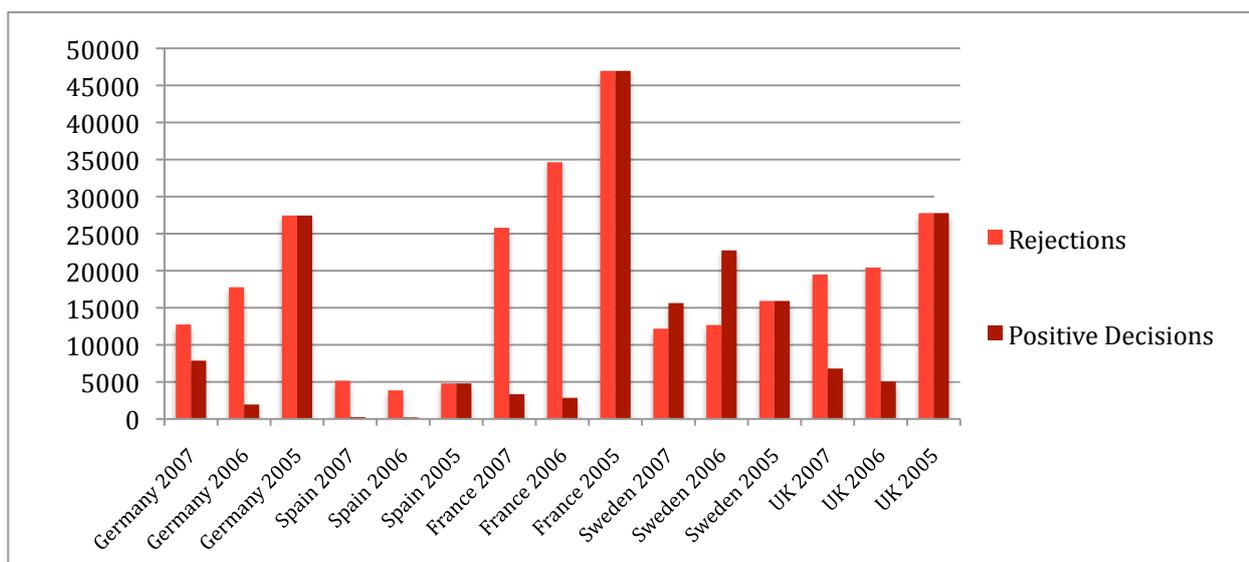
Development of asylum applications in Germany; Data retrieved from Bundesamt für Migration und Flüchtlinge. (2011). *Aktuelle Zahlen zu Asyl. Tabellen, Diagramme, Erläuterungen*. BAMF.

### 9.4 Development of Asylum Decisions in Germany in %



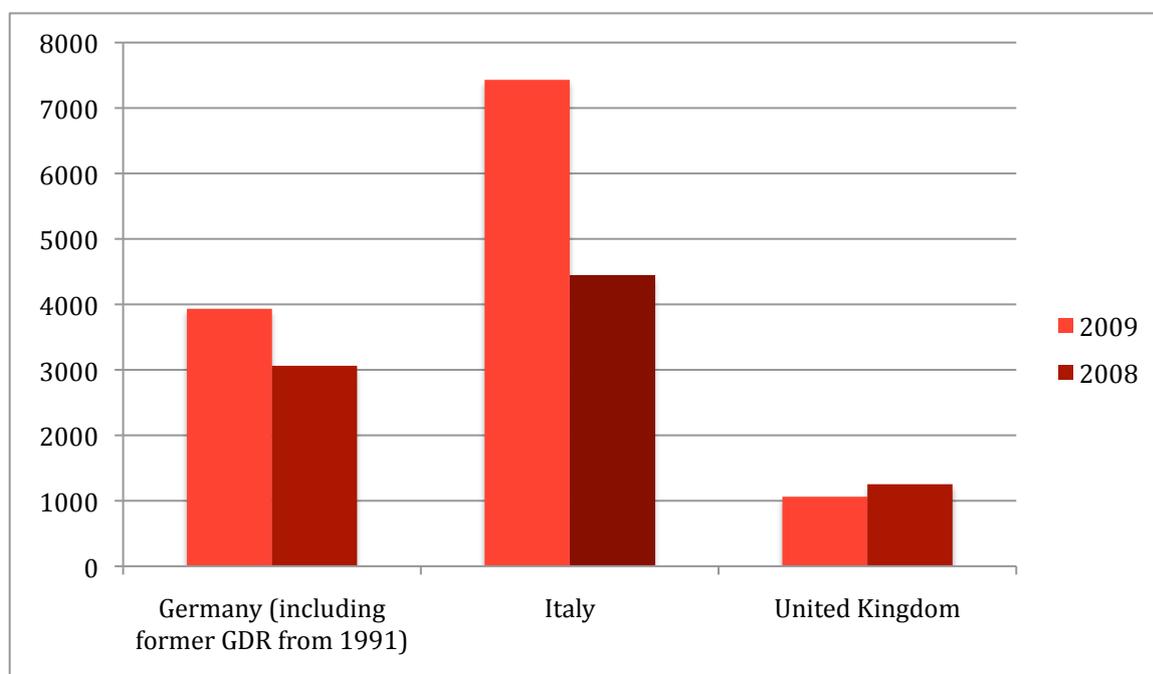
Development of Asylum Decisions in Germany in %; Data retrieved from Bundesamt für Migration und Flüchtlinge. (2011). *Aktuelle Zahlen zu Asyl. Tabellen, Diagramme, Erläuterungen*. BAMF

## 9.5 Decisions on Asylum Applications 2005-2007



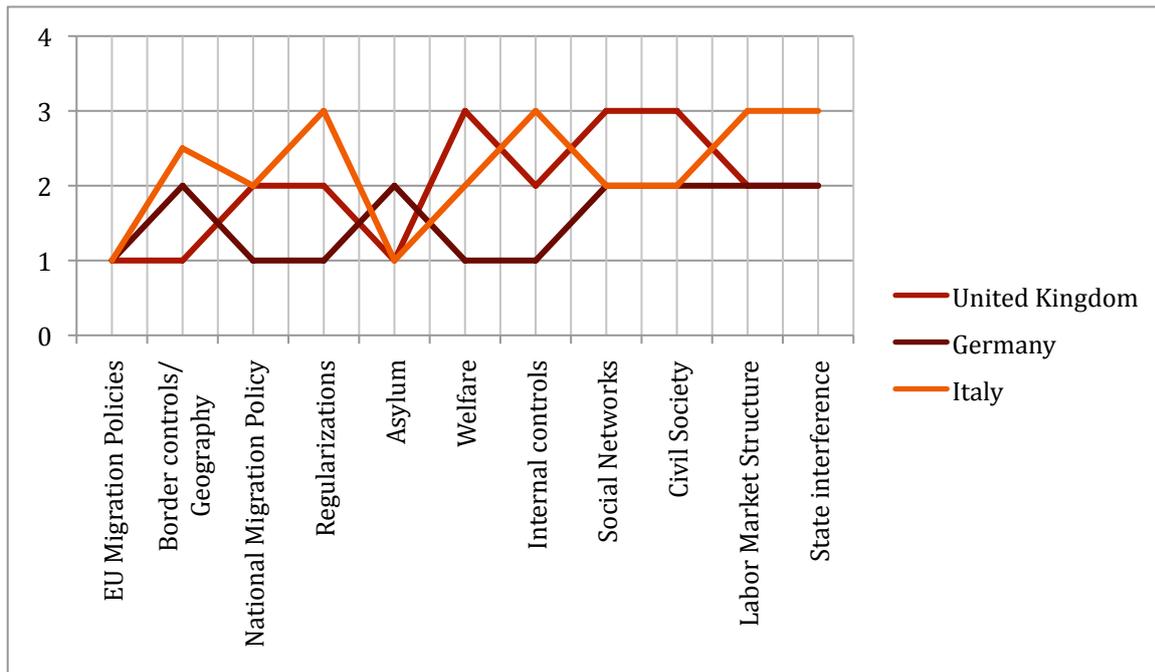
Decisions on asylum applications 2005-2007, Rejections and total number of positive decisions; Data retrieved from: Eurostat. (2011b, 03 18). *Decisions on asylum applications by citizenship till 2007 Annual data (rounded)*. Retrieved 03 19, 2011 from <http://appsso.eurostat.ec.europa.eu/nui/setupDownloads.do>

## 9.6 Dublin regulation; incoming requests, annual data



Dublin Regulation incoming requests – Annual data; data retrieved from: Eurostat (2011c, 04 04). Incoming requests – Annual data. Retrieved from: [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_dubin&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_dubin&lang=en). (04/12/2011)

## 9.7 Determinants of irregular migration in Italy, Germany and the United Kingdom



Determinants of irregular migration rated from 1 to 3; 1 being very limited opportunities to pursue livelihood strategies, 3 being very good opportunities to pursue livelihood strategies.

Source: Own illustration