CHARLES UNIVERSITY IN PRAGUE
FACULTY OF SOCIAL SCIENCES
INTERNATIONAL ECONOMIC AND
POLITICAL STUDIES

MASTER'S THESIS

THE IMPACT OF EUROPEAN LEGISLATION ON MIGRATION FLOWS ACROSS EU BORDERS

Author	**Antonin Mikes**
Subject:	**IEPS**
Academic Year:	**2007/2008**
Supervisor:	**Mgr. Petra Nohavicova**
Date Submitted:	**18st May 2008**

DECLARATION:

I hereby declare that this thesis is my own work, based on the sources and literature listed in the appended bibliography. The thesis as submitted is 380512 keystrokes long (including spaces), i.e. 168 manuscript pages.

Your name: **Antonin Mikeš** Your signature  Date May 18, 2008

ACKNOWLEDGEMENTS

I would like to thank George Hays II and Emily De Vega for their kind assistance in making this paper readable as without their diligent efforts and great support this work would not be the same. Their efforts have been greatly appreciated.

ABSTRACT

By: Antonin Mikeš

This work outlines issues related to migratory policy in the European Union. The aim of the work is to determine whether or not the European Union has been successful in reducing the push factors that lead to migratory flows. This work outline the historical situation of migration in Europe from early post war migrations of guest workers to the imposition of restrictive policies intended to reduce migratory flows. General theories related to migration are discussed as are some of the problems associated with migration policy formation. The complexity of policy formation is exhibited by the variety of restrictive policies implemented in differing member states due to voter opinion and economic factors. Restrictive policies imposed on third country nationals are shown to be ineffectual in reducing migratory flows. The paper ends with suggestions on how the European Union can become more effective in reducing the push factors leading to migration.

Key words: Migration, Migration Policy, European Union, Remittances

Table of Contents

Introduction....7
1.1 History of Migration in the EU....10
1.2 European Migration Situation....24
1.2.1 Changes in stocks and flows in relation to EU Policies and Practises....41
1.2.2 Past Policies of the European Union and Member States (an overview)....54
2.1 Theories in International Migration....75
3.1 Push and pull factors....83
4.1 Impact of Policies Upon Migrants....95
4.2 The Economics of Migration....108
5.1 Applications....121
5.2 The Failure of Europe to respond adequately to Push Factors....125
Conclusion....131
References....139
Annex 1: Definitions of importance....145
Annex 2: Theoretical Perspectives Related to Migration....154
Annex 3: Impact of Theories Upon Migration Policy....165
Annex 4....167
Annex 5: Original Project proposal....174

List of Figures and Tables

Figure 1.1....6
Figure 1.2.0....16
Figure 1.2.1....17
Figure 1.2.2....18
Figure 1.2.3....19
Figure 1.2.4....20
Figure 1.2.5....26
Figure 1.2.6....33
Figure 1.2.7....39
Figure 1.2.8....41
Figure 1.2.9....43
Figure 1.2.10....47
Figure 1.2.11....50
Figure 1.2.12....52
Figure 3.1....68
Figure 3.2....69
Figure 4.1....78
Figure 4.2.1....81
Figure A.1....102
Figure A4.1 - A4.6....125
Figure A4.7 - A4.9....127
Figure A4.10....128

Chart 1....62

Table1....46
Table2....61

Introduction

Historically, Europe has experienced relatively few large scale inflows of migrants. It has only been in the last several decades that Europe has become a major destination for international migrants. With changes in flows into the European Union(EU) member states have imposed a variety of restrictive polices which are intended to limit entry options to foreign nationals. As Europe faces demographic changes, such as declining birth rates and negative population growth, migratory flows become beneficial as migrants are able to fill much needed functions in the labour market.

The imposition of restrictive visa requirements, carrier sanctions and border control polices have essentially restricted entry to those who are able to fill highly skilled positions in the labour market or those who have family members already working in the Union. Asylum applicants and migrants with low skill levels have very few options for legal entry to the Union. Restrictive policies have led to an increase in clandestine forms of entry as those seeking a better life are forced to seek alternative forms of entry.

European policy formation has traditionally been controlled by individual member states. Only recently have members begun to cooperate in the creation of unified polices related to migration into the Union. When analyzing policy formation it is necessary to understand that there are a multitude of factors influencing policy options: from political manoeuvring and partisanship to interest groups and pressure groups.[1] Thus a variety of policies have been implemented in different member states over the past several decades.

Within Europe there is a historical tendency to see nationality as tied to shared ethnicity, as in the past there had been little immigration until after the world wars. This is in contrast to societies built through settlement, such as Canada, the United States, Australia etc, where diversity has been more of a historical reality, and nationalism has been based more on civic participation than on ethnicity.[2] It has been argued by authors such as Freeman that "divergent immigration histories mold popular attitudes toward migration and ethnic heterogeneity and affect the institutionalization of migration policy

1 Interest group and the process of partisan politics is covered in great detail by: Meyers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1258 and also by Black, Richard"The Geopolitics of International Migration in Europe: Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 66

2 Meyers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1254

and politics."[3]

The rise in importance of international organizations and regimes indicates that a shift in understanding has occurred in regards to migration flows. The past saw focus being trained on 'sovereign nations' who were 'protecting themselves' from encroaching outsiders. Currently there is more of a consensus that unified policies can be more effective across the whole European Union. Although international organizations and regimes have had limited influence over migration in the past, due to the high political cost policy makers face when attempting to 'share the burden', current cooperation has marked a dramatic change from past experience.[4] The harmonization of European policies towards migrants, asylum seekers and others in the interest of removing inequalities in treatment across Europe is an example of burden sharing.[5]

European Union member states have imposed a variety of constraints on the possibility for the world's migrants to enter their territories. Yet the high demand for migrant labour and the need for continued population growth puts member states into a bit of a predicament as they require migrants yet wish to control flows. The imposition of restrictive regulations has staunched the flow of legal entrants but does little to stop the flow of illegal migrants. Small scale projects aimed at reducing the push factors leading to migration are positive steps towards the creation of unified, large scale projects which may have long term impacts in the reduction of unwanted flows. However, current attempts are ineffective as they essentially block access to those in greatest need while also negatively impacting upon economic growth in the Union.

Currently, European nations have implemented a number of policies which limit legal options of entry for the majority of migrants; however, there are few policies which act to reduce the push factors which lead to migratory flows. The European Union must work towards the development of unified effective policies which aid regional development outside of the Union. A variety of options exist ranging from cooperative arrangements to the sharing of best practises to economic development.

---

3 Freeman as seen in Meyers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1254

4 Issues of the 'threats' posed by immigrants to local economic fortunes, the social fabric and wider security are politically risky. Smith, Alasdair., Wallace, Helen. "Setting an Agenda The European Union: Towards a Policy for Europe."*International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 70, No. 3 1994 pg 430

5 Black, Richard. "Immigration and Social Justice: Towards a Progressive European Immigration Policy?" Transactions of the Institute of British Geographers, New Series, Vol. 21, No. 1. 1996 pg 69

Part 1

1.1 History of Migration in the EU

Migration has always been a fact of life in Europe. For the past two centuries Europe was a source of emigrants leaving for the New World and other far flung locations. It was only after the economic expansion post World War Two that Western European countries felt the need to, and indeed did, import labour from neighbouring nations and even farther a field. Today all Western European nations have a positive migration balance.[6]

Following from the need for labour during the economic expansion of the 1950's there was the creation of temporary labour migration schemes in many Western European nations.[7] These labour migrants were originally expected to stay for a short time and then go home, but many chose to stay on and the population of 'non-locals' rapidly expanded in many Western European nations with many of these migrants becoming naturalized and later bringing their wives and children to live with them, often through state policies related to family reunification.

The need for labour led, through temporary labour schemes, to the existence of substantially large groups of non-native's in Western countries. The case of the Netherlands is an excellent example where before the 1970s there were few foreigners but after the imposition of restrictive immigration policies the relatively small group of early immigrants who stayed rapidly expanded and now form a substantial part of the population in several large cities.. Only between 1995 and 2003 the population of people of non-Western origin mushroomed by 44% and now total 1.6 million individuals, or 10% of the total population of the Netherlands. This is compared to an increase of 7% for people of western origin.[8]

While policies changed substantially over the decades the number of foreigners working

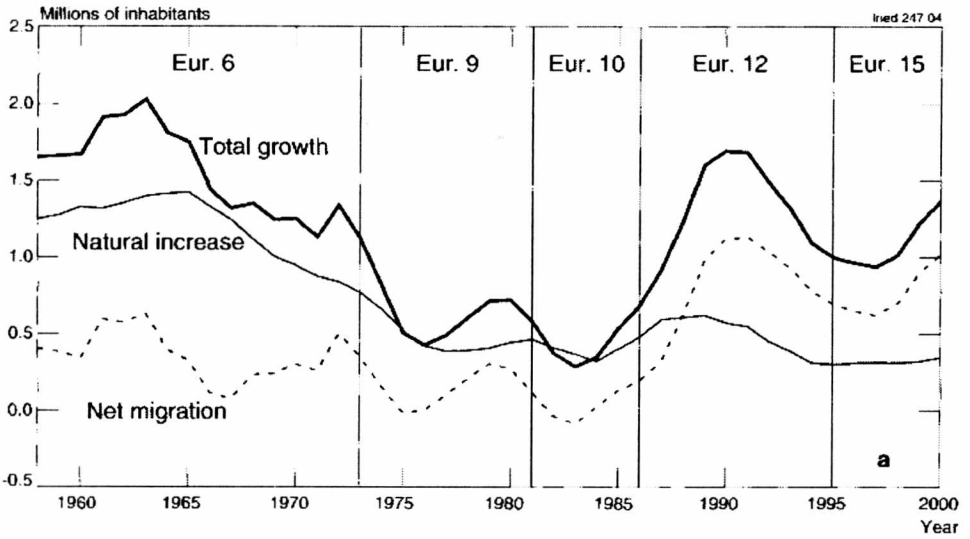
6 Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 2

7 A similar situation existed in countries of the Former Soviet Union behind the Iron Curtain, however, most migrant labour in these cases was 'forced' to some extent through communist resettlement projects. While these movement are of significance they will not be discussed as the institutional character of these movements falls outside of the scope of this piece. The bilateral labour treaties of CEE states basically fell apart post 1989. See also Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1064

8 See figure A 4.1-A 4.6 for a graphic representation. Doomernik, J. 'The state of multiculturalism in the Netherlands.', *Canadian Diversity/Diversité Canadienne, Vol. 4.* 2005 pg 32

in Western European states continued to expand, through further migration (both illegal and legal), family reunification, and natural increase. During the economic crisis of the 1970's policies generally became stricter and more bureaucratic yet migration continued, albeit at a slower pace.[9] (See Figure 1.1)

Figure 1.1: Annual increase in the population of the European Union (three year moving averages)



Source: Monnier and Rogers, Population 2004

Post 9/11

The migration situation, especially as it relates to policy formulation, has changed modestly in the post 9/11 context. Immediately after the attacks in 2001 the European Council requested that member states tighten border security measures. This was followed by discussions organized by the Justice and Home Affairs Council to develop a common border police force and a European Border Guard. Although these measures were ultimately blocked at the Laeken European Summit in 2001 they did lead to the creation of a 'European Agency for the Management of Operational Co-Operation at the External Borders of the European Union' intended to co-ordinate the implementation of common policies across the EU.[10]

---

9 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 541

10 This agency lacks policymaking or implementing powers of its own. Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 9

Subsequent to the formation of the European Agency for the Management of Operational Co-Operation at the External Borders of the European Union and after the Madrid bombing in March 2004 the European Council established a EU counter-terrorism coordinator and pushed for the strengthening of border security.[11] The European Union has allowed for the creation of unprecedented cooperation on issues of migration and border control, unseen anywhere else on earth. As Rey Koslowski has pointed out "decades of economic and political integration that have laid the groundwork for the lifting of border controls among EU member states [which are impossible] to replicate in other regions."[12]

Trafficking

Migrant flows travel along a variety of routes to gain access to European nations, yet the issue of trafficking has traditionally been a minor issue garnering limited attention at the European level. However, as the international context changed during the 1990's there was a shift in understanding with issues of trafficking coming to the forefront of discussions. During the 1990's industrialized nations took note of the implications of trafficking and stepped up their vigilance of such flows; primarily due to increasing concern over the issue of trafficking in persons, especially women and children for prostitution.

In 2000 the "UN Convention against Transnational Organized Crime," and its "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," as well as the "Protocol against the Smuggling of Migrants by Land, Sea and Air" were adopted by the U.N General Assembly. These conventions went into effect on September 29, 2003, December 25, 2003, and January 28, 2004 respectively.[13] Thus the issue of smuggling became securitized; preventing, or at least criminalizing the smuggling of people at a global level.

The issue of smuggling or trafficking of migrants is viewed almost universally as a major problem, not only in terms of security, a common point of discussion these days, but also due to issues related to human rights. There are concerns that migrants are being extorted or exploited: from being charged outlandish prices for their transport, to

11 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 9
12 *Ibid.*, pg 9
13 *Ibid.*, pg 12

being robbed, to having their identities stolen, or even to being trapped into debt bondage.[14] Migrants may additionally be exploited physically, in the case of vulnerable women or children, or even subject to harsh abuse.

John Salt has indicated that the concepts or terminological use of the words 'trafficking' and 'smuggling' should be differentiated. Trafficking is meant to involve "placing a person in some kind of disadvantageous employment situation after providing (often illegal) migration assistance..[while smuggling] denotes the process of helping a person cross a national border illegally."[15]

The number of smuggled and trafficked individuals is unknown, although assumptions tend to indicate that approximately 400,000 individuals are smuggled or trafficked annually into the EU. This belief has been supported by an increasing number of border apprehensions, although increased vigilance of security forces along borders may also affect this as more individuals are caught.

Statistics from police agencies in most Western European nations also confirm an increase in the number of illegal aliens who live in these states.[16] These estimates are based on the ratio of two successful entrants for every one caught at the border. If this ratio is assumed to be correct, and no one knows if it is or is not, then approximately 400,000 illegal's would have entered the EU in 1999, based on the 260,000 border apprehensions that year.[17]

The justification for the securitization of smuggling stems from the fact that flows of smuggled persons began to represent not only a human rights based issue but also began to be viewed as a security issue related to uncontrolled borders. These issues became ever more pertinent after 9/11 with smuggling being viewed as a potential method of entry for terrorists.[18]

Loss of Control

There have often been arguments claiming that the European Union Member States are

---

14 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 24
15 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 24
16 *Ibid.*, pg 24
17 Heckmann in Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 26
18 Although none of the known terrorists in the US entered in a clandestine manner, all entered legally. Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 11

losing control over their borders and are being swamped by foreigners. However, the reality of the situation is that through European wide policies states are adding to security of Europe as a whole. Better border controls and checks at points of entry strictly control the entry and exit of individuals: enhancing control, not undermining it.

Even so undocumented migration occurs widely across the EU. Undocumented migration occurs due to the persistence of individuals who wish to enter the EU for any number of reasons. Sophisticated forms of border controls can not stop people from entering a country, nor from evading controls, if they are motivated or employ the use of professional people smugglers. "There seems to be a consensus among experts on the fact that tougher measures of migration control do not reach their proclaimed goal."[19] Those who are motivated will find a way to circumvent controls; the tenacity of individuals knows no bounds.

Throughout the development of the EU, and each of its subsequent enlargements, there have been fears of massive influxes of migrants from the New Member States. All of these fears related to massive flows of migrants, turned out to be unfounded. Many studies have shown that the likelihood of massive east-west flows are unlikely, the same goes for the future possibility of Turkish accession.

> Increasing political stability in CEE, steady economic growth among the front-runners, and foreign direct investment are already discouraging any large-scale movement of unskilled workers. Future east–west migration is not expected to cause problems for EU labour markets, even where unemployment is high. [20]

The future likelihood of migration flows depends heavily on contingent factors related to dynamic economies that have yet to occur. It really "depends upon the evolutions taken by both the Turkish and the European economies."[21] The loss of control that fear mongers present to the public are patently unfounded. Migratory flows in the EU are somewhat predictable and government policies have been put into place to manage them as best as possible.

---

19 Cornelius et al. 2004 in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 4

20 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 522

21 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 13

Changes in Destination Countries

The flow of migrants has traditionally followed paths that had some form of historical roots. Asylum seekers were traditionally seen to go to countries with which they had colonial or historical links of some form. However, increasingly this pattern is changing and flows of migrants are becoming more dispersed.[22]

Flows of asylum seekers are increasingly shifting toward non-traditional destination countries, where asylum seekers have little or no previous connections. In the UK there has been an increase in the number of asylum seekers from non-traditional sources countries such as China, Colombia, Ecuador and Romania.[23]

A similar shift has also been seen in the diversification of destination countries for Algerians who have previously focused on their former colonial power, France. One author has indicated that Algerians focused their attempts for asylum on the UK due to it having "few connections with Algeria at a governmental level and [there being] a perception of the UK as being more tolerant toward Algerian nationals."[24]

Shifts in flows have occurred for a variety of reasons such as the formation of migrant networks, changes in government policy, opportunism, individual perceptions and the like. However, it must be noted that the EU accepts a large portion of asylum seekers in comparison to the total number of actual refugees in the world. To be very specific, in 2000 there were 391,500 asylum applications submitted in the EU compared to a total of 947,200 asylum applications submitted world-wide. EU Member States receive approximately 40 percent of all applications around the world.

This high number may appear commendable, yet with the population of the EU expanding by more than one million individuals per year, only through migration, the numbers are not as positive as at first glance. Out of a total world refugee population of 12 million individuals the EU only had approximately 1.6 million refugees, or 13 percent, of the world wide refugee populace in the year 2000.[25] The EU could easily do more to increase its share of the burden and accept more international refugees.

There are only a limited number of places available for refugee seekers to be resettled through the United Nations High Commissioner for Refugees(UNHCR). The number of

22 See Annex 4- Figures A 4.1-A 4.6 for graphs showing changes in flows to different EU countries

23 Middleton, Darren. "Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants." *Global Commission on International Migration.* May 2005 pg 7

24 *Ibid.*, pg 7-8

25 *Ibid.*, pg 13

resettled refugees is extremely low while the process itself is often time consuming and unpredictable. Only 33,000 refugees were resettled by the UNHCR in 2001, out of a world wide population of 12 million refugees.[26]

It is extremely difficult for asylum seekers who have been prevented from entering the EU to gain refugee status from abroad. It is no longer possible to apply for asylum at many embassies of European states around the world, and while it is possible that options may change in the future it would appear that for the majority of asylum seekers it is necessary for them to first be in a country before they can apply for asylum.[27] This situation, where entry is near to impossible and resettlement is an unbearably long drawn out process, leads to the only other option being clandestine entry.

In fact strict measures meant to hinder the likelihood of asylum seekers gaining access to the EU may in fact promote illegal migration, as asylum seekers and economic migrants subvert the normal methods or entry. It is possible that by allowing a greater portion of asylum seekers into Europe nations would be able to satisfy the economic demands of business who seek labourers, have a positive impact demographic change while promoting a positive vision of Europe, which respects human rights, onto the world stage while reducing pressures for illegal entry.

Changes in Flows

Throughout time there has been a shift in the type of migratory flows that Europe has experienced. There has been a rise in family oriented migration and changes to the character of migrant flows; from single males to family based flows. The visibility of migrants has increased in the past several decades due to an increase in family reunification and an increase in the number of school aged migrant children attending schools. In France this has led to increased contact between mainstream French and migrants and their offspring.[28]

The change in migrant flows from single male (temporary) workers to family based migrations has increased social friction associated with the influx of migrants, especially in the case of France where an increase in the number of Maghrebi migrants,

---

26 Middleton, Darren. "Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants." *Global Commission on International Migration.* May 2005 pg 5-6

27 *Ibid.*, pg 7

28 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 610

who happen to be Muslim, has served to stoke fears about migrants. These fears have been based on the perceived inability of Muslims to assimilate into French culture due to the cultural distance between French and Maghrebi customs.[29] These fears combined with social exclusion have contributed to recent outbreaks of violence in France.

In contrast to France, where recent migrants have been highly visible, Germany has also seen a change in the nature of flows. Between 1987 and 1998 approximately two and a half million ethnic Germans have resettled in Germany from Eastern Europe and the Former Soviet Union. The original influx was instigated by Germany's post war constitutional provision allowing for the return of ethnic Germans who were expelled or forcibly transferred during World War Two. These provisions were meant to be transitional and were intended to provide legal status for those Germans driven out of their homes or homelands. However, these policies led to something quite different, they created an open door for immigrants and provided automatic citizenship for ethnic Germans; even if they did not speak a word of German. This original influx has been restricted recently through the tightening of legislation and changes in the law.[30]

Flows, as indicated by only two example countries, have changed dramatically over time. Flows that were originally comprised on mainly single males have matured and are now more heavily based on family reunification. The shift in flows has also forced changes in social policy as demographics change and migrant children enter schools.

Asylum Flows

European nations pride themselves for their open and democratic ideals, institutionalized through law and order. In the past many western states granted permanent residence rights or citizenship to refugees from Eastern Europe and the Soviet Union, this was understood as a symbol of the superiority of western societies.[31] Unfortunately, liberal policies such as these have not been applied equally across the board. Liberal immigration and refugee policies of the past were substantially restricted in the 1970's and 1980's due to concerns about unemployment. These restrictions have shifted flows from legal channels to more informal channels of entry, while also

29 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 2003pg 610

30 Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998 Pg 1050

31 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 540

changing the nature and composition of migrant flows.

There were few large scale influxes of immigrants into western Europe after World War Two, with the exception of about 200,000 Hungarians in 1956. The high demand for labour during post war reconstruction led to the need for imported labour during the 1950's and 1960's; it was unimportant at the time where workers came from, refugees from communism, labour migrants (Gastarbeiter) from Turkey or southern Europe, or immigrants from commonwealth countries.[32] Yet all this was to change as time went on.

Europe's liberal immigration and labour recruitment policies began to be watered down and more restrictive in scope during the economic crisis of the 1970s. The recession seen in Europe in the seventies created high unemployment, while poor race relations in the UK and other western European countries were used to justify the tightening of legislation related to immigration. "By the late 1970s most European states had introduced legislation that largely halted immigration flows."[33] The severe curtailment of immigration inflows led individuals to seek alternative methods of entry, such as; family reunification, illegal immigration and asylum. The restrictions imposed on all forms of immigration resulted in a massive increase in the number of asylum cases seen in the 1980s, leading to what was termed an 'asylum crisis'.[34]

Generally speaking the patterns of asylum migration have traditionally followed the historical trends seen of labour migration. This can be seen with Turkish and Yugoslav asylum seekers who mainly apply for asylum in Germany, a traditional destination country for migrant labour. The existence of social networks and family links would explain the propensity for asylum seekers to choose Germany as a destination country.[35]

Asylum numbers are limited in scope and number and vary across time. In the UK alone the number of asylum seekers has been highly variable in the last several decades. From 41,500 in 1997 to a peak of 103,100 in 2002 the number of asylum seekers has declined to only 28,300 in 2006. These numbers are considerably lower in comparison to the large annual inflows of migrants seen in the UK(103,000 in 2003). Asylum seekers accounted for 25 percent of non-British in migration in 2002 but only accounted for 6 %

32 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 541

33 *Ibid.*, pg 541

34 *Ibid.*, pg 541

35 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 21

in 2006.[36] A steep decline.

Flows of asylum seekers have been variable over the past decades yet the majority of asylum seekers are from specific countries going through difficult transitions. During the 1990s the disintegration of the former Yugoslavia largely dominated asylum flows into the EU. Yugoslav asylum seekers accounted for the majority of asylum seeking group every year from 1991-1999, with the exception of 1996.[37] Concurrently there was an increase in the number of asylum seekers from Iraq after the failed uprising in 1991 by the Kurds and Shiites. Since 1994 Iraq has been one of the top 10 source countries for asylum seekers in the EU. Similarly, the EU has seen a constant influx of Afghani asylum seekers, beginning with the Revolution in 1978-79 and the subsequent war. The constant, low level, influx of Afghani asylum seekers increased sharply after the Taliban came to power in 1996, flows invariably continue to this day.[38]

Germany is invariably one of the main destination countries of asylum seekers in Europe, due to historical factors, existing networks and the like. Germany received approximately 45 percent of the total asylum applications submitted in the EU between 1980 and 2001. France received the second largest number of asylum applications between 1980 and 1990, yet experienced a decrease in asylum applications between 1991 and 2001.[39]

The more recent shift in flows has been identified as constituting 'new geographies' of asylum migration.[40] These 'new geographies' show that there are increasingly diffuse movements of asylum seekers across Europe. Increasing numbers of asylum migrants are ending up in non-traditional destination countries, where they have no historical or colonial ties. The patterns indicate that there are actually more diffuse migrations across Europe not that their are new groups of asylum seekers from non-traditional source countries arriving in historical destination countries.[41]

While asylum applications are based on the conditions in the home country, asylum flows and their associated applications were traditionally based on historical and

---

36 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 2008 pg 28

37 See figure A 4.1 Changes in flows are further discussed by Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 15

38 *Ibid.*, pg 15

39 *Ibid.*, pg 15

40 Koser and Pinkerton (2002) in *Ibid.*, pg 22

41 *Ibid.*, pg 22

colonial ties. However, there has been a profound shift recently with asylum migrations becoming increasingly diffuse. The role of agents has been labelled as a partial cause for these changes given that agents often control destinations available to asylum seekers. Middleton has also indicated that state policies have had an impact in determining patterns of asylum migration as asylum seekers shift to countries which are perceived to be more receptive.[42]

An additional point of interest is that throughout Europe there are a substantial number of irregular or illegal migrants who are actually de facto refugees. There are a variety of reasons that these individuals have not applied for refugee status determination; from fear or distrust of authorities to a distrust for determination procedures, or even "a reluctance to be detained and fears about return."[43] Middleton has shown that for Angolans in Portugal "it may simply be easier and more secure to remain undocumented and working in the informal economy than to seek asylum."[44] Thus leading to the existence of illegal and undocumented labourers who could in fact become legalized.

Treaties

The European Union has instituted a variety of treaties and conventions that relate to migrants. The evolution of a regime related to the standardization of controls related to migration of non-member state nationals began with the 1990 Dublin convention on jurisdiction related to asylum applications. The Dublin Convention along with the 1990 Schengen Convention on border controls and the Title VI of the 1992 Maastricht Treaty were formalized through the 1997 Amsterdam Treaty.[45]

The Dublin Convention was drafted in the interest of limiting residence of asylum seekers to the first country they entered in Europe. This was intended to 'spread the burden' of asylum seekers, by reducing the load on traditional countries of destination, while also reducing or preventing multiple asylum applications from being filed in different member states. However, the Dublin convention has had the unfortunate effect of limiting movement of individuals as they go through the process of applying for

42 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 2
43 *Ibid.*, pg 25
44 *Ibid.*, pg 25
45 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 8

asylum and determination and has "confirm[ed] the notion that freedom of movement is not intended to be for all".[46]

The Amsterdam Treaty transferred issues related to visa, asylum, immigration and other policies related to free movement of persons such as judicial cooperation in civil matters from the EU's third pillar to its first pillar. The Amsterdam Treaty attaches priority to combating illegal migration while also ensuring the integration of legal migrants (third country nationals).[47] In addition to these matters the treaty was also intended to prevent and "combat crime at the appropriate level, organized or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud."[48]

The 1997 Amsterdam Treaty incorporated the Schengen Convention into the EU treaties. The Amsterdam Treaty also gave a deadline for the incorporation of common policies on visas, asylum, immigration and external border controls into the community legal framework by 2004. These goals were mostly met, with integration policy related to asylum, family reunification, long term residents, and residence permits for victims of trafficking being put into place on schedule.[49]

The concept of the Schengen zone originated at the Fontainebleau Council of the European Communities in June 1984. The council agreed to the principle of removing police and customs formalities between community members. The birth of Schengen was not formalized until the Single European Act of 1986 established "an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured."[50]

The original purpose of Schengen was to reduce border wait times and improve the flow of goods and people. Schengen was signed originally in 1985 by five states, later fifteen, and led to "common visa policy, the harmonization of polices to deter illegal migration and an integrated automated Schengen Information System (SIS) to

46 Black, Richard "The Geopolitics of International Migration in Europe: Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 72

47 Justice & Council, H. A. *Action plan of the council and the commission on how best to implement the provisions of the Treaty of Amsterdam on an area of Freedom, Security and Justice*. Text adopted by the Justice and Home Affairs Council of 3 December 1998 (1999/C 19/01)

48 *Ibid.,*

49 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 8

50 Single European Act(SEA) Article 8A, 1986 In Convey, Andrew., Kupiszewski, Marek. "Keeping up with Schengen: Migration and Policy in the European Union." International Migration Review, Vol. 29, No. 4. 1995 pg 942

coordinate actions regarding individuals who have been denied entry."[51] In 1995 all internal border controls were lifted between member states of the time while concurrently establishing a common external border.

Title VI of the 1992 Maastricht Treaty formalized cooperation between member states in relation to border controls, migration and asylum.[52] The Title IV ('Visas, asylum, immigration and other policies related to free movement of persons') was intended to introduce common policies across the EU. Title IV includes issues related to: the free movement of persons, controls on external borders, asylum, immigration and safeguarding of the rights of third-country nationals, judicial cooperation in civil and criminal matters, as well as administrative cooperation.[53] The Maastricht Treaty, due to its concept of subsidiarity, ensures that the field of immigration from non-member states, along with issues related to justice and home affairs, stays within the intergovernmental pillar, wherein member states work together in cooperation.[54]

The EU framework related to migration and asylum is now somewhat unified under the Amsterdam Treaty of 1999. Prior to the unification of policy there was a mishmash of policy initiatives at the EU level. The institutional framework of Justice and Home Affair's was originally under the third pillar of the EU, however, after the Amsterdam Treaty of 1999 all matters related to the movement of people (including border controls, asylum, immigration and matters of cooperation in civil justice), were transferred to the first pillar; a stronger legal position within the EU framework.[55] The creation of a centralized acquis solidifies the existing EU position in relation to migrants and secures the importance of the Schengen acquis.

The unification of Europe under Schengen has led to the softening of borders between member states; however, this softening has not occurred without a commensurate hardening of the external borders. Schengen allows for the free movement of people

---

51 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 8

52 *Ibid.*, pg 8

53 Communities, E. *Europe in figures 'Eurostat yearbook 2006-07*, European Communities, 2007 pg 75

54 "In accordance with the Maastricht Treaty's concept of subsidiarity, the field of immigration from nonmember states, together with the associated fields of justice and home affairs, remains what is known as an intergovernmental pillar of the Treaty, that is to say, the business of individual sovereign member governments working together." Convey, Andrew., Kupiszewski, Marek. "Keeping up with Schengen: Migration and Policy in the European Union." International Migration Review, Vol. 29, No. 4. 1995 pg 941

55 "A portmanteau phrase for issues ranging from refugee protection to organized crime to citizens' rights" Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 524-5

within the EU but has limited the flexibility of external borders as entry into the Union is strictly controlled.[56]

Overall the Amsterdam Treaty, the Schengen Convention, the Maastricht Treaty and the Dublin Convention were intended to increase cross border cooperation between member states in areas related to all forms of movement. Through greater cooperation in terms of visa regulations, laws related to illegal migration and border control the member states should improve their cooperation and effectiveness in combating illegal activities within the union while strengthening their position in terms of the security of the union.

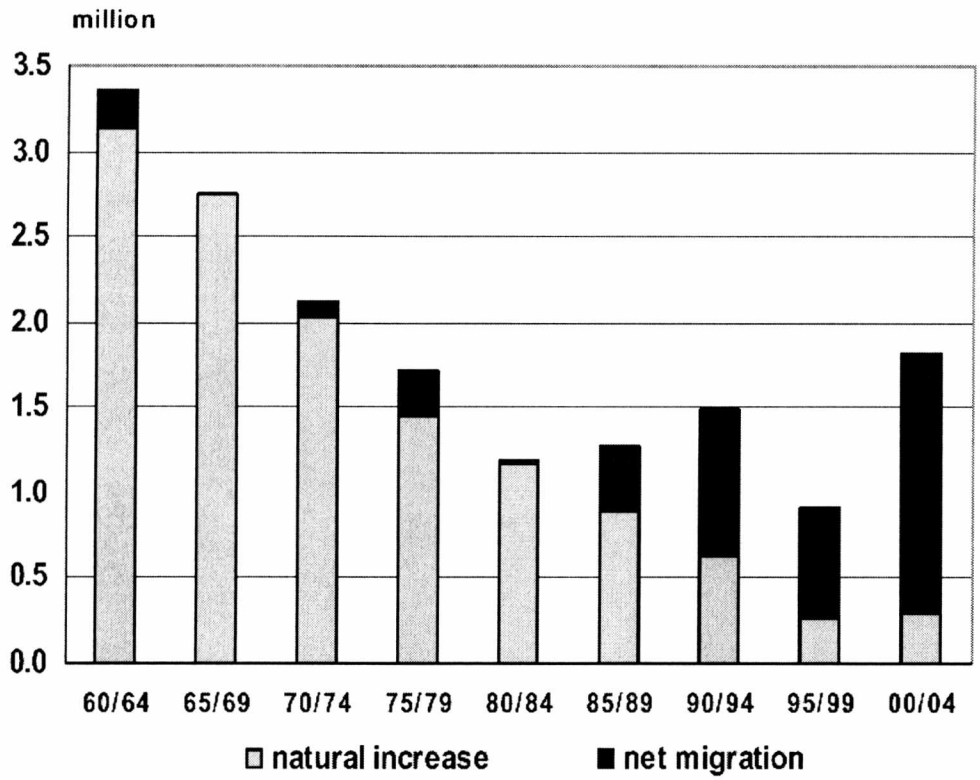
56 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 527

1.2 European Migration Situation

Net Migration

The size of Europe's population is increasing annually by more than one million people due, for the most part, to immigration. Many member states face the prospect of having to deal with economic decline in the future as a result of having negative birth rates if migration does not provide the expanding population needed to feed growth. Natural growth in most European countries has been negligible for many years, while inward migration has accounted for most of Europe's population growth in the last several decades. Without migration the population distribution of many European states would be such, in twenty to forty years, that there would be insufficient numbers of working age people available to sustain the existing pension and health care systems.[57]

Figure 1.2.0: Components of population growth in the EU 25, 1960-2004



Source: Population Statistics 2006

57 See Figure A 4.9 for the demographic profile of the EU as it was in 2003

Population changes are in no way consistent, nor easily comparable, across the European Union, however, the majority of population growth seen across the Union in the past several decades has been heavily dependent on the inflow of migrants. The 25 countries which form the enlarged EU experienced a net increase in their populations from 1960 to 2002 of approximately 16.7 million persons with member states experiencing differing levels of net migration.[58] The EU 15 alone saw an increase of 17.8 million persons between 1960 and 2002 which is in contrast to the loss of about one million through emigration seen by the 10 new member states during the same period.[59]

The changes seen by member states over the past four decades have varied considerably yet flows of migrants have consistently increased annually.(see figure 1.2.1) While data is often unclear (due to its ignorance of clandestine migration) there has been a significant change even in the last two decades. Net migration has increased in the EU from 590,000 individuals per year in 1994 to 1.85 million per year in 2004.[60] Recent,

Figure 1.2.1: Inwards Migration (EU 25)



Source: Eurostat 2006-2007

58 Statistics for the newest member states are not included here at this time.
Net migration- the increase in the size of a population inward migration discounting emigration(outbound migration)

59 Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 95

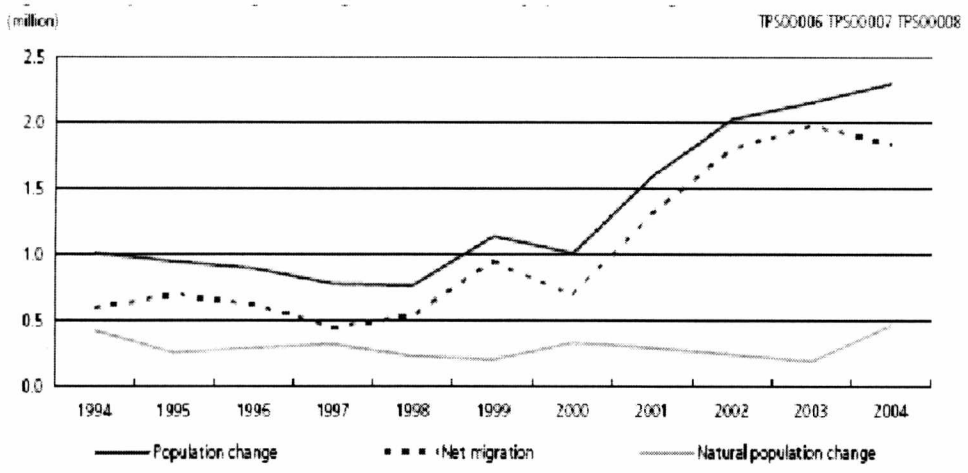
60 Statistics for EU 25.- EU population compared with other world regions Life expectancy and mortality / Families and births / Migration and asylum Europe In Figures— Eurostat yearbook 2006-07 pg 75

average, growth has added approximately 1.8 million people to Europe's population annually during the first five years of the new millennium. In 2004 alone Europe's population grew by 2.3 million persons.[61] Net migration has had a profound effect on Europe's population growth in the past several decades doubling natural population growth.(see figure 1.2.3)

Europe's total population increase has been heavily dependent on migration in the past several decades.(see figure 1.2.2) The EU 25 saw a net increase of population by approximately 16.7 million people between 1960 and 2002.[62] The distribution of migrants has not been equal across the European Union (EU), both temporally and spatially; in the former EU-15 net migration was comparatively low until the end of the 1980s, it was even negative in the 1960s. Since 1999, though, the population of the EU 15 has increased by close to one million people per year simply from inward migration.[63] In comparison the new Member States have seen only minor increases as a result of inward migration, in fact many of the new Member States experienced negative migration in recent past.[64]

The total population of the EU is approximately 456 million people. Of these 456 million about 34-36 million are classed as international migrants, or 8 percent of the

Figure 1.2.2: Population change, net migration and natural pop. Change EU 25



Source Eurostat Yearbook 2007

61 Communities, E. *Europe in figures 'Eurostat yearbook 2006-07*, European Communities, 2007pg 50

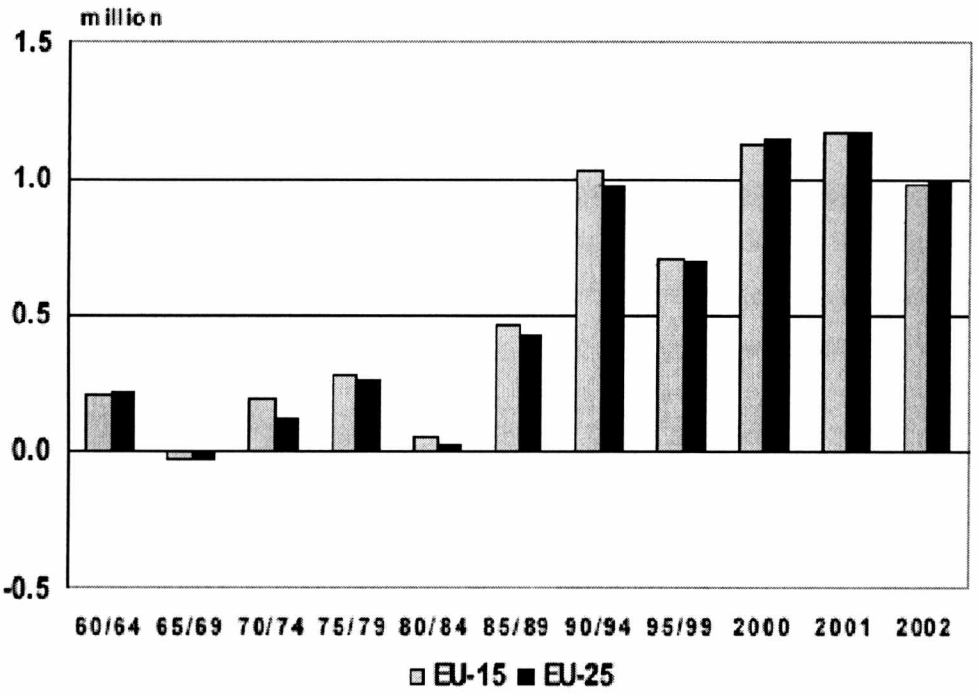
62 Including correction and adjustments "Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 95

63 See Figure 1.2.3 Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 95

64 Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 95

total European population.[65] A significant portion given the relatively recent influx of many migrants.[66] (See Figure 1.2.4) The European Communities population division has indicated that asylum seekers are becoming less concentrated in historically important migration states than in the past and are diversifying in their destination choices.[67]

Figure 1.2.3: Net migration in the EU, 1960-2002



Source: Population Statistics 2004

The unequal distribution of inbound migration in the recent past has been attributed by some authors to changes in the flow of asylum seekers into the EU. Between only 1990 and 2002 there were over five million asylum applications in the EU 25.[68] In terms of distribution Germany has received the vast majority of these applications (438 thousand), as compared to Sweden, in second place, which received only 84 thousand.[69] Distribution of applicants has also shifted over time. Germany has seen its share of

65 Not accounting for illegal and undocumented migrants. Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 3

66 See the case of the Netherlands, (section 1.2.2) which has experienced a rapid influx of migrants. Between 1995 and 2003 the population of individuals of non-western origin has mushroomed by 44% and now totals 1.6 million individuals, or 10% of the total population of the Netherlands.

67 Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 96

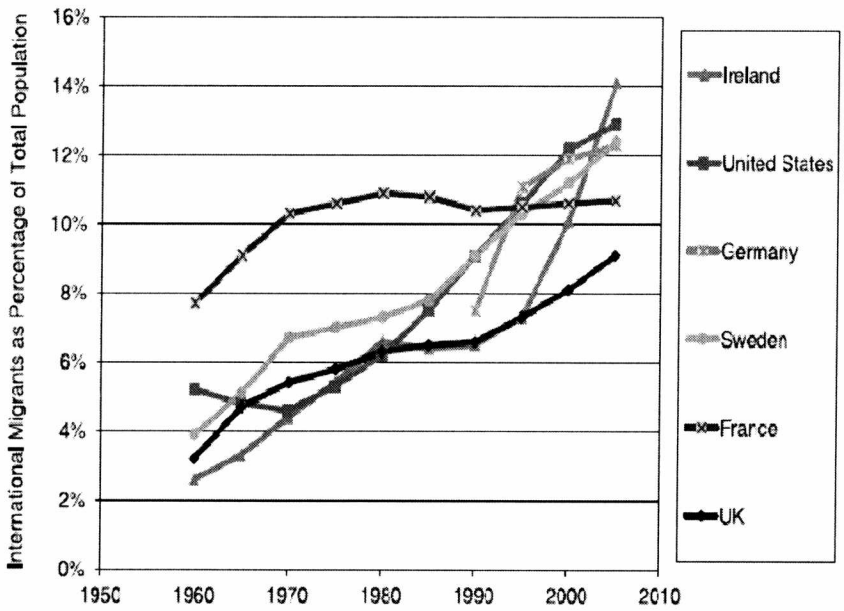
68 *Ibid.*, pg 96

69 Statistics for 1992. *Ibid.*, pg 96

applicants falling from 55% of applicants in 1990/94 to less than 20% in 2000/02. In contrast the UK has seen an increase in applicants, leaving it as one of the most important destination countries at the turn of the millennium.(See graphs in Annex 4)

In absolute terms Europe's number of international migrants is on par with America's (US 2002: 33.5 million foreign-born) although foreign born individuals account for a larger portion of the total US population, at 11.5 percent.[70] These numbers could be used, by anti-immigrant groups, to argue that Europe has taken in its fair share of international migrants, although in terms of the total number of international migrants Europe plays host to only a small minority.

Figure 1.2.4: Growth of Immigration in Selected OECD Countries 1960-2005



Source: Putnam 2007

Reasons for Recruitment

Changing European demographics have led to a situation characterized by low growth or decline, which has lead to the need to import labour to fill vacant places in the workforce. Across Europe the demographic situation is bleak in terms of growth. Demographics are characterized by low fertility and increased life expectancy leading to the probable loss of population in the next several decades.[71](see figure A 4.7 and A 4.8)

70 Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 3

71 *Ibid.*, pg 16

A brief overview of the situation of Europe's population situation is necessary to understand just how dire the situation will be if there were to be no migration in the future. Across the EU "a surplus of deaths over births produced a population loss of 1.1 million [individuals], which is deepening over time."[72] Without active policies to offset this loss Europe's population will decline over the coming decades.

In the next 20-50 years the number of individuals in Europe between the ages of 15 and 64 will decrease from 312 million (in 2000) to 295 million (or –5.5 percent) by 2025 and to 251 million (–19.6 percent) by 2050. As a result of this decline the old age dependency ratio will increase from 23 percent, in 2000, to 35 percent in 2025 and to as much as 50 percent in 2050.[73] This will invariably lead to a decline in economic output and will also lead to problems with the maintenance of pension systems, health care provision and the like. Migration policy has been proposed as one method of correcting such a decline.[74]

Europe's population growth of late has been fed almost exclusively by immigration. While growth rates vary dramatically across the EU and across time the overall picture is bleak. In 2000 growth rates varied from as high as 3.9% in Western Europe to as low as -6.6% in Eastern Europe, while in 2002 the range was between 4.3% and -8.7% respectively. The majority of growth has been related to immigration into the Union with natural growth accounting for only a minor part of Europe's overall growth.(see fgure1.2.0) Immigration has accounted for more than 80% of growth in the Union since 1999, and has even risen to account for as much as 85% of growth since enlargement in 2002, given the demographic decline of several new members.[75] In fact two countries have accounted for almost two thirds of population growth recently. Spain and Italy have experienced, by far, the largest net inflows of migrants in 2004, with 1.1 million migrants between them.[76] Fortunately for European demographics the number of international migrants has increased over time feeding population growth and staving off the negative affects of decline.

---

72 In the enlarged EU. Sardon, Jean-Paul., and Robertson, Glenn D. "Recent Demographic Trends in the Developed Countries."*Population* Vol. 59, No. 2 2004 pg 263

73 Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 17

74 Communities, E. *Europe in figures 'Eurostat yearbook 2006-07*, European Communities, 2007 pg 75

75 Sardon, Jean-Paul., and Robertson, Glenn D. "Recent Demographic Trends in the Developed Countries."*Population* Vol. 59, No. 2 2004 pg 264

76 Communities, E. *Europe in figures 'Eurostat yearbook 2006-07*, European Communities, 2007 pg 75

Illegal Numbers

While there are no good estimates of the scale of illegal migration in the EU there have been several attempts to clarify their numbers. The UK home office has estimated that there were 430,000 illegal migrants in the UK in 2001, or 0.7% of the total populace. However, other authors (Salt) have indicated that the true numbers are likely higher. Salt indicated that the number of illegals in the UK most likely falls between the French and Italian levels, somewhere between 400,000 to 500,000(about 14-17.5 percent of the legal migrant population of the UK).[77]

As is often the case nations that were once producers of migrants have now come to accept migrants. Italy has become a major receiver of illegal immigrants due to its geographic location, and has been labelled as the 'European Gateway' for illegal's.[78] While it is impossible to determine clandestine population flows due to issues of legal definitions and statistical methods, not to mention the difficulty of actually counting illegals (they are illegal after all), many Organization for Cooperation and Development (OECD) nations publish figures based on apprehensions made at the border. Eurostat has indicated that "38% of the 54,428 illegal immigrants apprehended in the European Community during the third quarter of 1999 had entered through Italy"[79] In 1998 the number of apprehensions in Italy totalled 91,000.[80]

With more than 100,000 illegal's apprehended yearly in Italy alone it is not surprising that people are uneasy about the increasing numbers of undocumented migrants in their midst. Some authors have indicated that the total number of undocumented or illegal migrants may surpass the number of legally accepted migrants in the EU.[81]

All in all it would appear that illegal migrants are generally quite successful in their attempts to remain in the EU, living clandestinely. One study has shown that two thirds of illegal overstays and illegal entrants to the EU were successful in their attempts.[82]

---

77 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 2008pg 28

78 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 2

79 *Ibid.,* pg 2

80 *Ibid.,* pg 2

81 This is based on the estimates provided by Swan that indicate that "For every one person caught entering the EU illegally (260,000), it is assumed two pass unhindered." Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 26 Thus, if there are 100,000 illegals caught, according to the 1/3 rule then 200,000 are not caught. This multiplied across the Union indicates an annual increase of more than one million illegals.

82 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat.* 2001 pg 7

The link between illegal migrants and the exploitation of asylum procedures that has led to the current situation in Europe stems from cases of exploitation seen in the mid 1990s. In 1995 a case study indicated that as many as two thirds of illegal aliens who were caught by the police in Britain applied for asylum in order to evade deportation. To prevent exploitation of the asylum system various mechanisms have been put in place to prevent economic migrants from taking advantage of the asylum system. Policy examples include the Dublin Convention which "established a mechanism for policy harmonization among EU states and sought to close policy loopholes being exploited by TCNs."[83] Although individual nations have implemented their own polices as well.

The European response to public pressures to reduce the influx of migrants have varied across member states. While flows have risen and fallen through time one factor that has led to an increase in illegal flows has been the relentless tendency for states to reduce access to their territories through legal channels. Migrant flows peaked in the 1990s due to war and ethnic conflict, yet border controls became ever stricter, and acceptance procedures even tougher. Tighter controls have contributed to the rise of illegal flows while limiting or reducing the flow of legal migrants.[84]

Characteristics of Migrants

International migrants share a number of characteristics and while flows have expanded and diversified in past decades they are still generally composed of single males looking for work. The majority of international migrants are men who migrate in their twenties and thirties are unmarried and often leave directly from their parents homes. These factors may be partly due to local cultural factors (such as in Muslim communities where women are not expected to work outside the home) although they are easily seen to be true of most cultures. In the case of family reunion the demographics are, as can be expected, somewhat variable. In the case of countries with long established migration histories family reunification plays an important role, this is the case, for example, of Turkish and Moroccan migrants.[85]

A variety of reasons have been provided by migrants to explain their migration into the

---

83 TCN – Third Country Nationals. Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 614

84 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration*. 2005 pg 4

85 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat*. 2001 pg 2

EU; in a majority of cases employment is the reason given by migrants for their entry into Europe. In 2000 61% of legal entrants in Italy, 46% in Portugal and 36% in Spain were there for employment purposes. Additionally, and in contrast, family reunification was the dominant reason for migration into Sweden (50%), France (40%), Denmark (36%) and Finland (33%) along with the UK(27%).[86] These numbers only account for legal migrant flows, the justification for illegal entry must similarly be multifaceted.

Employment Levels and the Formation of a Culture of Migration

The economic factors that cause migration are varied although unemployment plays a large role in framing the decision to migrate, as does the culture of migration that exists in many source countries. The culture of migration leads individuals to prefer migration as an option to finding local employment as it is considered to be more preferable socially. These factors when combined with others create a strong push leading to migration.[87]

Unemployment often plays a major role in influencing the decision to migrate. Migrants consistently have shown higher levels of unemployment prior to immigration than have non-migrants in several countries. In the case of Morocco many migrants were unemployed prior to migrating, which is partly explained by the lack of opportunities in Morocco, however the pervasive culture of migration that has developed in Morocco also plays a role. Likewise in Afghanistan there now exists a culture of migration in which temporary stays, or even long term moves, have become the norm rather than the exception.[88] Often young people prefer to migrate than to try to build a future in their home countries.

With many friends, colleagues and family members living abroad there is a distinct preference for migration over local employment, if any is to be found. Poverty also functions as an incentive to migrate with individuals seeking out a better future in the west, especially in areas characterized by high unemployment, little future potential for personal growth and development and low economic growth. It has been shown that in some cases migrants who had work prior to their migration still migrated as their

86 Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 4

87 See Chart 1 for a graphic representation of push and pull factors leading to migration

88 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat.* 2001pg 3 and Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 790

employment was insufficient to meet their needs.[89] Employment, the culture of migration and personal preference often lead to migration.

How Migration Flows Develop

The tendency for migrants to follow established paths is a natural result of contributing factors leading to migration. Family contacts, networks of friends of acquaintances in destination countries, visa policies and the like contribute to the growth of migratory flows. Additionally there is a tendency for migratory flows to start small and grow over time, often due to chain migration that occurs with family reunification, while there is also a tendency for temporary migratory flows to establish permanent settlements over time.[90]

In addition to factors contributing to permanent settlement the ease of global communications combined with the globalization of trade and business and relatively inexpensive travel options have all had an impact on migratory flows. The ease of travel and communication combined with networks in countries of destination have made migration a much easier and less costly experience for many. While migration is not a knew concept for humanity it is a much different experience now than it was even 20 years ago. In 2005 the global migrant population was 190 million people or 2.9 percent of the global population; double what is was 25 years ago.[91]

In Britain more than half a million people entered the country as long term migrants in 2006 and presently act as a driving force for population growth.[92] There were fears in Britain that the 'invasion' of 'Polish plumbers' would somehow affect British society after EU expansion, however, these fears have generally been somewhat reactionary or misguided. Only 16 percent of long term migration in 2005/06 originated from other EU member states while 26 percent of migrants were from the New Commonwealth.[93] Thus British growth is being fed mostly by traditional sources of migrants; commonwealth nations who have historical ties with Britain.

---

89 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat*. 2001 pg 3

90 Freeman, Gary P. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review*, Vol. 29, No. 4 1995 pg 883

91 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 2008 pg 9 and also the Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 788

92 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 2008 pg 3

93 *Ibid.*, pg 3

Direction of Flows

Europe has experienced three distinct phases of migration in the last century. A major causal effect of all three phases has been war or conflict leading to forced population movements. The First and Second World Wars resulted in massive population flows, in the east and west. More recently the Balkan conflicts led to creation of massive movements of people within Europe.

Historical factors have played a major a role in attracting migrants to particular destination countries, as do existing networks and state policies, although in recent years flows have become more diversified and less focused on traditional destination countries.

The historical experience of mass recruitment of Turkish and Moroccan workers in the 1960s and 1970s continue to play a role in influencing migration flows into particular countries. In particular family motives have been seen to determine two out of three moves to destination countries within the EU, in contrast to one out of four moves to other countries. In comparison there has been a shift seen where economic motives, educational opportunities and easy admission are often given as reasons for choosing destinations outside of the EU.[94]

In addition to the major flows there have also been sporadic movements, or waves, of migrants aside from the major shifts associated with war. Some examples would be the labour migrations in the late-1960s and the refugees flows which were caused by political issues in Czechoslovakia and Hungary in 1968 and 1956, respectively.[95] There have been other minor events as well but for the most part trends in migration show a decline in flows since the asylum crisis of 1992-3.[96](See Figure 1.2.5)

Perceived understanding of government policies may also affect destination country decisions. In particular changed to policies may have less of an impact on migration flows than the perception migrants have of policies themselves. Some authors have indicated that frequent regularization campaigns for undocumented migrants, as seen in

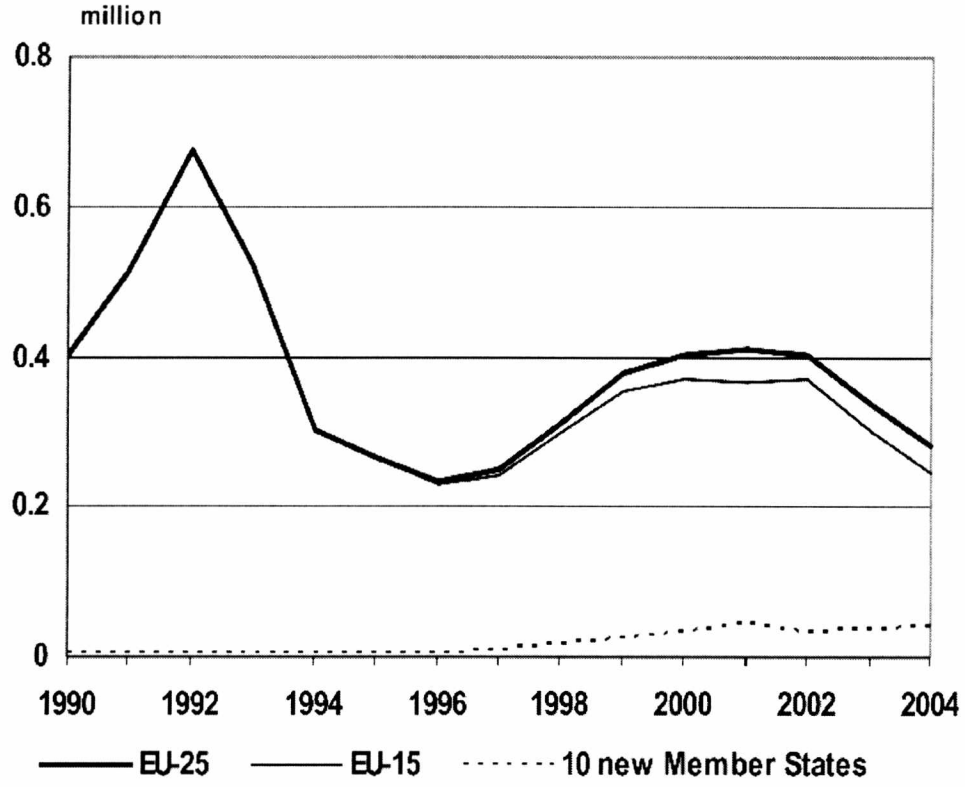
94 "Emigration from Turkey and Morocco is strongly EU oriented. However, this does not mean that Turkish and Moroccan migrants opt for the same EU countries. When looking at the top five destination countries for recent migrants, Turkey and Morocco have only France and the Netherlands in common. Germany (number one destination for Turks) and Austria (number two) do not attract Moroccans, whereas Italy (number two destination for Moroccans) and Spain (number three) do not attract Turks." Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat*. 2001 pg 3

95 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 1

96 *Ibid.*, pg 1

Italy and Spain, may encourage illegal migration into these countries, yet there is little data to support such a claim.[97]

Figure 1.2.5: Asylum applications in the EU, 1990-2004



Source: Population Statistics 2006

Fortress Europe

The Schengen zone was intended to create opportunities for citizens to move freely between member states while also strengthening the external borders. However, the creation of the Schengen zone has not substantially increased mobility within the union and internal migration remains minimal. Mobility is mainly seen among "European elites while workers and employees tend to remain in their country of origin."[98] The existence of informal internal borders most likely explains the lack of movement of individuals. Informal borders such as administrative, financial, cultural, linguistic and mental understandings form durable borders in the minds of individuals; rooting them to their place of birth.

97 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat.* 2001 pg 3

98 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 20

While internal borders may have been relaxed or even abolished within the Schengen zone member states have progressively strengthened their external borders. The creation of a 'fortress Europe' has resulted from the consolidation of external borders and their strengthening through mutual cooperation.[99] Allowing for freedom of movement within the fortress has forced members create common methods of dealing with outsiders, with common visa policies being only one example. Although, as yet, there is no common approach to migration within the European Union a variety of conventions and treaties deal with illegal activities, administrative procedures and the like that do form something like a common framework on migration.[100]

Network Formation

A major cause of continued migration flows into particular destination countries is the existence of migrant networks. Networks have been labelled by Massey as the "most important structural mechanism supporting cumulative causation in international migration."[101] A migrant network is composed of the links that bond people of similar backgrounds together, linking migrants, former migrants and non-migrants both in origin and destination countries.

Networks form over time as migrants build up connections and contacts from their home communities who have migrated to the same destination. In terms of economics it has been shown that the existence of migrant networks dramatically increase the likelihood of migrating to a given destination.[102] The existence of networks increase the likelihood of migration as they reduce the costs associated with migration; in monetary terms when it comes to finding employment, but also in psychological terms due to common cultural understandings and the formation of ethnic enclaves which are supportive for ethnic kin.

Public Perception

Governmental responses to migratory flows are often reactive instead of proactive and given that officials are elected by members of the public they often follow public

---

99 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 20

100 Discussed further in section 5.1

101 Massey, D. (1988), 'Economic Development and International Migration in Comparative Perspective', *Population and Development Review* 14(3), pg 396

102 *Ibid.*, pg 396-7

opinion closely.

As a result of this the impact of migration on policies is often out of proportion to the true size of migratory flows due to public perceptions. Public perception often skewed and presents migrants as a threat; migrants are often believed to increase employment competition, challenge religious, cultural or ethnic homogeneity or are seen a threat to national security.[103] Although these beliefs are often groundless they do have an impact upon the policy choices available to policy makers, influencing political discussions and influencing policymaking.[104]

Migration and Cross-border Crime

A variety of issues plague the debate revolving around migration. Specifically migration is often linked with cross-border crime even though they are separate issues. Issues of cross-border crime include smuggling, trafficking in human beings,[105] the narcotics trade and terrorism. Migration on the other hand is specific to the voluntary movement of people. While migration often occurs in conjunction with illegal activities, such as illegal entry and the use of smugglers it is too specific, for the most part, to be lumped together with cross border criminality.

Migration is a multifaceted issue, and does not necessarily cause or correspond with cross border crime. Migration involves a motivation driven by economic opportunities or for the purpose of asylum.[106] The issue of cross-border crime should be separated from migration as the flow of goods, such as stolen cars or drugs, do not generally relate to the movement of economic migrants. Although the traffic in human beings can easily be linked to illicit migratory flows it should be distinguished by the level of coercion involved. Transit migration and people smuggling has been seen to be more coercive and more often coordinated by criminal gangs who see it as a lucrative alternative to other activities.[107]

The tendency to link migratory flows with cross-border crime is a tricky issue; do migratory flows contribute to illicit behaviour by piggybacking off of existing illegal

103 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 6

104 See the recent case of Denmark as an example.

105 See definitions in Annex 1 for clarification on the terminology related to trafficking.

106 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000

107 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 522

methods of crossing borders, or do illegal activities flow from and expand due to the movement of people.

Border Control

Given that the there has been an increase in the complexity of migration flows over the past decades it is not surprising that some governments have attempted to reduce the likelihood of migrants entering European states by strengthening their borders.[108]

The EU spends incredible sums of money on the maintenance of a large number of border patrol staff. In comparison to the United States the European Union members collectively have a larger border patrol force. The US Bureau of Customs and Border Protection (CBP) has approximately 41,000 employees while Germany's Bundesgrenzschutz (Federal Border Police) is only slightly smaller at 40,000.[109] When all border patrols in Europe are combined the number is far greater. Fortress Europe exists to some extent considering the large number of border police there are. Collectively the EU has more control capacity than the US, yet, vast numbers of migrants continue to enter the union illegally.

The European Union has substantial capacity for monitoring and controlling its borders. With the advent of Schengen and the expansion of the Union to include more members there has been a shift from protecting the internal borders to the creation of a more unified internal security agenda. Comprising a wide range of policies, all the way from migration to transnational crime and asylum as well as police cooperation. Through the EU, border protection technology and practises have been exported to Central Eastern Europe strengthening the security of the Union as a whole.[110]

Prior to the expansion of the EU to include Central Eastern European (CEE) states the German Minister of the Interior, Manfred Kanther increased the number of border police along the Eastern German border to 5500, in 1996. In 1997 the same Minister expanded the border police to include another 1500 officers. The intention, ostensibly, was to secure Germany's border against any illegal entrants. This increase in border patrol officers appears a bit heavy handed in hindsight, with only 7000 individuals

108 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat.* 2001 pg 1

109 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 17

110 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000

attempting to cross the border in 1996 and 5000 of them being caught(up from 4000 in 1995).[111] The heavy security along the border would appear to be excessive.

The securitization of the Eastern Border of Germany led to an increase in the number of illegal migrants being channelled through the Baltic states and Scandinavia instead of through Germany's eastern border.[112] The effect of increasing the number of border officers has had the desired affect, blocking flows of migrants from entering across the eastern border of Germany. However, as a result of the increased vigilance migrants have been forced to turn to organized human traffickers, and pay as much as $5000 a head to be helped across the border. Thus increased security and ever stricter asylum laws have actually led to an increase in the use of smugglers.[113]

Regional Consultative Migration Processes

Over the past several decades there have been major changes to the way in which institutional structures have functioned, both at the local and intergovernmental level. Changes have led to the convergence of ideas, methods, interests and perspectives of actors in the field of migration. This convergence, it has been argued, should lead to common policies on migration, at the national, regional and international levels.[114]

One method for dealing with this convergence has been the creation of, and support for, regional consultative migration processes(RCMP). The emergence of RCMP has indicated a willingness of state actors to recognize that they can benefit from cooperation on migration issues.[115] It is no coincidence that these processes are non binding and informal in nature.

---

111 Bort, E. *The frontiers of Mitteleuropa: problems and opportunities at the eastern frontier of the European Union.* In Schengen still going strong: evaluation and update (Maastricht: EIPA , 2000) Monika den Boer, ed, pg 95

112 Bort, E. *The frontiers of Mitteleuropa: problems and opportunities at the eastern frontier of the European Union.* In Schengen still going strong: evaluation and update (Maastricht: EIPA , 2000) Monika den Boer, ed, pg 95

113Although it is impossible the know the number of illegal migrants entering the EU it is highly probable that by reducing access to member states, through the increased use of visa restrictions and the like, has led to an in increase in clandestine movements of people who are unable to enter legally. Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 2 and Bort, E. *The frontiers of Mitteleuropa: problems and opportunities at the eastern frontier of the European Union.* In Schengen still going strong: evaluation and update (Maastricht: EIPA , 2000) Monika den Boer, ed, pg 95

114 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 4

115 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 4-5

As several authors have indicated RCMP have three dominant characteristics which separate them from traditional forms of bilateral and multi-lateral co-operation: 1) discussions are of an informal nature; 2) conclusions drawn are non-binding; and 3) there is little if any administrative structure supporting their operation.[116] RCMP also function in parallel to other multilateral structures, such as the UN agencies and their regional bodies.

RCMP allow states to bring together a variety of perspectives related to migration while not forcing them to sign onto any specific policies, nor to guarantee any concrete outcome. Thus allowing states to take what they want without agreeing to provide anything in return. The flexibility of RCMP is a positive factor which allows for quiet discussions to proceed behind closed doors, building confidence and goodwill.

The role that RCMP have in policy formation are not obvious although they could easily be used in a variety of areas related to migration. The recent debates about how integration of migrants has failed, the inability of states to provide sufficient scope for cultural diversity, or states inability to recognize problems of socio economic inequalities between different ethnic groups could all be dealt with or at least discussed in the relative privacy of RCMP, perhaps leading to better state based solutions in the future.[117]

116 *Ibid.*, pg 5

117 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 537

1.2.1 Changes in stocks and flows in relation to EU Policies and Practises.

Immigration Control Policy

The act of allowing or disallowing entry to individuals or groups is a part of the sovereign right of states to control who is permitted to enter their territory. The act of allowing or disallowing entry is a part of immigration control policy, as is the tacit support of illicit flows through lax border controls. Immigration policy is composed of several factors; Immigration control policy (or regulation) monitors and controls the flows of incoming migrants, including their selection; Immigrant policy, or the conditions provided to resident immigrants, work visas, welfare provisions and educational options.[118] The distinction is important to make as control is related to monitoring and controlling flows, while policy itself is broad and includes benefits and governmental support provided to residents. However, in the main, this paper will focus primarily on immigration control policy, and at times uses the term immigration control policy and immigration policy interchangeably as it is often not well differentiated in the literature.

Some states have used immigrant policy to reduce pull factors, such as through the reduction in welfare payments or access to state resources available to migrant, thus (hopefully) reducing the likelihood that migrants would attempt to enter and take advantage of the system. Although most states have restricted access through the tightening of immigration control policies, such as through the imposition of visa restrictions.

Through the use of immigration policy states make specific choices in relation to what kinds of migrants they will accept and which they will not. However, states may also tacitly accept migrants which illegally enter the country, through lax border patrols for example. Illegal immigrants bypass border controls, ignoring restrictions and breaking laws for a variety of reasons. Illegal entrants may enter for illicit purposes, to subvert immigration controls which block legal channels or simply to avoid detection for fear of authorities.

Industrialized countries can, however, have an impact on illegal flows. A lack of

118 Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1246

sufficient border patrols allows, tacitly, for illegal entrants to gain access to countries, while a lack of internal controls, such as ID checks, or workplace controls can also be seen as supportive of illegal migrants.[119]

Changes in Policy Due to Historical Factors

One distinct difference between European states and other industrial states is the level to which they have historically been exposed to migratory flows. Settler societies built out of and by immigrants tend to favour permanent migration and are more supportive of diversity. In comparison, ethnic states where nationality is tied to shared ethnicity and nationality tend to oppose immigration.[120]

In Europe, national identity is often tied to locality, ethnicity and shared understandings. North America, Australia and other settler states see civic participation and shared beliefs in democratic ideals as forming national identity. As a result of the way people view their state and nationality individuals have greatly differing views on migration. Europeans reject ethnic diversity as immigrants are seen to threaten national unity. People from settler societies are generally more inclined to view diversity as a positive good for the community.[121]

European states did not experience massive inflows of migrants until after World War Two, and even then it was relatively limited in nature. Freeman has noted that "divergent immigration histories mold popular attitudes toward migration and ethnic heterogeneity and affect the institutionalization of migration policy and politics."[122] Affecting the long term policies and outcomes that arise from integration and expanding migrant populations.

The reality is that Europe has little experience with massive inflows of immigrants, as a result, embedded cultural concepts and shared identity preclude the idea that migrants can be equals. Yet there has been a significant shift in possibilities in the last several decades. In the 1970s and 1980s it would have been unthinkable for most people to envision the freedom of movement that exists across the EU today. The only

119 See *Ibid.*, pg 1245 for further elaboration of the effect of European (German approaches) in comparison to American approaches.
120 Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998
121 Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1254
122 Freeman in *Ibid.*, pg 1254

comparable situation where free movement across such distances existed would be "the pre-1962 Commonwealth, within which citizens from the former British Empire had the right to move freely: people from South Asia or the Caribbean could for example move without restrictions to the United Kingdom."[123] The world is moving towards an era of progressively greater freedom of movement.

Current Trends and Debates

Major topics today in the debate over migration have begun to focus, at least in Europe, on the problems of the demographic deficit. There is increasingly recognition of the idea that Europe will need to deal with issues related to replacement migration, to counteract the aging European population, while also finding skilled workers to help buoy the high tech sector and maintain long term growth.[124]

Europe has been experiencing an overall decline in population growth in the last several decades. Several countries have experienced modest growth of less than one percent, while only Ireland, Iceland, Luxembourg, Liechtenstein and San Marino have experienced higher than one percent growth, other European nations have seen negative growth (CEE).[125] The United Nations Population division has indicated that Europe can expect, somewhere between one million and thirteen million replacement migrants between now and 2050.[126] This large number seems improbable yet in reality it is not that unpractical at all. Without Turkey stopping as many as 50,000 illegal migrants per year between 1995 and 2004 Europe would have gained an additional half a million illegal migrants; from only one transit country. Currently the EU accepts anywhere from 1 to 2 million migrants per year as it is.(see figure 1.2.6)[127] It is not unreasonable to expect that Europe will continue with this trend over the next 25 years and accept an additional million migrants a year.

---

123 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 1

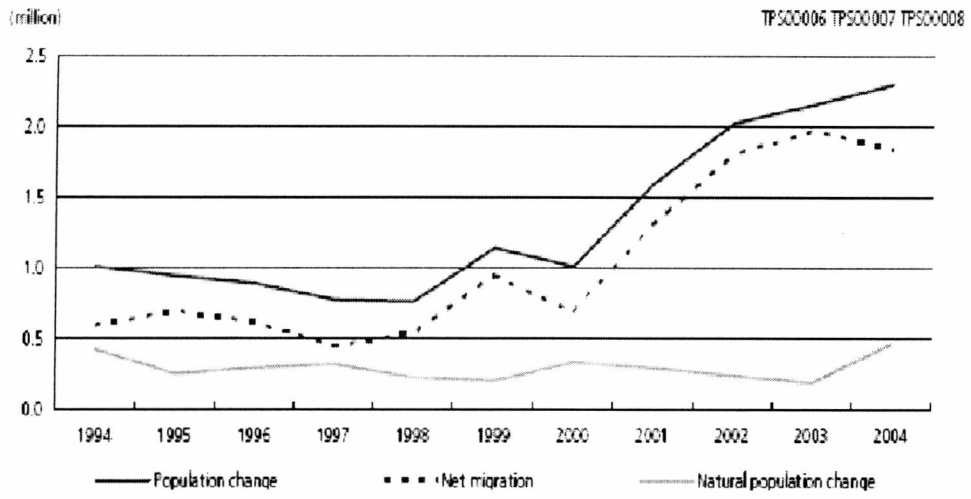
124 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 2

125 *Ibid.*, pg 2-3

126 *Ibid.*, pg 3

127 Ghai, DharKirisci, K. (2005), 'Reconciling refugee protection with efforts to combat irregular migration: the case of Turkey and the EU.', Technical report, Global Commission on International Migration.
Net migration in Europe over the past 10 years has been 13,935,538 Population statistics 2004

Figure 1.2.6: Population Change, net migration and natural population change, EU 25



Source: Eurostat yearbook 2006-07

Current trends in migration patterns are difficult to ascertain, however, as of 2000 there were 18.69 million foreign nationals resident in the EU states.[128] Of these eighteen and a half million, only 5.7 million, or 30 percent, were nationals of other EU states. John Salt has indicated that "the relative importance of other EU foreigners in EU states is fairly static, the comparative numbers for the two previous years [1998 and 1999] being 5.6 and 5.7 million (31.9 and 31.7 per cent)."[129] These numbers indicate that, proportionally, non-EU nationals have a large presence in the EU, although concentrations of foreign residents vary across countries.[130]

Migrants have been subjected to a segmented labour market in the past which limited their social mobility. "All too often, migrants are constrained in unattractive sectors of the economy and left to do the dirty work, in conditions characterized by precariousness, low wages and inexistent future perspectives."[131] Additionally migrant

128 Numbers are pre-enlargement and do not include clandestine or illegal migrants. "The pattern in Central and Eastern Europe is somewhat different. Data for the early 1990s are not available for most countries but figures for the last few years suggest not only a decline in rate of increase but in some countries a decrease in the foreign resident population has occurred." Salt, John. pg 7

129 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 9

130 "considerable diversity of foreign migrant origins that exists in Western Europe. In Luxembourg, Ireland, and Belgium, over half of the foreign population is from other EU countries; for Spain, UK, France and Sweden between a third and a half." Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 9

131 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 17

labourers have been excluded from society and left to exist on the edges of society, the *Banlieue* of Paris or major cities in the Netherlands are prime examples of the formation of 'ghettos' that perpetuate the exclusion and rejection of migrants.[132] Those who live in the *Banlieue* of Paris find it incredibly difficult to find work, simply due to the address they put on their applications.[133]

The formation of a stratified labour market has been shown to occur 'naturally' by the Dual Labour Market Theory as a product of changing opportunities, preferences and economic factors.[134] This segmentation or ghettoization, as it has been labelled by some authors, is currently being challenged by a variety of actors, however governments are the prime movers in this regard. Governments are beginning to recognize the need to make changes to how they deal with migrants, often by looking to member states for examples of good practise.

Ireland, the Celtic Tiger, based its phenomenal economic growth (in the 1990s) on the importation of highly skilled labour.[135] Other nations have taken note and have done the same. The UK has introduced policies which are meant to ease the entry of skilled migrants into the labour market, with a focus on medical workers, IT and the like. While Germany has introduced a 'green card' system to attract IT workers. Even though Germany has had trouble finding individuals capable of filling the requirements it is an example of changing modes of understanding. Governments are increasingly coming to grips with the reality that their economies depend on migrants heavily, and a diverse economy requires diversity of the labour force.[136]

Impact of Policies

Many studies have come to conflicting conclusions regarding the impact of government policy on asylum applicants. Some claim that policy affects asylum application levels, other claim no such affect exists: a brief overview of the conflicting claims follows.

In some cases it would appear that state based policy does have an affect on asylum

---

132 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 17

133 BBC (2005), 'France extends laws to curb riots', BBC Online.

134 See section 2.1 and Annex 2 for a more in depth look at theories applicable to migratory flows.

135 Battel, R. N. M. 'Ireland's "Celtic Tiger" Economy', *Science, Technology, & Human Values* 28(1), 2003 pg 93

136 It could be argued that educational projects are a more effective way to fill long term labour market conditions although there is no mention of the provision of training for migrants in the literature. Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 19

seekers behaviour. In the case of Switzerland it has been shown by Holzer et al that "unilateral policy deterrence strategies did have an effect when adopted".[137] However, policy did not have a significant effect on asylum seekers from certain states, notably the Former Yugoslavia. The argument of Holzer et al, are in direct contrast to the views of other authors such as Böcker & Havinga who have argued that "asylum policy and reception conditions are not dominant factors when explaining patterns of asylum seeker destination."[138]

It has been noted by others (Robinson & Segrott 2002) that the main factor influencing destination country in the west is the presence of family or friends in a western country, which supports the network hypothesis of migration flow determination. Other surveys have supported this claim and have indicated that often migrants and asylum seekers in the Netherlands and the UK generally have a weak understanding of polices in destination countries.[139] This contradicts any claims that asylum seekers or even migrants choose countries based on the lax policies.

Asylum policies appear to have less of an effect on asylum seekers than other factors. Authors have found that determining factors are more related, when it came to choosing a destination country, to the perceived chances of gaining access to a particular country. While in the case of one group(Tamil asylum seekers), the provision of public assistance, housing, social security payments, or jobs formed a much larger part in the destination decision.[140] Thus some authors might conclude that state policy can have a substantial impact upon asylum seekers if the asylum seekers perceive some benefit to stem from those policies. Yet in reality flows are incredibly diverse and broad assumptions should not be made from small scale surveys. In addition it must be noted that all authors have used data based on surveys of asylum seekers who successfully entered the states in question (of importance given the restrictions in place to prevent such entry). Perhaps biasing data toward those who, a) evaded security controls, or b) had contacts who helped them enter.

Shifts in Points of Entry

The EU had increased surveillance and strengthened external security along the EU

137 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 10
138 *Ibid.*, pg 10
139 See Collyer's, Robinson & Segrott 2002, Brink & Pasariboe, 1993 in *Ibid.*, pg 10
140 *Ibid.*, pg 10

borders and has even created a unified information system to track unwanted migrants. This system was created in the interest of gathering further information related to illegal flows so as to better understand and track developments over time.

Due to the number of unwanted foreigners in Europe the EU has put together the European Information System (EIS) which will contain the particulars of 800,000 or more unwanted foreigners.[141] Much like the Schengen Information System the EIS will allow border patrol and customs agents quick access to a centralized database containing information regarding illegal entrants and rejected individuals.

Specialists have indicated that, despite media attention, there is little evidence of a rise in the actual flows of illegal entrants. Yet the number of illegal migrants living and working within the EU is significant.[142] Some authors have indicated that illegal migration is on the rise (Convoy and Kupiszewski) while others have indicated that there is little evidence to support an actual rise in the number of entrants (Salt).

Authors, media and state actors have presented illegal migrants as a 'threat' to societies. Convoy and Kupiszewski claim that the mirage of lucrative employment draws potential migrants to Europe driving them to cross borders in droves.[143] The siege mentality presented by these authors' matches closely with the claims of journalists from across the EU who expressed fear of the 'soft underbelly' of the EU letting in too many illegal migrants.[144] In reality there is no such siege under way, flows shift and adapt, routes are ever changing and migrants continually make attempts to enter the EU. Specialists such as John Salt have indicated "there is no hard evidence that illegal and unrecorded migration is strongly on the increase."[145]

Impact of Policy Choices

European policies toward asylum seekers has become progressively harsher, progressively reducing access to Europe for many. Through the use of visa restrictions and carrier sanctions nations have made it increasingly difficult for asylum applicants, and migrants in general, to even enter destination states.[146]

---

141 Convey, Andrew., Kupiszewski, Marek. "Keeping up with Schengen: Migration and Policy in the European Union." International Migration Review, Vol. 29, No. 4. 1995 pg 949

142 "some 300,000 illegal African immigrants are estimated to be working in Spain" *Ibid.*, pg 948-949

143 *Ibid.*, pg 948-949

144 Huntoon, L. 'Immigration to Spain: Implications for a Unified European Union Immigration Policy', *International Migration Review* 32(2), 1998 pg 424

145 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 32

146 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of

Airline carrier sanctions, which force airlines to disallow individuals not holding valid visas from boarding their airlines at points of departure effectively bar the majority of potential asylum applicants from ever entering the EU. Carrier sanctions and visa restrictions thus force asylum seekers to circumvent traditional points of entry; effectively forcing them to take long and dangerous routes to potential destination countries.[147]

The impact of asylum policies, safe third country legislation and the like have transformed Central and Eastern European Countries (CEEC) into an asylum 'buffer zone'.[148] Asylum seekers and other transiting migrants are increasingly being forced to stay for extended periods of time in the CEEC. Some migrants may even see CEEC as points of destination, or at least long term stop off points in their journeys to the west. Some research from Turkey has even shown that migrants take up to four years to transit from point to point.[149]

States in Europe have been applying increasingly stricter conditions on the entry and acceptance of asylum seekers. The policies of territorial exclusion that European states have imposed on asylum seekers (such as safe third country regulations, carrier sanctions, and visa requirements) have all led to an increase in the number of asylum seekers using agents to gain access to Western Europe. As many as 72 percent of asylum seekers in the UK have employed agents to aid them flee their home country.[150] In the case of Yugoslav asylum seekers there was a substantial reduction in the number of applicants, from 5.635 to 1,830, between only 1992 and 1993 after visa restrictions were imposed in Switzerland. Similar results have been seen in France after the imposition of strong policy measures in the late eighties and early nineties. The restrictions imposed upon individuals, through carrier sanctions, visa restrictions or restrictive asylum policies has been shown to push asylum seekers and other migrants towards the use of agents.[151]

The use of agents is a fairly important issue as their usage imposes a considerable strain upon the financial resources of asylum seekers while also increasing the vulnerability of

---

key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 11

147 *Ibid.*, pg 11

148 *Ibid.*, pg 12

149 Juhász, 2000: p.221; Okólski, 2000 in *Ibid.*, pg 12

150 Bateman, 2002 in Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 8

151 *Ibid.*, pg 23

already vulnerable people. Abuse by agents, theft of valuables, dumping in countries in transit, the imposition of additional payments or even worse, death are some of the risks that asylum seekers face when employing the services of agents.[152]

Studies vary in their findings, however, it would appear that agents play a comparatively major role in determining destination countries for asylum seekers. Agents have, for the most part, a better understanding of asylum policies, travel routes, and destination countries than asylum seekers and thus are able to influence the choices asylum seekers have; if they have any choice.[153]

Agents most likely have a much stronger influence over destination countries when the asylum seeker lacks information or has not already selected a destination country. There is evidence the indicates that in the case of 27 refugees trafficked to the UK "agent[s] played an important if not decisive role in determining the destination."[154] In other cases some groups have preselected destination countries in mind when fleeing while others do not. In the case of Kurds fleeing Turkey and Iraq those from Turkey generally preselected the UK as a destination of choice, while Kurds from Iraq had limited knowledge of destinations thus "in practice agents determined the[ir] destination."[155]

Permanent Settlement

There is an argument that government actions and polices have a direct impact on the number of migrants who settle within a country. The imposition of strict regulation of migrant flows has been seen to result in long-term settlement by migrants, while in contrast, a more flexible approach wherein migrants are allowed return visits home prevents long-term settlement from occurring, or at least reduces the numbers who settle permanently. Some authors have argued that evidence "in Germany suggest that the tightening of reentry requirements for migrant workers may have inadvertently increased settlement."[156] This is due to the fact that migrants stay longer in the host country as they fear reentry will be impossible, as such they use family reunification as a means to be with their families, instead of returning home.

152"For example, the discovery of 58 dead Chinese at Dover Docks in June 2000 tragically illustrates these dangers " *Ibid.*, pg 8

153"It should also be remembered that our current knowledge regarding agents and trafficking is still largely speculative (Salt & Hogarth, 2000: p.14)" *Ibid.*, pg 8

154 *Ibid.*, pg 8

155 *Ibid.*, pg 8

156 Huntoon, L. 'Immigration to Spain: Implications for a Unified European Union Immigration Policy', *International Migration Review* 32(2), 1998 pg 446

Conversely some authors have stressed the changing patterns of migration as of late. There is a stress on the complexity or the 'mosaic' of relatively short term movements of individuals related to what is deemed 'labour tourism', whereby individuals shuttle back and forth across borders to make a living. While this type of migration are not traditionally "regarded as migration, such movements have forced themselves into the migration lexicon simply as a result of their volume, economic importance and novelty."[157] These short term migrants may be lumped together with those who Okolski labels as 'incomplete migrants', those migrants who have 'loose social status, 'irregularity of stay' in a host country and maintain a home in their country of origin. Incomplete migrants may cross borders daily, weekly or less often depending on their employment but in general spend a significant amount of time away in a foreign country.[158]

The changing nature of migrants has a profound impact on how effective government policies may be in the long term. The imposition of strict control on migrant movements, and border controls may fuel the creation of migrant settlements, while looser controls may lead to incomplete or circular migration flows of continuous or repeat migrants.

157 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 13
158 *Ibid.*, pg 13

1.2.2 Past Policies of the European Union and Member States (an overview)

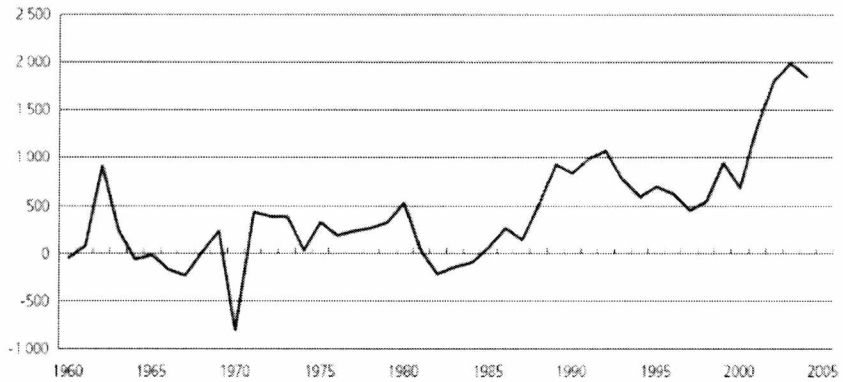
Europe has historically relegated immigrants to the fringes of society, not dealing with them in practical terms nor acting pro-actively when faced with potential inflows. The majority of European legislation and policy making has been reactive in form and nature.

Labour migrants have been allowed and even legitimated and legalized, after the fact, in countries such as the Netherlands, Italy and Spain since the 1970s. Migrants who have been invited to work, in the German case, and then expected to leave have not left. Leading to the establishment of sizable populations of non-locals in many cities in Europe. These non-locals have since brought their families to stay with them and many have become naturalized citizens others have not.

The size of the non-local populations has risen dramatically in recent years, leading to the fear of an invasion and reactive policies meant to stem the flow of incomers. Yet massive flows which Europeans fear have not materialized from the east or anywhere else flows have been relatively stable(figure 1.2.7). However, the population of non-locals has expanded rapidly for a variety of reasons that even government policies can not easily prevent such as family reunification, demographic changes due to high birthrates and the needs of businesses.

European states have imposed a variety of measures meant to reduce the flow or even prevent the entry of migrants. Occasionally these policies of the past have been

Figure 1.2.7: Net Migration (including corrections) EU 25



Source: Eurostat yearbook 2006-07

somewhat successful, while in other cases they have not been successful at stemming the flows. Those that wish to see the 'Fortress Europe' image become a reality in Europe fail to realize that a 'white' Fortress is not possible when the majority of population growth in Europe is due to the expansion of the migrant population.[159]

Exclusionary Policies

Countries across the EU have tightened legislation in an attempt to prevent asylum seekers and migrant workers from settling within their territories. Readmission agreements, visa restrictions, legislation and even constitutional rights have been modified in an attempt to suppress or prevent entry of third country nationals.

Germany has long been a dominant recipient of asylum seekers as well as migrant workers. Due to Germany's constitutional right to asylum many individuals were able to gain status and live out their lives in Germany. However, due the high numbers of asylum seekers that entered Germany as a result of the 'right to return' there was a corresponding tightening of the asylum policies as early as 1981 when asylum seekers were prevented from receiving work permits for the first two years of their stay in the country. Later, in 1993 the constitutional right to asylum was abolished entirely, resulting in a dramatic decrease in the number of asylum applications.[160]

In addition to the exclusion of asylum seekers, Germany also signed readmission agreements with Romania and Bulgaria in 1992 and 1994, respectively. Readmission agreements ensure that rejected applicants, or undesirables will be re-accepted by their home country without undue delay.[161] These policies along with the labelling of neighbouring countries as 'safe third countries' effectively stemmed the flow of asylum seekers in Germany.

In a similar vein, the Netherlands has experienced a rise in the number of asylum seekers in recent years. The number of asylum seekers rose from 22,170 in 1996 to 43,900 in 2000 prompting the passage of tough legislation in 2001. The legislation put into place in the Netherlands has been characterized by the acceleration of decision

---

159Adapted from the concept expressed by Richard Black in "The Geopolitics of International Migration in Europe: Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 72

160 The case of the 'right to return' relates primarily to German citizens and their offspring who had been displaced due to resettlement after WW 2. Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 24

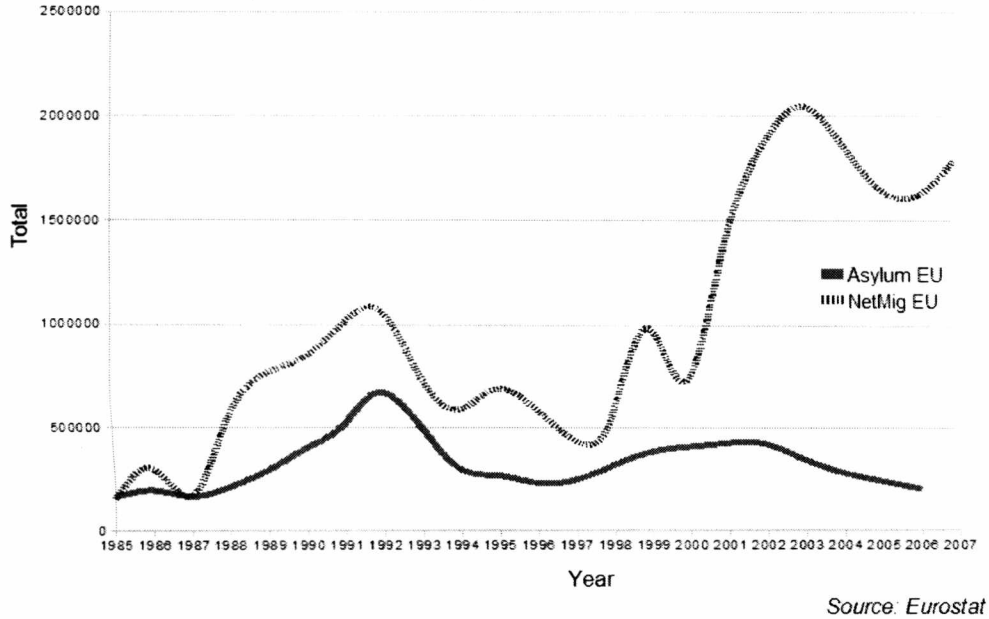
161 *Ibid.*, pg 24

making procedures, leading to applications being rejected or accepted within five to six days.[162] This accelerated policy alone has most likely been the cause of the sudden drop in applications seen between 2001 and 2002; from 32,580 applications in 2001 to only 18,665 in 2002.[163]

The UK has had similar policies put into place as the Netherlands while they have also extended exclusion into the realm of the welfare state. In an attempt to reduce the attractiveness of the UK as a destination country there has been increasing use of legislation which reinforces the exclusion of asylum seekers from citizenship rights and access to the welfare state. Prior to the 1990s all asylum seekers and refugees has access to the welfare state, to the same degree as British citizens. However, legislation in 1993, 1996, 1999 and 2002 has consistently attempted to prevent or restrict access to the welfare state by asylum seekers although policies have seen limited success.[164]

Some of these policies have been wildly successful in reducing the number of claimants, however, while the legitimate number of entrants and asylum seekers to EU member states may have declined, total entrants to the EU have not. Those who wish to enter will, no matter what the legal hurdles may be.(see Figure 1.2.8)

Figure 1.2.8: Asylum vrs Net Migration EU, 1985-2007



Source: Eurostat

162 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 24
163 *Ibid.*, pg 24
164 *Ibid.*, pg 43

Selective Entry

The European Union have unified its legal framework related to the exclusion of particular migrants. Collective measures of exclusion work most effectively in controlling the flow of migrants as they limit the legal options available to all potential migrants, curtailing their ability to shop around. The EU has adopted a collective policy of "selectively adopting deserving strangers (i.e., political refugees) and selectively excluding immigrants from without the Community."[165]

These unified policies have been successful in regards to legal entrants but there is still the issue of illegal immigration which needs to be controlled. Even given the continued flow of illegal migrants there is no collective drive to reduce the push factors that cause migrants to enter the EU. Some authors have expressed the need for social polices to be put into place that could "dissuade potential immigrants by improving their living conditions at home"[166] however such ideas are only just beginning to gain acceptance at a wider EU level.

Policies to Reduce Entry Options – carrier Sanctions

Many nations have imposed a litany of strict requirements on particular nationalities in recent years. Often states have a policy of closed doors for some nations, requiring difficult to obtain visas before arrival. Many states have begun to impose fines upon passenger carriers who transport people across borders by air or sea. These carrier sanctions force airlines or transporters to verify that their passengers have valid visas or ID documents before boarding, failure to ensure adequate documentation of passengers leads to stiff fines. In the case of the UK charges of £2000 per passenger have been levied in some cases. Specifically, in the case of the cross-channel Hoverspeed Company the government fined the company £484,000 between 1987 and 1992 for transporting individuals who lacked adequate documentation.[167]

The practise and the use of carrier sanctions has been imposed by many countries with the intent of making it difficult for asylum seekers to gain entry to countries of

---

165"rather than sending them across the border to the next country as has been the custom ever since premodern times when parishes tried to unburden their vagrants upon their neighbors." Swaan, Abram de "The Receding Prospects for Transnational Social Policy." Theory and Society, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 Pg 565-566

166 *Ibid.*, Pg 565-566

167 Convey, A. & Kupiszewski, M. 'Keeping up with Schengen: Migration and Policy in the European Union', *International Migration Review* 29(4) 1995 pg 945

destination. Indeed the Schengen accord requires that carriers check the validity of documents of travellers and if an individual is rejected by a EU country the carrier is required to take the individual back to their place of origin.[168] Some authors have expressed dismay that nations have shifted responsibility to private companies, who now, in effect, decide if an individual can apply for asylum or not. The imposition of such requirements shifts the burden of responsibility unfairly upon non-state actors.

In addition to carrier sanctions Member states unified their visa policies in the interest of preventing visitors from 'shopping around' in other European states with more liberal visa policies.[169] The use of country of first entry legislation is intended to prevent abuse of the asylum system, through multiple applications, while it is also intended to spread the burden of asylum cases across the EU in the interest of reducing pressure on major destination countries.

The Netherlands

The case of the Netherlands is an excellent example of how European nations have begun to restrict the options available to asylum seekers and migrants alike. Migration was not a significant issue in the past as it was generally conceived as being composed of temporary migrants. Over time however, the reality changed and the number of migrants in the Netherlands has skyrocketed in recent years. Migrants now make up a large majority in many major cities in the Netherlands.

In the Netherlands the belief that migrants (especially those who had originally entered the country as guest workers) had a disproportionate need for benefits provided by the social security system led to the belief that illegal migrants might also claim benefits. This misconception led to the creation of the exclusion law (*koppelingswet*) in 1998.[170] The law was meant to prevent people who were non-residents from having access to state provided benefits. The law required that providers of public goods verify the legal status of anyone using government provided services and deny them such services if they were non-residents.[171]

This exclusion law was somewhat ineffective as providers of public services and even

168 Convey, A. & Kupiszewski, M. 'Keeping up with Schengen: Migration and Policy in the European Union', *International Migration Review* 29(4) 1995 pg 945

169 *Ibid.*, pg 947

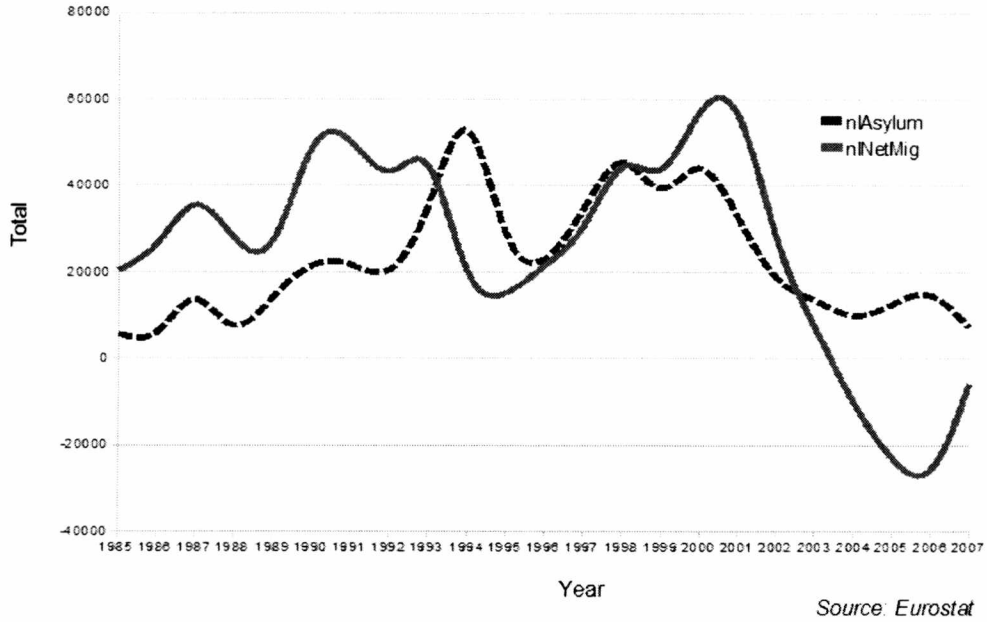
170 Doomernik, J. 'The state of multiculturalism in the Netherlands.', *Canadian Diversity/Diversité Canadienne, Vol. 4.* 2005 pg 33

171 Doctors and teachers did not have to follow this requirement.

municipalities often failed to implement the policy or to terminate public housing or income.[172] This reluctance has extended from illegals to asylum seekers, significantly eroding the effectiveness of the program, even though it would only have affected a limited number of individuals in the first place.

Authorities in the Netherlands have been relatively strict in relation to aliens.[173] In the late 1990s the Aliens law was seen to be ineffective in its intents, leading the government to enact a new law in 2001 which abolished the right to appeal for rejected asylum seekers.[174] This law was quite effective in reducing the number of successful claims(by more than half), and led to a reduction in the number of asylum requests.[175] (See Figure 1.2.9)

Figure 1.2.9: Asylum vrs Net Migration the Netherlands, 1985-2007



Source: Eurostat

The Netherlands has also instituted strict admission guidelines for any prospective migrant who comes from outside the EU. Integration requirements for applicants from outside the EU are stiff and require a knowledge of Dutch, which is tested at consulates prior to visas being granted.[176] Thus restricting even family reunification from occurring

172 Doomernik, J. 'The state of multiculturalism in the Netherlands.', *Canadian Diversity/Diversité Canadienne, Vol. 4.* 2005 pg 33

173 Term used to describe foreign born individuals in the Netherlands.

174 Doomernik, J. 'The state of multiculturalism in the Netherlands.', *Canadian Diversity/Diversité Canadienne, Vol. 4.* 2005 pg 33

175 *Ibid.*, pg 33

176 *Ibid.*, pg 34

in some instances.

Governments have attempted to reduce the burden that asylum procedures place on state resources. The cost of, and time taken, to process claims has been significantly reduced in some states in the interest of reducing costs related to assisting asylum seekers for the duration of their claims process. Policy measures have been implemented almost universally in the EU to reduce the number of bogus(non-genuine) asylum claims while also streamlining the procedures of status determination.

Some of these procedural changes which, when combined with the enforcement of return of rejected asylum seekers, has led to a reduction in the number of claims. However, the streamlining of asylum procedures has been fraught with difficulty. Some activists claim that tight deadlines prevent adequate legal counselling of asylum claimants. The streamlining of procedures has also often resulted in the rejection of bona fide refugees due to non-compliance as time constraints are overly stringent.[177] Others have indicated that the streamlining of applications will undoubtedly impinge upon the rights of refugees.[178]

UK

The UK has acted as an example for other states in many cases when it comes to restrictive policies targeting migrants and asylum seekers. This is the case in regards to; restricting access to public services, imposing mandatory dispersed settlement and forcibly deporting failed asylum seekers and illegal migrants. The UK has also been at the forefront of attempts to close the Sangatte Red Cross Centre in Northern France, which was seen as a source of illegal immigrants bound for the UK.[179] Yet, not all of the policies instituted by the UK have been restrictive in nature.

In 2002 Britain instituted a program intended to recruit highly skilled migrants. This policy is considerably lax in comparison to past policies. Applicants with an advanced degree, three years of work experience and who can prove an annual income of £40,000 are not required to have a prior job offer, as normally required by law.[180] This policy is

177 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 24

178 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 541-542

179 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 616

180 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 618

excellent for those who are highly skilled, and who come from relatively wealthy countries. Yet it excludes those who can not prove an income of £40,000, an unimaginable sum in most countries, even for doctors and lawyers. Even this progressive policy unfairly excludes those highly skilled workers who come from poor developing countries.

Spain

Spain has wide regional variations in labour demand, much like in the rest of Europe, and as a result has concentrations of migrants in several areas. In Spain's industrial regions such as Barcelona and Madrid there is a large subpopulation of migrants employed in the low-skilled industrial and service sectors, whereas in regions such as Almeria there is a heavy reliance on migrant field workers. Such regional clustering of migrants along occupational and ethnic lines is consistent with understandings regarding network creation as well as historical flows.[181]

Spain has made efforts to better control the flow of migrants entering its borders, however, unauthorized entry is a chronic issue, particularly for Spain which is geographically proximate to a major source and transit country, Morocco. Spain has taken a relatively diverse approach to the issue of migrant labour. Aside from tightening entry requirements for Moroccans and insisting that Moroccans have a visa to enter Spain or work permits for longer stays, Spain has also implemented a policy of development aid aimed at "forestall[ing] outmigration from Morocco to Spain."[182] A progressive approach that may be interpreted as a response to EU wide pressures to control migration. In any case the implementation of a development program intended to improve the living conditions of potential migrants is a very progressive move on the part of the Spanish government and should be emulated by other member states.

The control of unauthorized entry is a major concern, not only for Spain but for many European nations. Morocco is a major transit point for sub-Saharan Africans attempting to enter the EU.[183] In the interest of security Spain is committed to reducing unauthorized migrants flows, however, due to its geographic proximity to Morocco it encounters a range of difficulties in reducing illegal flows. Not least is the sheer number

181 Huntoon, L. 'Immigration to Spain: Implications for a Unified European Union Immigration Policy', *International Migration Review* 32(2), 1998 pg 437

182 *Ibid.*, pg 439

183 Huntoon, L. 'Immigration to Spain: Implications for a Unified European Union Immigration Policy', *International Migration Review* 32(2), 1998 pg 439

of illegal's who make the attempt.

Additionally, the Spanish economy is heavily dependent on unskilled labour. If unskilled workers are not permitted to enter the country spot labour shortages would undoubtedly occur. The need for labourers in many low end sectors of the Spanish economy puts the government in the position of having to block illegal flows while concurrently recruiting unskilled migrants. A side effect of the lack of registered unskilled workers is the growth of the grey, or informal employment market, as "as small employers continue to duck regulations due to a lack of administrative control."[184]

The Spanish government has competing interests at stake when dealing with migration. There is a need to secure the borders while at the same time the market demands low skilled migrant workers for positions that Spaniards do not wish to fill. The use of progressive policies focused on development aid is an example of positive preemptive action on the part of the relevant authorities. Such positive social policy aimed at preventing immigration into the European Union has been supported by those campaigning for social justice.[185]

Incentive Reduction

Several governments have attempted to reduce so called 'incentives' that are believed to draw migrants and asylum seekers to their countries. These incentive reduction programs, pioneered by the British, have been meant to reduce the number of people requesting asylum.

The British attempt to remove the economic incentive for asylum seekers, by removing their benefits, played almost no role in reducing the number of asylum applications throughout the 90s. The failure of 'incentive reduction' policies has been explained as being due to the fact that individuals do not necessarily know about the benefits available in the UK before arrival.[186] Thus the removal of benefits do not have a significant impact upon prospective asylum seekers. In addition the Government recently got a slap in the face as the High Court "ruled that local authorities had a duty to support asylum seekers not receiving benefits under the 1948 National Assistance

184 *Ibid.*, pg 445

185 Swaan, Abram de "The Receding Prospects for Transnational Social Policy." Theory and Society, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 Pg 567

186 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 43

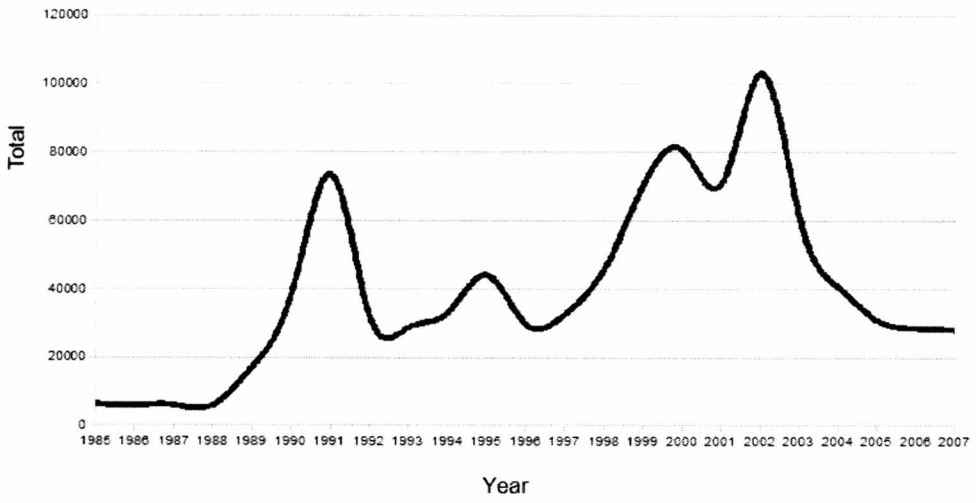
Act."[187] Reducing any affect the incentive reduction program may have had if legislation were left in place reducing access. Either way even before the ruling of the High Court the number of applications for asylum did not decline, but increased.

Migrants and asylum seekers often decide on a destination en-route if they do not already have a preconceived destination in mind, due to connections or family ties. Rarely is it the case that migrants and asylum seekers choose destinations based on benefits available, if anything they base their choices on perceptions not truths or facts.

Table 1. Asylum applications in Britain.

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
UK	16775	38200	73400	32300	28500	32830	43965	29640	32500	46015	71160	80315	71365	103080	60045	40625	30840	28320	27905

Figure 1.2.10: Asylum applications in the UK, 1985-2007



Source: Eurostat

The impact of differing policies on migration has been varied in the past with migration flows being affected by a multitude of factors. There was a sharp decline in flows of migrants after the 1973 oil crisis due primarily to high unemployment in western nations and the consequent tightening of admission policies, along with the cancellation of recruitment campaigns.[188]

187 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 43

188 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 3

Ad hoc Measures

European states have been increasingly innovative in their attempts to reduce the number of asylum cases and consequently the number of refugees that they accept. Temporary forms of protection have become the norm for many European states and with increasing integration at the EU level there will undoubtedly be an increase in the usage of temporary forms of protection.

Temporary forms of protection were established in the 1990s in response to the Croatian and Bosnian conflicts. At the height of the so called asylum crisis European states responded by creating what they called 'temporary forms of protection'. This provisional protection was intended to provide status and protection for 'at risk' individuals until the end of conflict in the region of origin and their ultimate return to their home country, they were never intended to provide long term protection.[189] The use of temporary forms of protection are beneficial for particular groups who benefit from almost immediate protected status, but fails to provide long term stability for those who choose not to return to their country of origin. Additionally, the granting of provision status does not allow states to ignore their requirements under international law to assess the claims of individuals fleeing for other reasons than localized conflict in a location close to Europe.[190]

European nations have come up with a variety of creative solutions to the 'problem' of migratory flows. Some are intended for specific groups such as refugees while others are intended to block the entry of economic migrants or illegal's. There have been some projects intent on making living conditions in countries of origin more attractive but have seen limited success. Many European solutions to migration have not necessarily been effective and may, in fact, have led to an increase in illegal entrants to the EU.

Creative solutions to issues of large scale refugee flows, for example, include the provision of 'temporary protection' to refugees which allow them to reside only for a short time in Western states, with the understanding that they will 'go home' eventually. Instead of granting refugees permanent protection states have begun to host refugees temporarily. With the full intention of sending them back at the end of hostilities in their

189 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 542

190 Temporary forms of protection have been used extensively recently, particularly for those coming from the Balkans in the 90s, although their usage has increased- see *Ibid.*,

country of origin.[191] In practise temporary protection often leads to more permanent settlement. An example of this permanency is the case of Bosnians who were granted temporary status and then later were de-facto regularized by all European states except for Germany.[192]

The advent of temporary protection is not necessarily an entirely negative event. Temporary protection is often applied to a large group of individuals, allowing for rapid entry and the provision of relativity secure status. This is preferable in many cases to illegal status or even the uncertainty of asylum application processes. While temporary protection provides some semblance of stability and security for those fleeing chaos or instability.

A similar creation of Western states, albeit a entirely different approach, has been the development and use of 'safe havens' or 'safe areas' in conflict zones. Instead of allowing those who are fleeing conflict from entering western states, there has been the creation of 'safe areas' where civilians can be monitored and 'protected' by UN soldiers. These 'safe areas' are, lamentably, not always safe "as witnessed in Srebrenica when Bosnian Serb forces killed 7,000 in 1995"[193]

The use of the UN High Commissioner for Refugees (UNHCR) as a proxy is tantamount to the outsourcing of refugee management. Instead of allowing refugees to settle and integrate into national economies Western states are continuously shifting the burden to other actors, third countries which lack adequate resources, or the UNHCR which, with a limited budget, must process refugees from around the globe.

Western states have also begun to shift responsibility for dealing with potential refugees to regions of origin, not only through tradition methods such as support of the UNHCR, but also through what is called 'protection in the region'. Western states support refugee producing nations both politically and economically with the intention of building their capacity to host refugees and also "so that these persons [do] not use illegal means to reach the shores of IGC states or in the case of Europe, its neighbouring periphery."[194] 'Protection in the region' approaches essentially shift the burden from rich western

191 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 5

192 *Ibid.*, pg 5

193 *Ibid.*, pg 5

194 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 12

nations to states that are less capable financially and often less than stable.[195]

Double Standards

The creation of the Schengen zone has not been without opponents, nor without contention. The imposition of visa's and restrictions on movement for specific countries has led to claims that double standards exist within the EU. Visa restrictions have also led to resentment of minority groups and their further marginalization within Central and Eastern European states.

Many in Bulgaria and Romania perceive that visa restrictions were only put in place to prevent a flood of the Romani minority from 'invading' the West. The same has occurred in the case of Slovakia where the UK imposed visa restrictions in the 1990's due to an influx of Roma asylum seekers. The imposition of visa restrictions has posed a problem in two regards; perceptions have led to further discrimination, and member states have been accused of double standards in regards.

The perception of the majority population that visas have been imposed upon them due to the minority has led to further discrimination, thus leading to further pressure to migrate. Double standards are at play when EU Member States demand better treatment for minorities, yet do not allow them to enter the west nor want them to. These factors may cause "such restrictive policies to be counterproductive"[196] as they breed further resentment and racism in source countries.

Impacts

The various attempts by European nations to limit access to migrants and asylum seekers have experienced varying levels of success. Some policies have been successful in curbing flows, others have had little or no impact.(see figure 1.2.11) The largest impact that the majority of government policies have had is the further marginalization of ethnic minorities, who are now more likely to be subject to discrimination or random identity checks.[197] Many people believe that migration will lead to the mobilization of

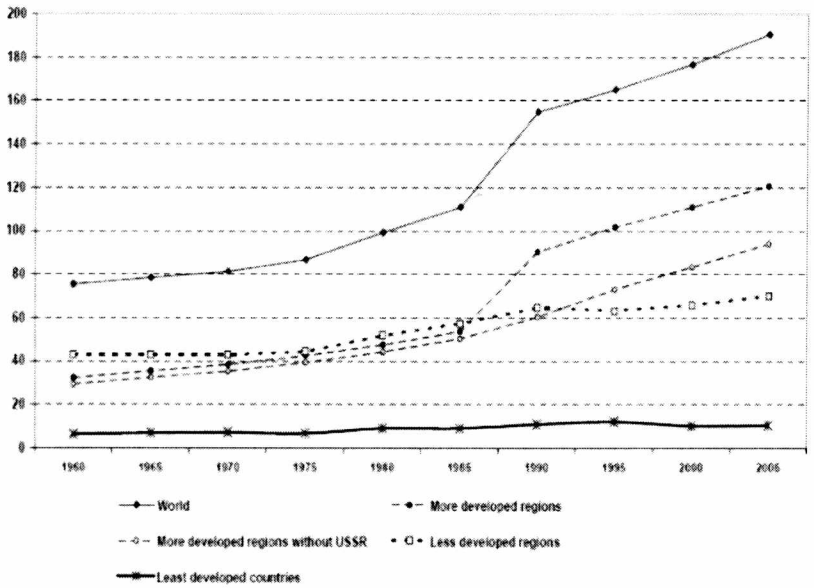
195 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 12

196 Grabbe, H. (Jul., 2000), 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* **76**(3), pg 533

197 Black, R. 'The Geopolitics of International Migration in Europe Immigration and Social Justice: Towards a Progressive European Immigration Policy', *Transactions of the Institute of British Geographers* 21(1), 1996 pg 72

anti-immigrant groups or the rise of populists and right wing groups; the reality is that the correlation between xenophobia and immigration is not clear cut. In some communities very few immigrants may lead to disproportionate responses while in others a comparatively large immigrant presence has little impact.[198]

Figure 1.2.11: Trends in the number of international migrants for the world and major development groups, 1960-2005



Source: UN Migrant Stock Documentation 2005

The freedom of movement that European nations have embraced through Schengen may in fact lead to the removal of boundaries, both at the state and psychological levels. Some authors have noted that "border controls indirectly feed racism: they fuel the idea that foreigners and foreign-looking people are undesirable, thus casting doubts on the right of documented and naturalized migrants to live in receiving societies."[199] With the removal of state level boundaries perhaps the level of racism may decline as well, as people internalize the concept of open borders. Perhaps there will be a deconstruction of the boundaries that separate ethnicities and jeopardize migrants access to joining communities, perhaps social cohesion will be strengthened as individuals accept the changes that open borders bring.[200] Perhaps not, as internal borders created by shared

198 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 15

199 Teresa Hayter in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 15

200Adapted from arguments expressed by Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 15

history, culture and language live on in people's minds.

Crisis Management

European policy towards asylum and migration has generally been reactive, rather than proactive, in the past. Yet measures intended to integrate current immigrants while preventing the entry of other migrants have seen mixed success.[201] There is a need to look at other options, different policy options and new models for understanding migration.

Policies in Europe vary across states, and while they are continuously becoming more similar, or even identical under EU legislation, their impacts have not been uniform across the EU. John Salt has indicated that policies in Europe have risen up in a reactive not proactive way, they have been characterized by crisis management and are not consistent. Most policies across the EU were developed in member states in parallel without consideration for their integration, and as a result policies of labour and family reunification are not integrated with asylum policies, nor are measures related to trafficking. European policies are failing because they "currently address a series of issues separately: labour; family reunion and formation; asylum; trafficking and illegal flows; integration."[202] At the same time each of the states have different policies regarding return, regularization and prevention of flows. Disjointed polices can not be affective at a European level and must be dealt with under comprehensive European legislation.

Regularization of illegal workers have been a dominant policy choice for many countries who have used regularization as a means of legalizing undocumented workers. Italy has implemented regularization programs in 1981, 1986 and 1990 while Spain followed suit in 1985 and 1991. The option to regularize has been only "modestly successful in persuading the undocumented population to come forward while there is some evidence that they provoked further illegal migration".[203]

A common approach to migration related topics has been outlined by the European Commission. The Commission (2000) indicated that there are four essential points that

---

201 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 29
202 *Ibid.*, pg 29
203 Freeman, G. P. 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review* 29(4), 1995 pg 895

must be dealt with within a common EU framework:[204]

- The need to control migration movements through measures which promote legal immigration and combat illegal entry
- Co-operation with the countries of origin of immigrants within the framework of policies of development aid designed to minimize migration push factors
- Definition of a policy of integration which establishes the rights and obligations of immigrants
- The elaboration of a legislative framework common to all Member States aimed at imposing penal sanctions on traffickers and smugglers, as well as providing support for the victims of trafficking

These broad generalizations will be beneficial as they will lead to the standardization of European policy and practise across a wide spectrum of policy areas; related to asylum, trafficking, family reunion, labour and regularization. Following through on these measures will have a profound affect on European legislation and will mark a turning point in EU legislation from its reactionary past.

Development Aid

Perhaps a more beneficial approach to migration that may pay long term dividends is the use of development aid to improve living conditions in migrant source countries. However, as indicated previously the value of development aid is dwarfed by the levels of remittances sent by migrant workers across borders each year.

European nations have begun to support measures intended to combat long term causes of migration through development cooperation and structural assistance in areas related to migration such as judicial and police work. A paltry sum of about €250 million was made available during 2004-2008 for such cooperation.[205] A small sum, but the future potential is positive and this action may be seen as a step in the right direction.

There are other such examples where the European Union has begun to implement projects intended to have an impact on the ground. Several projects have been implemented by the EU and individual member states which are intended "to make migrants stay where they are, to move them on, or to return them home."[206] Projects include the creation of a state migration authority in Morocco, the enhancement of

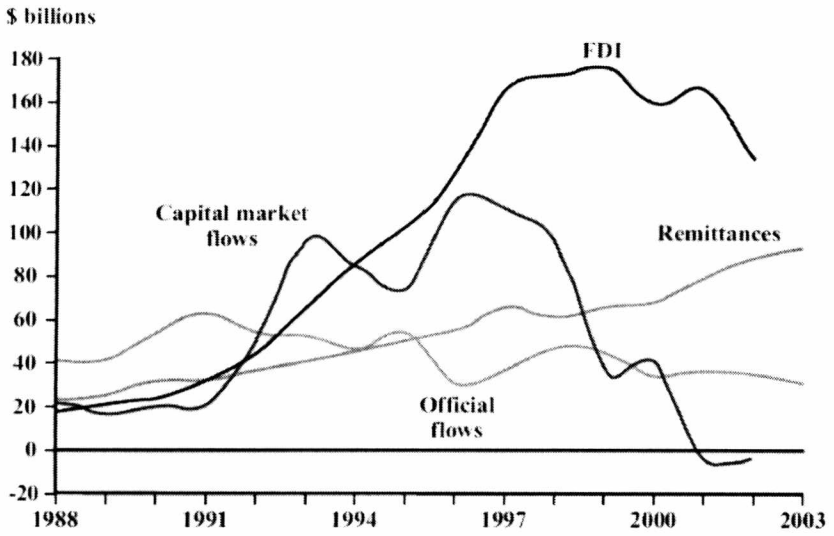
204 As expressed by Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 31

205 See figure 1.2.12 for a comparison of the share of development aid(official flows) in comparison to other financial flows. Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 6

206 Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 8

border control capabilities and the development of infrastructure.

Figure 1.2.12: Resource flows to developing countries, 1988-2003



Source: World Bank: Global Development Finance 2004

The European Union pushed for the creation of a Moroccan Migration Authority tasked with pointing out legal and valid migration possibilities while enhancing border security through capacity building and the training of border guards. In addition there has been support for infrastructure development and the integration of Northern Morocco into the national economy. Along a similar vein the Gesellschaft für Technische Zusammenarbeit (GTZ), a German organization has been promoting technical co-operation in source regions, such as Sierra Leone, Guinea and Liberia with the intention of reducing push factors associated with underdevelopment.[207]

Individual nations in Europe have also begun to implement strategies intended to reduce migratory flows. Belgium finances local information campaigns that warn potential migrants in Kosovo, Albania and Macedonia about the potential risks of illegal migration and there potential consequences. These campaigns have been implemented as many see the "unrealistic hopes of potential migrants and lack of reliable information are among the most important causes of emigration."[208] While an information campaign in the past in Kazakhstan reduced the number of asylum seekers arriving into Belgium from that country.

A broader approach has been taken by France which supports a migration program

207 Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 8

208 *Ibid.*, pg 9

based on economic development. The *Programme de la Migration et Initiatives Economiques* (PMIE), supports projects which lead to the repatriation of migrants, while investing in development projects and supporting the creation of companies by migrants in France.[209]

Sweden has developed something strikingly different termed the 'Göteborg initiative' which involves a variety of stakeholders such as NGOs active in Sweden, migrant associations in Somalia and Bosnia and city representatives. The 'Göteborg initiative' is intended to foster economic development through the support of those who return home and job creation in source countries.[210]

Capacity building projects have also been supported by the European Union in Sri Lanka. These programs are intended to strengthen government capabilities in dealing with migrants both before during and after their time in Sri Lanka. "The strategy recognises the fact that Sri Lanka is no longer just a source country but also a transit country for irregular migrants from the whole region of Southeast Asia."[211] This more pragmatic approach may lead to a reduction in flows through Sri Lanka in the future.

Unfortunately, there is no guarantee that any of the above mentioned programs will have a substantial effect on migratory flows. Migration is a complex process which is difficult to predict, let alone modify. Capacity building and economic development are positive in terms of promoting the global good. However, small scale projects do not necessarily lead to widespread benefits for all. If development projects are to have a significant impact upon migratory flows, through job creation or economic stability they will need to be much grander in scope and scale. With unemployment as high as 30% in some regions (Morocco), development projects or business creation will have to be on a wide scale to have any impact. However, states have little control over foreign investment flows and development aid is insufficient, currently, to reduce poverty and stimulate economies.[212]

Development projects may even lead to further migration due to structural changes that arise from economic development. Economic restructuring leads people to migrate to the cities in search of new jobs, rural-urban movements occurs due to changes in

209 Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 9

210 *Ibid.*, pg 9

211 *Ibid.*, pg 9

212 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 8

agricultural output and demand for labour; all of which may lead to greater migratory flows or at least a 'spirit of migration.'[213]

There is an additional argument that leads one to believe that migration is inevitable in some cases no matter what development takes place or what policies governments impose in their attempts to control migratory flows. People who wish to migrate will find a way, irrespective of the constraints states impose; people fleeing war or poverty have little incentive to return home after all, while people with nothing to lose are unlikely to be deterred by legal constructions intended to impede their movement. Additionally, the factors that create and influence migratory flows are multiple, interlinked and complex wholes which must be understood as such.

Migration may lead to further migration for a variety of reasons. Even when development occurs, people will still migrate, due to strategies of risk diversification, a culture of migration, or more simply the perception of a better life in another country. Either way the inward migration of about one million people per year into Europe acts a a major driving force, not only for population growth but also for economic productivity.[214]

213 Massey et al. 1998 in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 8

214 Monnier, Alain., and Rogers, Godfrey I. "European Union at the Time of Enlargement" *Population* (English Edition, 2002-), Vol. 59, No. 2 (Mar. - Apr., 2004),pg 317

Part2

2.1 Theories in International Migration

There are a variety of theoretical models that explain how international migration occurs. Neoclassical economics focuses on the differences shown in wages and employment conditions between countries also includes migration costs in its analysis, overall it generally sees the decision to migrate as an individual choice based on a decision to maximize income of individuals. The new economics of migration tends to include a consideration of other markets. In addition the new economics of migration sees migration as a household decision intended to minimize risk and to maximize productivity in the family.[215]

There are two other theories that are of interest; dual labour market theory and world systems theory. However, both of these theories tend to ignore micro level decision processes and tend to focus more on macro level forces. Dual labour market theory links immigration to the structural requirements of modern industrial economies while world systems theory sees immigration as a consequence of globalization. We then look change focus and look at alternative theories which may apply more specifically to the case of migration; Network theory, Institutional theory and theories of Cumulative causation. These theories maybe more applicable as they combine various aspects together unlike the theories based in economics.

A brief analysis of the theory behind neoclassical economics, the new economics of migration, dual labour market theory and world systems theory follows. Neoclassical economics and the new economics of migration are both microlevel models focused on individual or small unit (household) analysis. In contrast the dual labour market model focuses on "intrinsic labour demands of modern industrial societies."[216]

Neoclassical economics:

According to neoclassical economics international migration is a result of differences between regions, sub regions and nations. In this model some countries have low levels of available labour and as a result high levels of wages in comparison to other areas that

215 Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 432
216 *Ibid.*, pg 440

have an oversupply of labour and as a result low wages. Unfortunately, this theory assumes that over time there will be an equilibrium wage reached as flows balance out supply and demand functions. This has, quite apparently, not actually come about as predicted in most cases.

While this powerful yet simple theory has been applied across the board it suffers from several of its implicit assumptions. Namely that the elimination of wage differences will result in a drop in migration, as labour markets are the primary mechanism by which labour flows are induced.[217] These assumptions do not necessarily hold true, as the high variation in wages across regions shows, fortunately the new economics of migration(discussed below) is capable of better understanding migration flows from a much broader perspective.

Neoclassical economics also provides micro economic justification for individual choice. Through calculated choices individual actors attempt to maximize their profits over the long term and migrate if they see a potential positive net return to migration. While this provides a justification for the movement of some, perhaps well educated individuals, who can calculate such costs, it does not explain other factors causing migratory flows.

Neoclassical economics also provides policy suggestions for governments who wish to reduce migrant flows. By increasing the costs associated with migration, through reduced job opportunities or high levels of underemployment for migrants or by raising incomes in source countries it is theoretically possible to reduce the likelihood that people will migrate. However, this theory does not take into account perceptions, community values/pressures nor does it account for misinformation or even community based competition which arises when one family has a migrant remitting funds to them and others do not.

Unlike the new economics of migration which view family based risk mitigation as an important causal factor neoclassical economics does not include community or family based causal factors in its determination of the likelihood to migrate. Thus while neoclassical economics can be a powerful explanatory tool when it comes to migratory management it does not satisfactorily describe migration in all cases.

---

217 Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 433-434

The new economics of migration.

This relatively new alternative to neoclassical economics attempts to challenge the limitations of neoclassical thinking by providing a theory which is better analytically and which provides better explanatory power. The central insight of the new economics of migration is that decisions to migrate are not simply individual centric, but are in fact decisions made by much larger units of related individuals. In this explanation families act collectively to minimize risks and diversify income streams in an attempt to reduce market failures which jeopardize their livelihoods.[218]

Thus migration is not simply a supply vs. demand equation between sender and receiver states, but is a rational attempt by households to minimize risk through diversification. Massey et al, have explained how in developed economies risks are hedged through insurance, co-operatives or bank loans which allow for risk taking and ensure that families will not be at risk of starvation while undertaking long term projects or while waiting for crops to grow.[219] Thus migration is a risk management tool, a family may have a migrant as a 'back up' so to speak just in case. In this case migrant producing families are actually self insuring against crop loss/theft or instability in the local underdeveloped economy.[220]

The new economics of migration also posits that families use migrant remittances to not only raise capital for capital rich investments but to also increase wages in relation to other households in the local community. Thus reducing their relative deprivation in the context of the local community.[221]

As a comparison to neoclassical economics which posits that local development will lead to a reduction in migration, as it has an equalizing effect, the new economics of migration show that economic development does not necessarily reduce the pressures to migrate as family units continue to undertake risk reduction strategies and attempt to overcome constraints on capital. Likewise wage differential equalization will not necessarily halt migration for the same reasons.[222]

---

218 Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 436

219 *Ibid.*, pg 437

220Massey, D. S. et. al. (Dec., 1994), 'An Evaluation of International Migration Theory: The North American Case', *Population and Development Review* **20**(4) pg 712

221 Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 439

222 *Ibid.*, pg 439

The new economics of migration posit that governmental actions which support the formation of capital markets and the provision of insurance may be more likely to have an affect on migratory flows, as would changes to the shape of income distribution which affects relative deprivation in households.

Dual labour market theory.

A radically different theory of international migration, dual labour market theory, links migration to the structure of developed nations. According to the theory migration is not caused by push factors such as low wages or high unemployment but by pull factors in receiving countries.

The pull factor, a need for workers, stems from factors inherent in industrial economies. These four factors are: Structural inflation, due to informal expectations as well formal institutional mechanisms(such as unions) wages are elevated, thus leading to the need for cheaper imported labour that will not disrupt the status quo. Secondly, motivational problems, at the bottom of the labour hierarchy there is a lack of motivation as there is no prestige or upward mobility. Thus migrant labour necessarily fills this (lowest) rung of the labour hierarchy and happily work for low wages, as long as labour is paid in a foreign currency, which provides status and prestige at home. Thirdly, economic dualism, due to the nature of fluctuations in supply and demand workers who are skilled maintain a constant level of employment as they are required to run the machines that have some output, in contrast seasonal labour does not require any investment and carries no risk(for the business) if they are laid off or idle, all risk is placed on the worker. Thus businesses prefer highly flexible labour intensive seasonal employment which is cheaper in the short and long term. Due to this structure native workers prefer to be employed in the skilled sector and are not attracted by seasonal or flexible employment, leading to the demand for flexible migrant labour. Lastly, demography of the labour supply, according to this theory those workers who used to work in temporary and low skilled occupations such as students, teenagers and women are no longer interested or able to work in those fields. For example women no longer work in unskilled occupations temporarily but look for long term stable employment while teenagers are more likely to continue with higher education than ever before. Thus there are a multitude of low skill and low status vacancies that migrants can fill.

The dual labour market theory is powerful as it accounts for the structural factors as

well as social issues that have led industrial countries to import labour. In contrast to neoclassical economics, dual labour market theory stresses that labour migration is driven from the demand side, recruitment leads to migration. This theory also stresses the fact that structural factors lead to the importation of labour and thus do not reflect international wage differentials, as neoclassical economists argue. Additionally governments do not have much of an impact on international migration as the demand for labour is structurally a part of modern economies.

World systems theory

A Marxist approach, world systems theory attempts to explain how migration is a result of the capitalist system of exploitation that has developed since the sixteenth century.[223] As such under this theory migration is a natural result of inequalities, disruptions and dislocations that result from the greedy capitalist expansion. Individuals are brought into the world market economy and are inevitably exploited. Thus migration is a result of the dislocations of labour and the unequal capitalist system. Migratory flows, according to world system theorists, are a result of: Capitalist market formation and the penetration of the global economy into the periphery. The flow of labour is in an opposite direction to the flow of goods due to the structure of the international economy and past colonial ties. It is not possible, or likely, that governments will influence migration rates through the control of international flows of capital and goods. Political and military intervention to protect investments along with the support of governments sympathetic to capitalist ideals leads to optimal migration or failure, and refugee flows, which constitute a different form of migration. Migration has little to do with wage rates and originate instead from the structure of the global economy.

Toward a new focus

The variety of theories available, including macro level, microlevel and socially based explanations can be powerful tools for examining the root causes of migratory flows. While each theory in itself may be useful it appears that taken individually these theories are incapable of explaining the various reasons for migration. Macro level explanations such as neoclassical economics fail to determine family based push factors, while microlevel explanations such as network theories ignore the economic

223Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 444

factors leading to migration. It appears that it is necessary to combine several approaches when examining migration so as to fully grasp the multitude of factors affecting migratory flows.

Network theory

Networks form as people who know each other or share common contacts, friends or of similar community origin come together. Networks form involuntarily yet increase the likelihood of migration as they lower the risks involved in migration. Networks may be seen to be a form of social capital that people can access in order to enter the labour market, thus reducing risks associated with migration and increasing the ease of migration. With every expansion of the network, through migration, there is a equivalent increase in the value of that network and as such an increase in that networks value, leading to further migration. Thus migration is not dependent on wage differentials nor legal restrictions as the network functions as a pull factor itself. For a broader analysis of how networks are valued see Massey et al, (1993)

Institutional theory.

Due to the limited number of legal migrant visas issued and the high demand for migration opportunities there arises a lucrative black market which provides opportunities for those who wish to migrate. Institutions and entrepreneurs rise to the challenge and take economic advantage of those who wish to migrate. As this underground exploitation occurs and expands other humanitarian organizations form to enforce migrant rights and to reduce exploitation.

Thus smuggling, labour contracting between migrants and employers, fake documentation creation, lodging, credit, and other 'help' based on fees allow migrants to operate relatively safely within a foreign country. Concurrently humanitarian organizations may provide legal support, shelter, social services, and the like and over time develop a name for themselves amongst the migrant community. Over time they may constitute another form of social capital that migrants can draw upon to gain access to foreign labour markets.[224] The development of these institutions, legitimate or not, leads to the formation of an entirely independent and self sustaining portal for migration. It is not possible to regulate this type of system, as it is quasi legal, or even

224Massey, D. et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 451

underground, and once formed is a self perpetuating, for profit, system.

Cumulative causation

The formation of migrant networks may increase the proclivity of some individuals to travel as knowing someone who has migrated acts as an incentive to migrate as well. The theory of cumulative causation leads us to understand how each act of migration increases the likelihood of further migration as it alters the context within which migration occurs.[225]

Many factors have an impact upon decisions to migrate and many arise due to migration. For example, individuals migrate to increase their relative income in relation to others in their home community. Thus after one person has migrated others see their relative poverty increase and are led to pursue migration options so as to increase their own relative value. Secondly, as foreign remitters buy up land in their home country for its retirement or prestige value, yet leave it fallow, there is pressure on those who are unemployed to migrate as well, leading to further out migration.[226] Additionally, once migration occurs there is a strong proclivity for further migration as tastes and experiences of the migrant lead to a change in preferences and further demand for foreign earnings; or in a community setting migration may become socially expected, as a rite of passage or as a way to increase status and prestige.

Sustained migratory flows may also reduce the social capital available in sending countries, while concurrently increase that in destination countries. Thus leading to stagnation of the sending countries economy and economic growth in the receiving state. Thus promoting the causal factors which lead to migratory outflows. The expansion of education in rural areas may, in fact, lead to greater incentives to migrate as potential returns from migration increase. Additionally, receiving countries may end up with employment sectors which develop into 'immigrant jobs', thus forming a structural demand for immigrants, since native workers will decline to fill such stigmatized positions.[227]

225Massey, D. et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 451

226 Leaving land fallow lead to reduced local employment. Massey, D. et al.. 'An Evaluation of International Migration Theory: The North American Case', *Population and Development Review* 20(4), 1994

227Massey, D. et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 453

Once migration is viewed as a cumulative outcome of networked social processes the theoretical analysis possible transforms into a much more powerful tool to be used in furthering our understanding of migratory flows. The socioeconomic changes that result from international migration lead to an enhanced likelihood of further migration which is resistant to regulation.

Part 3

3.1 Push and pull factors.

The dynamics of migration are subtle yet complex. There are a multitude of reasons as to why people migrate, these reasons can range from straightforward justifications of family reunification to the more complex socio-economic realm of dynamic globalization processes which push people to leave their homes.

There are many causal factors that lead individuals to migrate, these factors can be divided into what can be termed 'push' or 'pull' factors. Factors acting upon migrants may influence migration decisions at home, in their country of origin (push factors) or maybe rooted in countries of destination (pull factors).[228]

Push factors are those forces which cause people to leave their country or region of origin and originate in the migrants source country. Push factors are plentiful and can include an individuals economic situation, unemployment, future prospects, education or even a pervasive culture of migration. Pull factors, in comparison, originate in the country or region of destination and act as incentives, drawing people to migrate. Pull factors range from employment prospects, the belief in 'a better life', or even family reunification.

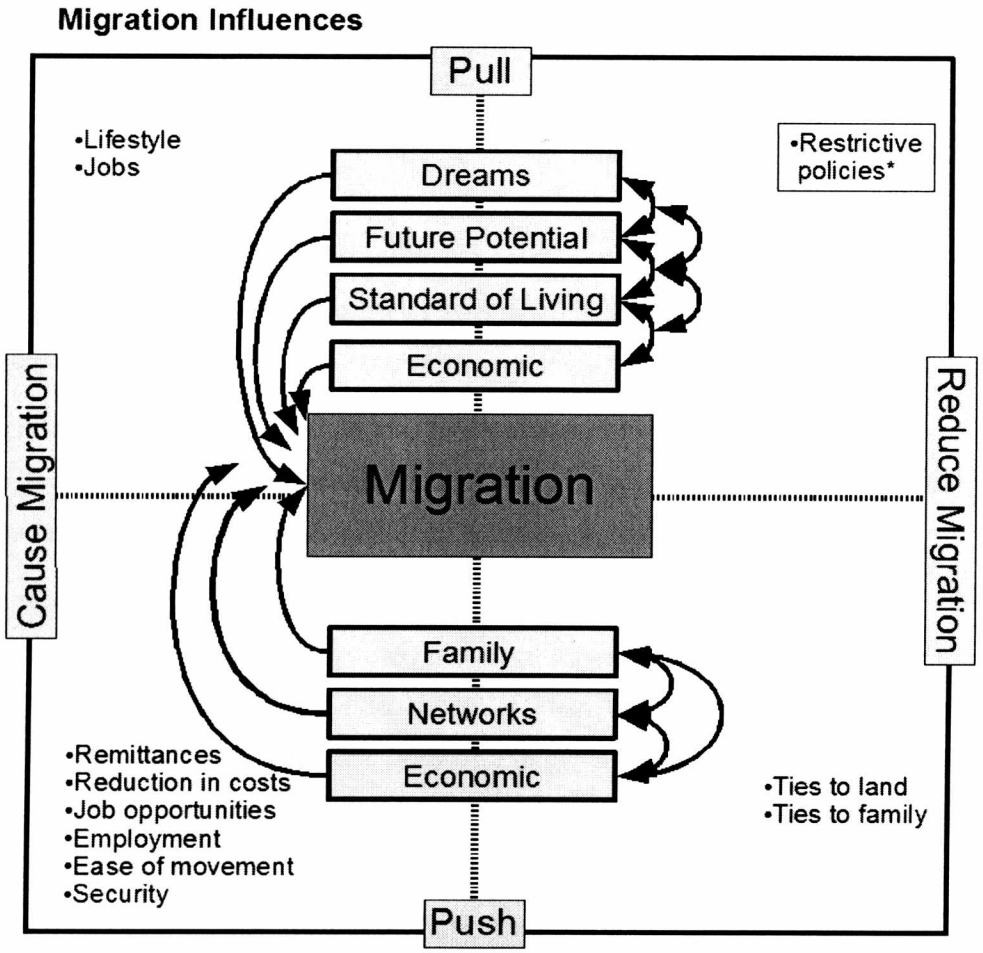
Table 2: Pull and Push Factors Compared

Pull Factors	Push Factors
• (perceived) access to labour markets, • refugee protection regimes • institutional policies in the host country, • historical links between states, • geographic proximity • social networks • weak labour market regulation • stability (economic and political) • family reunification	• forced migrations • wage differentials • regional instability • financial crisis • war • famine • environmental degradation • persecution • culture of migration

228 Eurostat EU population compared with other world regions Life expectancy and mortality / Families and births / Migration and asylum 'Europe in Figures — Eurostat yearbook 2006-07',,pg 75

Europe's economic and political stability may act as a pull factor drawing migrants in search of stability and prosperity. While war, famine, political persecution or even environmental degradation may act as push factors leading to migration. Less prosperous regions are a primary source of Europe's migrants as individuals seek out a better life in a politically and economically stable region.[229]

Chart 1: Migration Influences



*Restrictive policies have limited impact upon migratory flows.

Push and pull

The relationship between and the complexity of push and pull factors is far more dynamic and nuanced than the simple description provided above. Europe's relationship in the global migration network is immensely more complex. The sheer scale of the issue of migration is substantial given that the dividing line that separates migrant receiving and migrant producing and transit countries runs through the Mediterranean.

229 Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004 pg 95

According to Gary Freeman there were 340 million people living along the southern rim of the Mediterranean in 1995, 100 million more than live to the North.[230] In conjunction wage standards as well as living standards are not comparable between the regions. The draw of Europe projects itself across the Mediterranean every day, on television, through tourism, family networks, remittances and in the products that a globalized market provides for those who can afford them.

Taking the case of the dynamic relationship between Spain and Morocco it is possible to clearly show several of the interrelated push and pull factors that exist between migrant producing nations and migrant receiving countries.

In Morocco unemployment levels for young urban males exceed 30 percent and although population growth in the area has slowed as of late, the countries demographics are skewed significantly toward a young cohort in need of employment.[231] In comparison, Spain is chronically short of the labourers it needs.. Strong pull factors, such as demand for seasonal labour, even in the face of high Spanish unemployment, have led Spain to become a net importer of labour.[232]

This relatively simple description aids in understand how a relatively simple push factor such as systemic unemployment(Morocco), coupled with systemic(albeit regional) pull factors such as demand for labour(Spain) leads to migration across borders.

The number of factors leading to migration are varied and diverse and each individual is affected by a variety of push and pull factors in different ways and to differing extents. The multitude of factors that exist makes it impossible to generalize about migrant behaviour or reasons for migrating, although in general these factors are relatively well known and have been discussed at length by a variety of authors(See Massey, Münz, Pécoud, and Sardon)

Colonial Ties

The existence of colonial ties may have a profound effect on decisions to migrate. There are thee ways in which colonial ties may affect the decision of asylum seekers or migrants to move to a country with which it previously had colonial ties. Cultural and

230 Freeman, G. P. 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review* 29(4), 1995 pg 894

231 White, Gregory. "Risking the Strait: Moroccan Labor Migration to Spain Risking the Strait: Moroccan Labor Migration to Spain" *Middle East Report*, No. 218 (Spring, 2001), pg 27

232 *Ibid.*, pg 28

linguistic similarities which reduce the difficulties associated with moving to a new country while there is also the factor of presumptive existence of bonds between the former colonies and their motherland. There may often be the presumption that "the UK[or other previous colonizers] ha[s] a duty to look after citizens from its ex-colonies that [are] fleeing persecution."[233]

In addition to the evidence that shows that potential migrants may feel drawn to countries with shared histories there has been some research that quantifies the strength of that pull. A multivariate analysis by Böcker & Havinga has "found that the presence or absence of colonial ties was the most important factor predicting an asylum seeker's country of destination."[234] Although the nature of flows are ever changing and some previous colonies are now major source countries for nations with which they have no colonial links.

Family Reunification

Justifications for migration, including employment, family reunification and asylum are diverse although family reunification has recently surpassed other reasons for migration into specific countries. Across the whole EU almost 40% of all residence permits are granted for the purpose of employment while 30% are provided for the purpose of family reunification.[235]

In specific countries family reunion plays a much larger role. For example, in 2001 over 70% of residence permits were provided for the purpose of family reunification in Sweden, while in Belgium and Denmark more than 50% of cases were related to family reunification, in Austria, Finland, France and Italy between 20% and 30% of all residence permits were granted for the purpose of family reunification.[236]

Among Turkish migrants "family motives determine two out of every three moves to the EU against one out of every four moves to other countries. [While] [e]conomic reasons appear to be more important in opting for non-EU countries, whereas other

---

233Robinson & Segrott (2002: p.30) as seen in Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 7

234 Böcker & Havinga (1998a: p.40) in Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 7

235 Münz, Rainer. "Migrants, labour markets and integration in Europe: a comparative analysis." *Global Commission on International Migration.* October 2004 pg 4

236 *Ibid.*, pg 4

reasons for moving to the EU are hardly mentioned."[237] This surprising turn of events is difficult to explain, but an improvement in the economic situation in Turkey, combined with networks and restrictive visa policies may have led to a change in migratory preferences of Turkish migrants. The dynamism or shifting nature of migratory flows causes difficulties for those governments who attempt to legislate and control migratory flows as they are not stable.

Ethnic Unmixing

In addition to the previously mentioned push and pull factors related to economics, networks and family reunification there is also the issue of ethnicity. Rogers Brubaker has indicated that ethnic unmixing and ethnic affinity should be included as push and pull factors.[238] Ethnic unmixing refers to the segregation or separation of groups along ethnic lines, while ethnic affinity applies to cases where shared ethnicity or language bring individuals together.

Ethnic unmixing may act as a push factor, driving minorities out of a region, while ethic affinity may act as a pull factor bringing people together and although ethnic characteristics may or may not factor into migration flows, but should be kept in mind by policy makers. Brubaker's concept of ethnic affinity fits neatly into theories of networked societies, where social capital is built up within closely knit communities which are based on ethnic affinity, family bonds or cultural similarity. The concept of ethnic unmixing also fits well with examples of historical expulsions of ethnically different groups from nations around the world: the recent example of the Balkans or the case Czech Romani asylum seekers in Britain during the late 1990s are also fall in line with this concept.

Networks

The formation of social networks is an inevitable occurrence when people move from one place to another. The existence of a network is not a precondition for migration, however, it is well known that the existence of a social network acts as a strong pull factor for legal and illegal migrants alike.

---

237 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat.* 2001 pg 3

238 Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998 pg 1047

Legal migrants participate in social networks for a variety of reasons; easier transition into the new host country, a wider support network and the like. Illegal migrants may utilize and depend on social networks more intensively than legal migrants due to the fact that illegal migrants are unable to access "a whole host of legal migration possibilities: applications for asylum, work permits, the reunification of families, etc."[239] Due to the exclusion of illegal's from formal forms of assistance the presence of friends or family in a destination country is of much greater importance than the possible availability of public support. Work seeking illegal migrants or refugees depend of social networks to aid them in integrating into the local economy, through job seeking advice, and to provide safe places upon arrival.[240]

Research on migrant networks and their impact on migration decisions conflict in their conclusions. Koser determined that the social networks had an impact upon the decisions made by Iranian asylum seekers in the Netherlands in that the asylum seekers moved due to information they had learnt through social networks, yet they did not necessarily settle near family or friends. The indication that decisions to migrate are based on information about administrative details conflicts with other authors such as Robinson and Segrott who "found the presence of a friend or family member to be the most important influence on the destination within the West."[241] Robinson and Segrott's research is more in line with conventional understandings of social networks wherein migrants are expected to join communities in countries of destination.

The existence of networks in destination countries may then function as pull factors themselves. The larger the migrant network, the more supportive the network. The more supportive the network, the more beneficial it is to migrants, the more beneficial it is, the stronger the pull effect.

Remittances

Remittances are an incredibly important source of currency for millions of people around the world. Remittances levels have been rising around world and far exceed official development aid. Official transfers of remittances have increased from $65 billion in 1999 to as much as $80 billion in 2002. While unofficial transfers are assumed

239Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 5-6

240 *Ibid.*, pg 5-6

241 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 9

to exceed $200 billion. In 2001 the value of officially transferred remittances exceeded all official development aid by as much as 40 percent.[242]

In Morocco alone overseas workers officially remitted approximately $2 billion dollars a year throughout the 1990s; in 1998 the $2.1 billion dollars remitted to Morocco accounted for 5% of Moroccan GDP. In sharp contrast foreign direct investment in the late 1990s was only 300-400 million dollars per year.[243] A mere pittance when compared to personal transfers.(See Figure 1.2.12)

The affect of remittances functions as a strong push factors leading to migration. According to one author the value of remittances sent home to families is "second only to oil revenue in world trade."[244] the importance of remittances can not be ignored as a push factor. Migrants move not only to create a better life for themselves but also for their families.

The impact of remittances should not be underestimated. Many countries rely heavily on remittances, more so than aid in many cases(except for sub Saharan Africa). The disparity between levels of dependence on remittances over aid are best shown by the ratios of remittances to aid in their total dollar value. For examples the ratio of remittances to aid are: " 39:1 in Turkey; 34:1 in Mexico; 24:1 in Costa Rica; 15:1 in Jamaica; 8:1 in the Philippines; 7:1 in Nigeria; 6:1 in India; 5:1 in Tunisia; and 4:1 in Lesotho."[245] Such vast disparities are informative and further clarify the fact that remittances are of high importance to the economies of many countries. Such dependence results in strong incentives for countries to support their nationals overseas and to maintain the link between overseas workers.[246]

Of interest to states is evidence that shows that the level of remittances sent home by migrants declines with time and family reunification. The reduction in remittances may be associated with family reunification in many cases, but also in the changing nature of livelihoods in countries of destination. As migrants settle down, become naturalized citizens and create families in their host country they have less incentive to remit. Second generation migrant children have even less incentive to remit, as they may lack

---

242 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 7

243 White, Gregory. "Risking the Strait: Moroccan Labor Migration to Spain Risking the Strait: Moroccan Labor Migration to Spain" *Middle East Report*, No. 218 (Spring, 2001), pg 28

244 *Ibid.*, pg 27-28

245 UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNPA. pg 46

246 Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 173

the close personal ties with relatives that their parents had.

The reduction in the level of remittances may lead to further movements from source countries as families attempt to recreate sources of foreign income. As Massey et. al. has shown migration may, in fact, be due to strategies of risk reduction and diversification at the level of the family.[247] As a result of the diversification of sources of income individuals migrate to provide stability to the multiple streams of income a family may have. If individuals reduce their levels of remittances or stop remitting entirely their family could, quite predictably, send out another family member to replace the lost earnings. A reduction in remittances may then lead to further migration.

Economic

Economic differences between sending and destination countries undoubtedly lead to migratory flows as individuals seek out better working conditions, better wages or better living conditions. In the 1970s Harris and Todaro provided a model which explained that the decision to migrate was caused by wage differentials in three different labour markets; agriculture(competitive wages), urban markets(with a wage rate above the equilibrium level), and the informal urban sector(subsistence level of income). Their hypothesis has come under fire recently as it is far to simplistic. While more recent studies have shown that levels of migration actually increase as development takes place in source countries, although the causal factors are diverse and not easily quantified.[248]

The simplistic model provided by Harris and Todaro does not account for the fact that "families finance migration as a way to diversify income risks, by supplying family labour in various productive sectors in the country and abroad."[249] It also ignores the existence of networks in destination countries which "reduce the initial costs of job seeking and improve [...] prospects."[250]

Authors have indicated that the complexity of international economics is such that "free

---

247See Annex-Theoretical Perspectives. Massey, D.et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 432

248 See Hatton and Williamson, 2002 in Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 3

249 *Ibid.*, pg 3

250 Chiuri, Maria Concetta., De Arcangelis, Giuseppe., and Ferri, Giovanni. "Crisis in the countries of origin and illegal immigration into Europe via Italy." *Global Commission on International Migration.* October 2005 pg 3

migration may raise or reduce growth depending on whether migration is an adjustment to factor differences or to changes in economic policy."[251] These factors, along with trade barriers may lead to differences in wages in differing countries and thus, to incentives for labour migration to occur.[252] The complexity of interrelated factors are quite significant and it is impossible to adequately determine changes at this stage. Only with extensive research will the international interconnections that lead to migratory flows be better understood.

Crises in the Countries of Origin

Economic factors act as strong push factors leading to flows of migrants, however, conflict is also a strong precursor to migratory flows. Several authors have indicated that a crisis in a country of origin, such as Albania, lead to increased (illegal) flows into developed countries.

Chiuri, De Arcangelis, and Ferri have shown that a crisis in a country of origin "significantly increase influxes of illegal immigrants into (and through) Italy."[253] Their calculations show that a change in the ICRG[254] indicator of 20 percentage points leads to an 38% increase in the number of illegal immigrants entering Italy.[255] The authors have concluded that "when a country suddenly moves from a situation of 'moderate risk' to one of 'very high risk' (according to the ICRG Risk Rating System[...]), the share of illegal immigrants from that country increases by around two percentage points."[256]

Similarly a study by Schneider and Zanger (2000) has shown that a deterioration in conditions of human rights or the outbreak of militarized conflict is associated with an increased number of asylum applications from the states in question.[257] This is obviously the case for some of the more recent waves of asylum seekers into Europe, such as the Balkans in the early 1990s. (See figure 3.1)

---

251 Lundborg, P. & Segerstrom, P. S. 'International Migration and Growth in Developed Countries: A Theoretical Analysis', *Economica* 67(268), 2000 pg 580

252 *Ibid.*, pg 580

253 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005pg 12

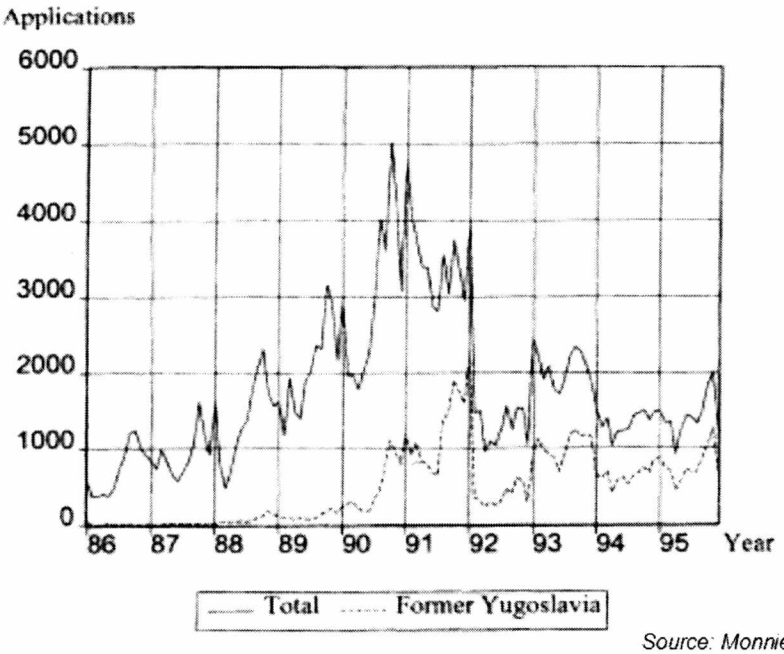
254 International Country Risk Guide (ICRG) provides an assessment of countries based on political, economic, and financial sources of risk.

255 Case of Italy and Albania in 1997 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 12

256 The ICRG Risk Rating System is explained in *Ibid.*, pg 3 (explanation on pg 15)

257In Holzer, T.; Schneider, G. & Widmer, T. 'The Impact of Legislative Deterrence Measures on the Number of Asylum Applications in Switzerland (1986-1995)', *International Migration Review* 34(4), 2000 pg 1187

Figure 3.1: Total and Former Yugoslavia

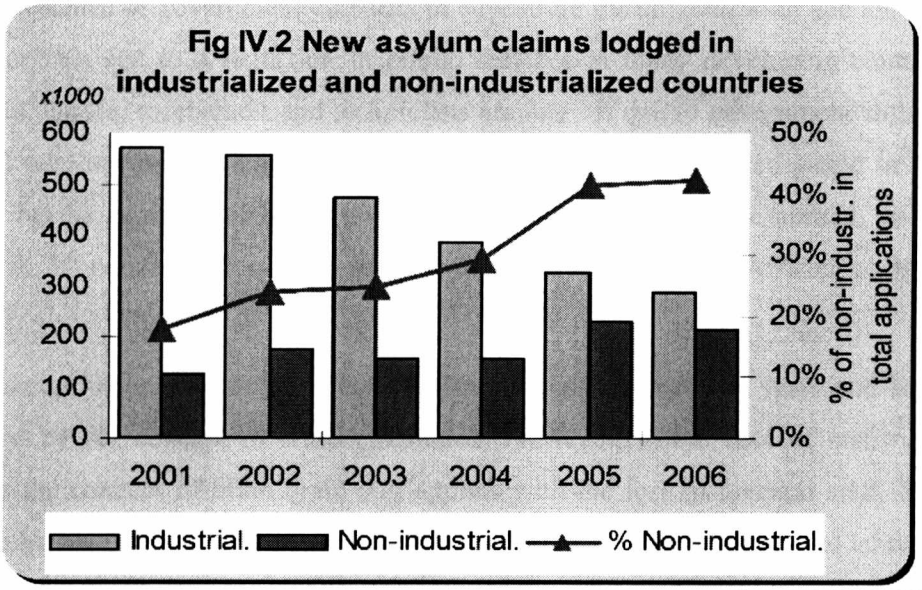


Source: Monnier 2004

Changes in source countries of migrants or asylum seekers fleeing violence, unrest or human rights violations demonstrate how flows rise during times of crisis. Turkey was ranked as one of the top five source countries for asylum seekers immediately after a military coup in 1979-1980, in contrast since then the majority of Turkish asylum seekers have been Kurds, not ethnic Turks. Similarly the number of Iranian asylum seekers has been relatively stable since the Revolution in 1979 as rights abuses continue. Similarly, asylum applications rose in the case of Sri Lanka after the onset of civil war in 1983. Ghana, which was insecure in the 1980s, saw a period of relative stability from 1992-1993 after which conditions deteriorated until a period of relative stability was ushered in in 1995. Since 1995 "general stability has been reflected with reduced Ghanaian asylum applications submitted in the EU."[258]

258 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 14

Figure 3.2: New asylum claims lodged in industrialized and non-industrialized countries



Source: UNHCR 2006

While it has been shown that there are specific cases of crisis in countries of origin acting as triggers for increased flows of asylum seekers there are many other sources and causes for people to seek asylum. Unfortunately, many European nations have reduced the entry options available for asylum seekers and have curtailed asylum levels through a variety of means.(See Figure 3.2) There will undoubtedly be a steady stream of asylum seekers seeking access to developed countries in the near future, due to continuing violence, weak governance and other sources of instability around the world. The push factors associated with violence and human rights abuses are impossible for sovereign nations to reduce except through high level dialogue and improved governance and stability in source countries.

Disparities

Disparities between industrialized countries and developing nations are significant. There are a multitude of factors that lead to the perpetuation of such disparities. Of significance is the fact that the developing world contains 80% of the worlds population accounts for less than 20% of global gross domestic product. Unfortunately, the per capita earnings of many sub-Saharan African countries are lower now than they were in 1970 while the gap between the wealthy and the poor has only widened. Due to the

nature of the global economy as much as 58% of foreign direct investment went to industrialized countries while only 37% went to developing nations.[259]

The prevalence of government cutbacks in education, health, education and agricultural programs has led to a reduction in public services in many developing countries as teachers, nurses, mechanics, and technicians are laid off due to government cutbacks.[260] Skilled workers are leaving countries of origin for the industrialized world in droves; driven by the prospect of better possibilities and a brighter future abroad. In fact as many as 12 per cent of experts left the health sector of some African countries in 2003.[261]

The concept of brain drain has become somewhat passé in recent years and has been replaced by the concept of brain circulation. However, in the case of many African nations the concept of brain drain still applies with the loss of hospital staff, teachers and the highly skilled. In fact the majority of (30 percent) Africa's educated labour force left for the west between 1960 and 1987.[262] It is more progressive to speak of 'brain circulation' in this day and age, as migration flows increase in complexity and migrants increasingly share their knowledge from abroad at home.[263]

259Numbers are for 1997 Okongwu, Anne Francis., Mencher, Joan P,. "The Anthropology of Public Policy: Shifting Terrains" *Annual Review of Anthropology*, Vol. 29. 2000 108

260 Okongwu, Anne Francis., Mencher, Joan P,. "The Anthropology of Public Policy: Shifting Terrains" *Annual Review of Anthropology*, Vol. 29. 2000 pg 110

261 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 3

262 *Ibid.*, pg 19

263 Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 193-196

Part 4

4.1 Impact of Policies Upon Migrants

Governmental action can have a profound impact upon the flow of migrants. Through a variety of methods governments can redirect flows, reduce or even change the nature of flows. EU member states have institutionalized a variety of policy options in the interest of reducing migratory flows into their territories. Some policy options have aimed to reduce access others to stop people from leaving source countries.

The impact of policies is difficult to ascertain due to the lack of quality data on the number of migrants regionally. Yet an increase in the number of deaths reported due to illegal entry attempts has been reported as migratory flows are changing routes and methods of entry as there is increased reliance on agents to aid in cross border movements. Additionally, perceptions of ease of access and availability of work is often seen to lead migrants to choose one particular destination over another

Lack of Evidence / Statistics

Governments are naturally interested in understanding existing stocks and flows on migrants for a variety of reasons. Governments need to know the numbers and types of individuals residing in a given region for reasons related to the provision of services, employment and taxation, security and the like. Without detailed knowledge of the composition of regional populations governmental allocation of resources is bound to be insufficient or even ineffective. Policymakers need accurate data to be able to provide adequately for the needs of both citizens and migrants alike.

Without accurate data it is impossible for policy making to be effectively coordinated. Unfortunately, this is the case in most countries. There is a "lack of robust, longitudinal and comparative data. There is clearly room for improvement in the collection of data on migration."[264] Without an adequate understanding of the flows and stocks of migrants and their socioeconomic status, labour market impacts of migration, regional growth or turnover and the impact of migration on sending regions it is impossible to adequately provide services or create appropriate policy responses.

264 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market. Riga, 9 and 10 June 2005 Eurostat pg 81-82

Most EU states produce statistics on the inflow of foreign workers based on the number of labour permissions issued.[265] Statistics based on short term and long term flows are useful, especially if they include regional characteristics of flows. However, such data sets may not adequately reflect the true physical flows nor the actual length of stay of many individuals, while they often ignore undocumented workers.

Data related to illegal migrant flows is often calculated based on estimates derived from the number of apprehensions at borders, yet seriously underestimate the true number of illegal migrants. Such data is, in addition, not comparable across states due to differing definitions and policies. Additionally, while it may be acceptable to base assumptions of illegal flows off of apprehension numbers there is the additional problem of visa over-stayers, or those who enter legally on visas but then stay illegally. These flows are nearly impossible to measure.[266] Hopefully with enhanced EU cooperation some of the issues related to data collection can be mitigated in the future.

At present the result of inadequate data related to the composition of migration flows and regional changes in populations results in inadequate policy responses. It is necessary to improve the data sets available if policy responses are to be adequate.[267]

Enlargement

The enlargement of the EU undoubtedly has contributed to changes in the flow of migrants within member states. There is a consensus that temporary migratory flows will increase with EU accession as sending countries from the East will likely contribute to the flows of migrants entering the EU, if not only into CEE states where cyclical temporary migration has traditionally been seen. Such circular, repeat migration, has been increasing globally and will likely continue.[268]

Freedom of movement

The freedom of movement put into place through the Schengen acquis, with its harmonization of visa policies, most definitely facilitates travel and the exchange of goods and services. The freedom of mobility, though, is not necessarily equal for all,

265 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market. Riga, 9 and 10 June 2005 Eurostat pg 85
266 *Ibid.*, pg 86
267 *Ibid.*, pg 81-82
268 *Ibid.*, pg 83

and as has been argued may, in fact, undermine a states ability to exercise its sovereign right to control who enters its territory. [269]

The imposition of visa requirements has been shown to be unevenly distributed across people with differing nationalities. In the case of increasing and facilitating the mobility of some lucky few it has been shown that this mobility for some has come at the expense of mobility for others. Allowing for the free movement of citizens of some states, for example EU member states, has led to a reduction of mobility for others, third country nationals. Through the imposition of visa requirements or restrictions on certain countries states can exert their control on entry into their lands.[270]

While a state may lose some control over its border, through the Schengen acquis, it does not necessarily indicate a loss of sovereignty. The demand for mobility is still based on international standards which only provide for the right to leave a territory, not to enter another. States still subscribe to very old principals which allow a state to control entry and exit. Increasingly states have been reiterating the right to control over who can enter their territory, especially since 9/11 and also in response to increased migratory flows.[271] Within the EU this has meant a tightening of entry controls at all points of entry, albeit not at borders shared by member states.

Visa Restrictions

The imposition of visa restrictions are meant to serve a specific purpose. To prevent the entry of undesirables and to control the inflow of those who are desirable. Visas function to ensure that those who are not desirable are dissuaded from attempting to enter while having a passport to stamp a visa in ensures that those who do enter can return to their country of origin.[272] While this should be true it has also been the case that certain states have refused to take their nationals back. This hiccup in international relationships has led many western countries to sign readmission agreements with sending countries, after providing financial incentives in the form of development aid.[273]

---

269 Neumayer, Eric. "Unequal access to foreign spaces: how states use visa restrictions to regulate mobility in a globalised world." *Global Commission on International Migration.* 2005 pg 2

270 *Ibid.*, pg 3

271 *Ibid.*, pg 2

272"Visa restrictions fulfill the double role of pre selection and deterrence. Those who do not need a visa are regarded as desirable and low-risk visitors by default, those who need a visa and have been approved by the country's consulate or embassy abroad are regarded as not undesirable and not representing a great risk upon closer inspection, whereas those who need a visa and do not have one are denied access." *Ibid.*, pg 6

273 *Ibid.*, pg 6

In response to the need for passports there have been cases where asylum seekers have conveniently lost their passports or documents, thus making it impossible for countries which deny entry to repatriate them. Due to this destruction or loss of documents many countries have shifted the onus of policing potential migrants onto airlines.[274] The requirement that airlines to refuse transport to anyone who lacks a valid visa, at the risk of being heavily fined, shifts the responsibility of policing migration onto non-state actors. Yet, as shown elsewhere in this paper, this type of entry control may in fact lead to greater illegal flows, which are completely outside of state control.

Visa restrictions are meant to act as a deterrent to potential migrants. Due to the cost and hassle of applying for visas and the associated wait times, visas function to deter potential migrants while allowing bona fide applicants the opportunity to travel legally.[275]

The imposition of visas on some and not others represents the inequalities imposed upon people on the basis of their nationality. This inequality is simply the result of government attempts to control and ultimately reduce the likelihood of certain groups of people from entering in the first place.[276] While the EU has effectively created a 'fortress Europe' through its common visa policies, it has, in doing so, increased mobility within the union even if it has reduced the mobility of outsiders.[277]

Deaths

Unfortunately, with the increased vigilance and stricter border controls which have been put in place along borders, there are many deaths which occur during illegal attempts to enter nations. As a consequence of the evolution of migration controls and the strong push and pull factors many people attempt to enter western nations illegally, often crossing dangerous terrain. "it is estimated that at least one migrant dies every day at the U.S.-Mexico border, mostly because of hypothermia, dehydration, sunstroke and drowning."[278] While in Europe a similar trend is occurring with at least 920 migrants

274 Neumayer, Eric. "Unequal access to foreign spaces: how states use visa restrictions to regulate mobility in a globalised world." *Global Commission on International Migration.* September 2005 pg 6

275 *Ibid.*, pg 4

276 *Ibid.*, pg 3

277 *Ibid.*, pg 5

278 According to a 2002 statement to the UN Secretary General(United Nations, Economic and Social Council, E/CN.4/2002/NGO/45.1, in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 3

dying between 1993 and 1997 and over 3000 dying between 1997 and 2000, most while attempting to cross the Straits of Gibraltar in rickety boats.[279]

Resettlement

One of the consequences of the large numbers of displaced persons around the world has been the attempt by the United Nations High Commissioner for Refugees (UNHCR) to resettle displaced people or provide for durable solutions in situ if possible. The work of UNHCR is beneficial to western states as it prevents many refugees from flooding into their countries en mass, while also shifting the burden to other nations which host potential refugees.

Unfortunately, people who are forced to wait for resettlement or for status determination often do not idly sit and wait for the UNHCR to provide settlement. Of note is the fact that the UNHCR is often not seen as "effective option for refugees looking to find protection."[280] This is due to the fact that the slow process of status determination and long time frame, often several years, led to applicants moving onwards spontaneously. There is the additional fact that asylum seekers often did not feel safe in countries located close to their home country. There is a perception that the UNHCR can not provide any form of protection during the application process, in terms of forced return, for example. Additionally, there is a fear that the UNHCR is "not really a sound and secure way to go because the information gets leaked out"[281]. Thus there is a fear that the UNHCR is compromised and may put individuals who are seeking determination at risk of being 'found out' by their home government.[282]

The Role of Agents

Migrants often resort to the use of agents to facilitate their passage into countries. Agents are generally considered as necessary due to the difficulty of entering an unknown land and navigating successfully across borders. Agents are generally not trusted yet are sought out, secretly, as they have the access to western nations that migrants desire. Darren Middleton has indicated that although agents "were regarded as

279 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 3

280 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 28

281 *Ibid.*, pg 29

282 The case of Iranian claimees in Turkey. From *Ibid.*, pg 29

expensive [...] the necessity of migration meant that resources had to be obtained."[283] Agents are business people and promote countries which they have access to or knowledge about.[284] Of relevance to our considerations here is that destination countries, while often decided between migrant and agent, are often affected by the reality of access; agents with access will take people to a 'safe' country or one which they know they can enter. Governmental actions which reduce the likelihood of repeat smuggling may in fact reduce the likelihood of further illegal smuggling if another destination is more easily accessible.

Perceptions

Individual decisions to migrate are based on a variety of factors, many of which are deeply personal and based on family history, colonial legacies, perceptions or rumours. Middleton has stressed that the key concern, in the case of asylum seekers, is to find protection in a destination country. Which country that is is not always of importance. Asylum seekers often assume that all western countries will provide protections while Robinson and Segrott (2002) have pointed out that migrants often have positive images or preconceptions of particular destination countries.[285] The example provided by Middleton is of an Afghani asylum seeker who selected the UK as a destination simply as there was a rumour among his compatriots that the UK was providing protection to those fleeing Afghanistan.

There is often the assumption that particular destination countries have a better understanding of conditions in the asylum seekers country of origin due to their colonial links, historical ties or the like and will provide protection more readily due to that better understanding.[286] The impact of policy itself is rather minimal, but the perception of that policy may perhaps have a strong effect on migration decisions. Perceptions may explain the sudden drop in applicants to the Netherlands in recent years. (See Figure 1.2.9 on the Netherlands)

Safe Third Countries

The European, and indeed western, concept of safe third countries has had a great

283 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 29
284 *Ibid.*, pg 29
285As described in *Ibid.*, pg 32
286Adapted from *Ibid.*, pg 32

impact on asylum flows. Under the terms of the Dublin Convention residence of asylum seekers is limited to the country they first enter in Europe.[287] Thus countries along the periphery of Europe now take on the onerous task of being the first line or at least they have the primary responsibility, both economic and legal, of dealing with transnational migrants.[288] The EU periphery states have taken on the responsibility of preventing the westward movement of transit migrants into other EU states. Thus periphery states have become destination states whereas they were previously transit states.

The concept of safe third countries have evolved into a very rigid and tight constraint on migratory flows. Currently those asylum seekers arriving, for example, in the UK from other 'safe' countries are labelled at non genuine refugees and their applications are effectively rejected upon entry.[289] Previous to the creation of safe third country legislation and the Dublin Conventions European countries completed bilateral readmission agreements. These agreements meant that asylum applicants could not apply for asylum in Germany, for example, if they first arrived, or transited through, Poland.[290] Increased border policing and cooperation between European members has greatly increased capacities and mechanisms for monitoring and preventing illegal flows across borders. The result of bilateral admission agreements have effectively shifted the migration issue from old EU member states to the east.

Another example of how European nations have been dealing with potential asylum seekers has been to prevent movement and concentrate potential asylum seekers. An example of this is the case of the Sangatte refugee camp in northern France. Asylum seekers in this camp were mainly Kurdish Iraqis, Afghans and Iranians(Courau, 2002 in Middleton).[291] It was very difficult to argue that these particular groups were not 'genuine' refugees at the time (2002) as many would undoubtedly have been recognized as such if they had managed to enter the UK. In any case it was not possible to enforce return to Iraq at the time, nor likely now due to instability, while in the case of Iranians the act of claiming asylum is enough to put individuals at risk of persecution if they are

287 Black, Richard. "Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 72

288 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 527

289 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 42

290 Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 529

291 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 42

returned to Iran.[292] However, even given these factors the UK government pushed for the closure of Sangatte due to security concerns.[293]

Redirected Flows

The impact of policymaking can have a profound effect on migratory flows. Imposing draconian visa restrictions, point of entry controls, airline sanctions or other restrictions can play a major role in reducing legal migration. Restrictionism in France occurred with the temporary halt to recruitment of foreign workers in July 1974.[294] An unintended consequence of this restriction and the closure of official channels of recruitment was the increasing shift to clandestine immigration and asylum or refugee channels, leading to the perception that legal channels of entry were being exploited by economic migrants.[295] The closure of formal channels of migration may simply redirect flows.

Germany is another case in point. Germany has had labour recruitment in the past and also has very liberal asylum policies which are codified in Article 16 of the Basic Law. Much like France, which saw a shift in flows from legal recruitment channels to illegal or asylum channels of entry, Germany also saw changes in flows as a result of the end of labour recruitment. Migrants apparently took advantage of Germany's liberal policies and exploited the asylum system in an effort to enter the country. As a direct result of the ending of active recruitment efforts in Germany in the 70s, asylum claims almost doubled, from 5,595 to 9,424, while the number of applications annually rose, reaching a level of 100,000 in 1980.[296]

Migration flows are complex processes which operate at many levels, network theory stresses that once a network is formed it will take on a 'life of its own' and self regenerate and propagate, legally or illegally. Similarly, the institutionalization of migration has led to the creation of highly profitable underground operations which provide transport for migrants with or without governmental knowledge or permission. Subversion and evasion are, of course, rational actions for those who can not enter

292 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 42

293British Home Secretary David Blunkett "This agreement not only closes Sangatte [but] it will also shut off the routes used by illegal immigrants to get to the UK from France. It effectively pushes our border controls across the channel to the French coast, where stronger controls and tighter security will mean we can prevent illegal immigrants from getting to the UK in the first place" (from the M2 Presswire, December 2, 2002) in Rudolph, Christopher. "Security and the Political Economy of International Migration." The American Political Science Review, Vol. 97, No. 4 (Nov., 2003), pg 616

294 *Ibid.*, pg 610-611

295 *Ibid.*, pg 610-611

296 Joppke 1997 in *Ibid.*, pg 611

western nations legally or who have been otherwise rejected. Apparently, it would be wiser for governments to take control of migratory inflows, through the creation of legal channels of entry, instead of forcing individuals to take the illegal and often exploitive or dangerous channels of entry.

Overall impact of policies on migration flows

Governmental actions can have a large impact on the flows of asylum seekers. As the statistical work of Holzer and Schneider and Widmer has shown, governments are not at the mercy of international migration, but can have a significant impact on the number of asylum claims made. Prominent unilateral deterrence methods imposed in Switzerland were effective, even without a restrictive regime between industrial states, and apparently deterred a large number of potential asylum claimants.[297] This finding is very much in line with the previously mentioned choice method of asylum claimants and migrants; who chose destinations based on casual and informal information. It is perfectly reasonable to expect that informal understandings and rumours based on state restrictions would impact destination choices of migrants.

A qualification needs to be made to the above mentioned case study, Holzer et al, have shown that while restrictive policies imposed unilaterally by Switzerland were successful in reducing the number of asylum claimants from geographically distant and culturally dissimilar nations, there was no apparent impact (in the early 1990's) on flows originating in the former Yugoslavia.[298](See figure 4.1) It may be inferred, albeit presumptuously, that restrictive measures reduce the number of bogus, or unsubstantiated refugee claims while having no effect upon genuine refugee flows. This radical assumption is not necessarily true and requires further examination as it could possibly have a negative impact on legitimate refugees if taken at face value by many countries.

297 Holzer, T.; Schneider, G. & Widmer, T. 'The Impact of Legislative Deterrence Measures on the Number of Asylum Applications in Switzerland (1986-1995)', *International Migration Review* 34(4), 2000 pg 1184

298 *Ibid.*, pg 1184

Figure 4.1: Main Displaced Populations from the Former Yugoslavia, Dec 1995



Source: World Bank

While these statistical factors, presented by Holzer et. al., are promising, in terms of governmental abilities to affect flows the authors were cautiously optimistic and indicated that there were two other points of interest. First off was the overriding influence of push over pull factors as a source of migratory flows. Thus in the Turkish case inflation was seen as a major determinant in the number of asylum requests.[299] Therefore measures intended to deter migration have little effect "if the push factors in a region nearby to the receiving state reach a critical level."[300] The second factor of interest that was presented was the correlation between the sharp reduction in the number of asylum requests in 1992 and the agreement between Croatia and Serbia to allow UN peace keepers to stabilize their regions.[301]

In addition to the statistical proof provided there is additional anecdotal evidence that indicates governmental admission policies also have a major impact upon migration decisions. While it is commonly assumed that most individuals prefer countries that

299 Holzer, T.; Schneider, G. & Widmer, T. 'The Impact of Legislative Deterrence Measures on the Number of Asylum Applications in Switzerland (1986-1995)', *International Migration Review* 34(4), 2000 pg 1184

300 *Ibid.*, pg 1205

301 *Ibid.*, pg 1196

provide strong economic incentives (this theory is supported by neoclassical economic theories of migration), there is also strong evidence that family related reasons often determine migration destination decisions. Admission policies that provide a wider scope for family integration than for economic migrants have an impact upon migration destination decisions.

Most people prefer to move to a certain country for economic reasons but when it comes to the actual move, family-related reasons determine the choice of country. Undoubtedly, admission policies, which generally provide more scope for family migration than for economic migration, contribute to this. However, given the expected shortages of (young) workers within the EU, it is not impossible that more economic migrants will be allowed in the near future.[302]

Governmental actions can play a major role in shaping migration flows, through restrictions and even policy choices. The unintended consequences are often disconcerting, with illegal flows rising, however, governmental policy choices if designed for specific purposes and if shaped carefully can be beneficial for both migrants, refugees and local economies through the provision of a potential workforce.

302 Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat*. 2001 pg 7

4.2 The Economics of Migration

Economic Impact of Labour Migration

Economically speaking the benefits of migration for both source and destination countries is substantial, while the negative effects of migration are generally seen to be limited to specific circumstances and have often been overplayed for political gain. The beneficial aspects of migration are varied and range from increased purchasing power through remittances; to reduced demand for employment in countries besieged by low employment levels; to economic growth in countries which require labourers. In contrast the negative affects of migration are relatively limited to particular cases of brain drain in underdeveloped countries and the potential stagnation of receiving countries economies.

The impact of remittances is felt by many people in countries of origin with remittances often accounting for a significant portion of purchasing power for families in the developing world. In fact remittances are generally higher, in absolute amounts, than development aid.[303] The impact of remittances is substantial and may be part of a families strategy for risk management through the diversification of multiple streams of income or, alternatively, it may be a families only source of income.

Remittances

Remittances play a substantial role in the economies of many underdeveloped and developing countries. The value of remittances to developing countries exceeds $80 billion per year and greatly out value the level of development aid provided by the developed world.[304] The level of individual remittances vary according to individual factors and appear to be tied to issues such as levels of education, intention to invest and family in need of support, yet is mainly dependent on the length of stay in a host country, with short term migrants being more concerned with remitting than permanent migrants.[305]

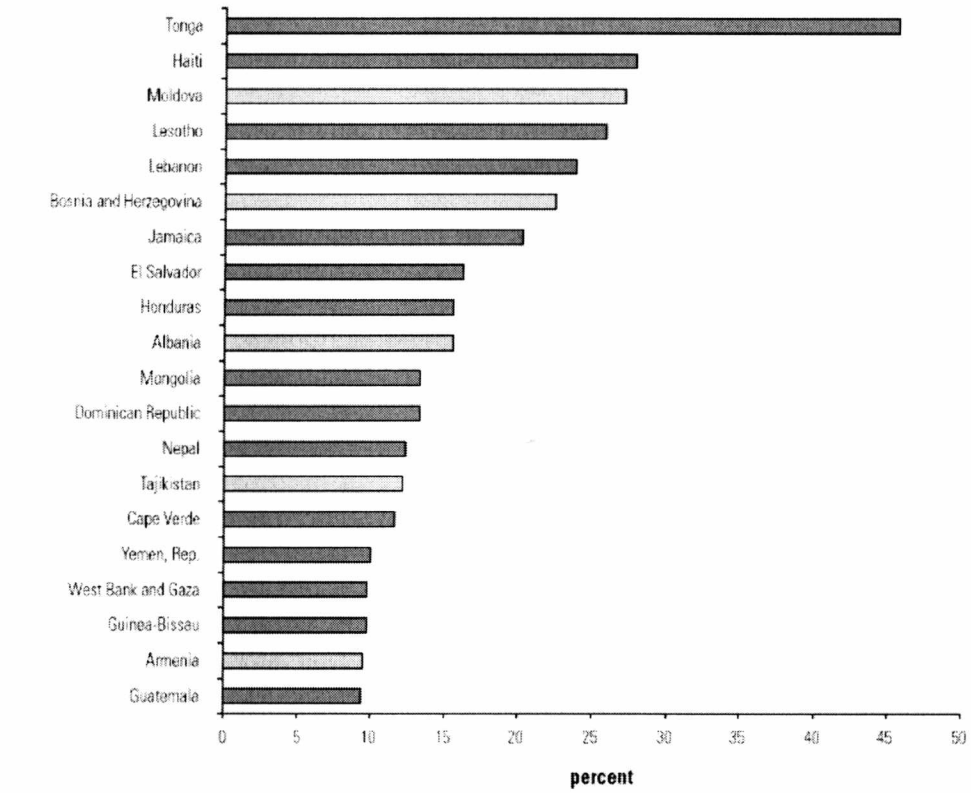
303 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market. Riga, 9 and 10 June 2005 Eurostat pg 87

304 While unofficial transfers are assumed to exceed $200 billion. It is believed that in 2001 the value of officially transfered remittances exceeded all official development aid by as much as 40 percent. Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 7

305 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour

Figure 4.2.1: Leading 20 Remittance-Receiving Countries in the World

(percentage of GDP in 2004)



Source: World Bank

Remittances play a large role in the domestic economies of source countries. It is estimated that foreign seasonal workers in Germany remit approximately €300 million a year back home while in the case of Morocco remittances were more than five times higher than foreign aid levels, at US$2,161 million, and US$419 million respectively.[306] Such large transfers must have a profound impact on the purchasing power, spending patterns and investment activity of people in home countries.[307]

The huge volume of cash sent home by migrants has a profound impact upon aggregate demand in economies around the world while also having an affect on savings and investments. For comparative purposes, Mexican remittances of $2 billion are estimated

---

market. Riga, 9 and 10 June 2005 Eurostat pg 87

306 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 8-9

307 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market. Riga, 9 and 10 June 2005 Eurostat pg 158

to have created $6.5 billion worth of economic activity, or 3 per cent of GDP in Mexico: while in the case of the Egyptian economy it was presumed that an increase of $10 million in remittances would raise the countries GNP by $22 million.[308] Such large transfers have a profound impact on the economy of receiving countries at a macro level.

The impact of migrant remittances can be seen to be both beneficial; as they allow for increased economic stability for families in need while also often raising the standard of living, allowing for the purchase of luxury goods; or they may be seen to cause stagnation of the local economy as preferences move away from domestically produced goods, and the expansion of local production, toward imported goods. In the case of Albania there is some evidence that the injection of foreign currency has not been used to stimulate the local economy through domestic production by rather has been used for the importation of consumer goods.[309]

It is with this in mind that governments around the world are attempting to reduce the flow of remittances through informal channels. Formal channels, when used, benefit the macro economy by increasing a countries foreign exchange reserves and multiply the ability of banks to finance loans, while also allowing governments to use remittances for development purposes; such as using future remittances as collateral for development loans.[310] In addition, funds that are transferred through formal methods and pass through bank accounts are more likely to be used for purposes which have direct developmental impacts, such as savings and investments, in distinct contrast to cash transfers which, aside from being charged horrendous fees, are often used for immediate consumption rather than savings.[311]

Unfortunately, for some countries that are net exporters of labour a "migration culture and dependency syndrome" has evolved which prevents development from occurring while reducing the incentives for economic reforms which would invariably lead to the creation of job opportunities at home. This has occurred, particularly, in countries which export labour as a means to reduce unemployment pressures and increase remittance earnings.[312]

---

308 UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNPA. pg 46

309 *Ibid.*, pg 47

310 Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 177

311UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNPA. pg 48

312 *Ibid.*, pg 46

Countries have been prone to promote migration out of self interest. Not only does outward migration reduce pressure on the local economy in terms of a reduction of job seekers(important in regions of chronically high unemployment), but also in terms of economic stability and reduction of poverty. It has been shown, through empirical studies by John Page and Richard Adams that "on average, a 10 per cent increase in the number of international migrants in a country's population can lead to a 1.9 per cent decline in the poverty headcount."[313] While similarly a ten percent increase in remittances leads to a 1.6 percent decrease in poverty.[314] These factors combine with the reality that elites have no incentive to reduce outward migration as long as it serves the purpose of reducing social tensions and expanding state coffers.[315]

The many effects of remittances may be viewed as positive or negative, depending on ones position, however, the sheer scale of remittances indicates that they play an incredible role in the lives of many individuals all around the world. The role and value of remittances is on the rise (See Figure 1.2.12) and will most likely follow a similar path into the future.

Illegality

Illegality in the labour market stems from a variety of sources. One source of illegality is the nature of employment. Employers have an economic incentive to hire illegal's as they 'cost' less than legal workers, due not only their acceptance of lower wages but also the associated reduction in costs related to health insurance, pensions and other social payments employers must contribute to. For example there is strong demand for illegal workers in the fields of construction and 'domestic' work. This demand is fed from both the supply and demand side with illegal workers seeking out less easily policed work sites and employers seeking cheaper labour.[316]

In the case of domestic workers there has been a rise, not only in the social acceptability of the employment of illegal domestic workers, but also a rise in the cost of living in western nations, leading families to have dual incomes, which leads to the need for

313 John Page and Richard Adams as explained in UNFPA2005 pg 45
314 *Ibid.*, pg 45
315 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 8-9
316 Freeman, G. P. 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review* 29(4), 1995 pg 885

child care, cleaning services, or a companion for pensioners.[317]

Increased Illegal Migration

There has been an increase in the many forms of illegal migration in the past decade or so. The worldwide integration of markets as a result of globalization has led to much of this illegal migration. Changing structural factors have led to the need for cheap labour in industrialized countries while at the same time there are less legal workers available to take low paid jobs. Wage levels, working conditions and social stigma leave many occupations chronically short of labour. In addition the demographic decline seen in many industrial countries has also led to a decline in the available workforce.[318]

The structural demand for cheap labour and illegal workers in western industrial countries has been fed by migrants from a variety of countries due to source countries polices which may, in fact, create strong push factors. According to Jörg Alt events in source countries such as "international investment and debt policies, deregulation and liberalization on the one hand, and subventions and export controls of the other, [have] combine[d] to stifle the growth of industrial and labor systems - rendering many people unemployed."[319] Thus there are factors at both ends of the migration chain that lead to further migration, demand for cheap labour, and strong push factors at countries of origin.

There have been claims by some authorities that there has been a decline in the number of illegal entrants to certain European states.[320] However, the structural factors leading to migratory flows remain, job offerings are plentiful, demand for 'illegal' workers remains constant while existing and ever cheaper transport networks facilitate the movement of people.[321]

The lure of stable and productive European nations is a powerful incentive for migrants who wish to enhance their living conditions or earn a higher wage than would be possible in their home country. One author has indicated that the door to Germany beckons potential migrants with "a richly rewarding labor market, to a generous welfare state, and an exemplary, stable liberal democracy – [all of which are] powerful lures

317 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 3
318 *Ibid.*, pg 8
319 *Ibid.*, pg 8
320 2000/2001 Federal Border Police Report, the Federal Minister of Internal Affairs In *Ibid.*, pg 12-13
321 *Ibid.*, pg 12-13

indeed."[322] People who have little to lose will continue to make entry attempts, no matter what the cost; even if it means losing their lives in the process. It is in the interest of European nations to legalize undocumented workers so as to ensure basic standards of protection as well as for taxation purposes, while it is in the interest of workers to be legalized so as to enjoy the rights and benefits available to legal residents/workers.

Brain Drain

Brain drain, the loss of highly educated citizens due to migration, has had a cumulative effect (in the past) on the economies of many East European nations.[323] The exodus of researchers, professors, engineers and the like cost the Polish and Hungarian (as an example) economies as much 12 percent of their professional populations between 1989 and 1993.[324]

In other cases there has been the argument that as many as 10-30 percent of skilled labour is being lost by developing countries to brain drain. The OECD has clarified that countries most likely to suffer from the negative effects of brain drain are "small countries and less developed countries, notably in Africa and in the Caribbean."[325]

The fear of brain drain occurring is most easily demonstrated by looking at the educational qualities of migrants themselves. Proportionally speaking the poorest people in the world do not migrate as much as those with an education. "88 per cent of immigrants to the OECD countries have a minimum of secondary education."[326] Far more proportionally, as a group, than many countries around the world can boast of having. The number of people with a higher level of education who have left their home countries is also fairly substantial. Some forty percent of tertiary educated adults from Turkey and Morocco, a third of those from Ghana, half of tertiary educated adults from the Caribbean and seventy five percent of tertiary educated Jamaicans and Haitians live in western countries.[327] These high numbers are indicative of major structural problems

322 Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998 pg 1052

323 Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1070

324 *Ibid.*, 1070

325 UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNPA. pg 46

326 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 3

327 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 3

in their home countries. Although authors such as Legrain have pointed out that economically speaking it is still better for a Pakistani PhD to work as a cabbie in New York than to do research, if there is any to do, in Lahore.[328]

In the case of large countries, with substantial numbers of educated elite, the issue of a loss of the educated population is not of major concern. However, in countries that lack a large educated elite there is the problem that their loss could put a dampener on economic growth and development, and even the provision of health services.[329]

Countries such as India or China have considerable numbers of educated people, with a substantial number of individuals being educated and entering the work force on an annual basis. Countries in Africa, on the other hand, are losing a considerable number of specialists annually. Within the health sector alone, some African nations lost 12 percent of their experts in 2003 alone, while as a whole "Africa has lost a third of its skilled professionals in recent decades."[330] The loss of experts now costs African nations as much as four billion dollars annually as they attempt to fill the void with over 100,000 expatriates from the west.[331]

No Return

The failure of migrants to return to their countries of origin has led to the formation of substantial populations of migrants in many European states and can be linked to a variety of causal factors.[332] There are several substantial reasons for the reduction in return and the propensity for settlement formation in European nations. One is the integration of migrants in host countries, along with family reunion; another is the weakening of source countries due to migratory flows.

The propensity for western nations to recruit highly skilled migrants and to integrate them into national economies while providing substantially higher wages then could be expected in source countries are major factors in the establishment of stable migrant populations in host countries which then form networked connections that, perhaps,

---

328 A survey by the Rand Corp, a Californian think-tank, claims that the average immigrant ends up $20,000 a year better off after immigrating. Legrain, P. (2007), *Immigrants Your Country Needs Them*, Little Brown. pg 20

329 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 3

330 *Ibid.*, pg 3

331 *Ibid.*, pg 3

332 The Dutch case is a good example, mentioned elsewhere in this report while there are also claims that the Berlin is host to the second largest grouping of Turkish nationals outside of Istanbul.

support further migratory flows and greater settlement.[333]

The integration of migrants, along with high wages and a lack of development in source countries, has greatly contributed to the long term settlement of migrants. A lack of political progress, economic development and the failure of source countries to provide job opportunities combined with higher wages, greater security and better future career and educational opportunities for migrants and their children are all major factors leading to long term settlement. [334]

The loss of specialists may even lead to the reductions in available funding and a resultant loss of job opportunities in source countries.

> A recent development. . . has been visible in Bangladesh in 2001, where a large number of returning migrant scientists re-migrated, as there were no jobs vacant in their academic fields, because of the shrinking of these fields, again causality of heavy migration.[335]

Migration may weaken source countries and lead to a circle of migration: migration leads to further weakening of a source countries ability to provide opportunities for its own citizens leading to further migration. Authors such as Beine, Docquier and Rapoport (2003), have shown that brain drain may have a significant negative impact on countries which experience migration levels of above 20 percent in particular sectors. Examples of the education and health sectors in countries such as Nigeria, Ghana, Zambia have been used to demonstrate this effect.[336] The impact of brain drain is focused in countries with the highest levels of out migration and the low levels of service provision.

A weakening of the medical and professional sectors make return even less lucrative for migrants as they are faced with the daunting task of working alone.[337] Nations that lack technical expertise, entrepreneurial, managerial and medical skills can not be expected to grow. The constant outflow leads to a degeneration of the situation and further outflows. European nations should look to past examples where return migration has benefited economies for guidance in their development attempts, such as the case of India and Taiwan, where returnees greatly benefited the national economies.[338]

---

333 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 6

334 *Ibid.*, pg 6

335 The Independent 17.7.2001 In *Ibid.*, pg 6

336 *Ibid.*, pg 6

337 *Ibid.*, pg 7

338 Legrain has provided an excellent explanation of how entrepreneurs have led to the expansion of the

Circulating flows of migrants can be beneficial for all nations involved, both through the sharing of expertise and the development of economies as a whole. The long term impact of return migration would be beneficial for all parties concerned, yet the precedent set by European nations has stifled return flows through draconian control systems which lead to permanent settlement and integration.

Need for Migrants in Order to Maintain Growth

Migrants undoubtedly influence prosperity of western nations through their involvement in the economy. European nations who are experiencing declining birth rates, as most are, will be forced to import workers in the future simply to maintain current levels of economic productivity. The prospect of an ageing population will lead to the need for not only labourers to fill the void of retiring workers but also trained nurses and doctors. In addition to maintaining current levels of economic output there is also the need to maintain or sustain the pension and social security systems of Europe.[339]

Private businesses which wish to boost their competitive edge, or enhance productivity already import skilled workers in the interest of remaining competitive on the world market. There is increasing understanding that businesses will need to be "able to recruit their employees much more freely and on a global basis"[340] if they wish to remain competitive. This demand for innovation and expansion is fed by the constant need to expand in order to create ever greater returns in western economies. The need for more workers who are more productive leads to demands for greater freedom of movement and easier movement of workers.[341] The need for greater integration of markets is often based on the belief that a liberal trade based economy and laissez-faire trade policies, that increasingly integrate the world economy, will create a "rising tide to lift all boats."[342] Migrant labour can additionally be seen to prevent the formation of 'bottlenecks' or mismatches in labour resources by filling voids or shortages in the labour market, thus increasing production and efficiencies in migrant destination

---

Indian IT sector and Taiwanese industrial output. Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 105 Also discussed in Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 7

339 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 789

340 *Ibid.*, pg 792

341 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 4

342 Bhagwati 1998 quoted in in Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 603

countries. [343]

There is substantial evidence that shows that migration of both highly skilled and low skilled labour provided higher gains than trade alone was capable of delivering, at least in the nineteenth century. Economic historians have shown that "migration may be a necessary condition to receive the overall economic gains of openness to trade and capital flows, due to total specialization or locational economies of scale."[344] Thus Neoliberal approaches to global economic efficiency, much like Neoclassical approaches, support unrestricted migration as it allows for labour to move to areas of higher returns and increased marginal returns on investment.[345]

An argument against migration has often been based on the somewhat misguided belief that migrants compete with locals for jobs. The argument goes that unskilled locals end up loosing out as migrants compete with them for similar jobs, government services and the like. While the only beneficiaries of migration are businesses which profit from population growth, such as construction and real estate or businesses which utilize low paid workers to turn a profit, such as the service industry. Arguments continue by indicating that these disadvantages groups in society "lack the resources to make their voices heard."[346] Similarly, Marxist arguments utilize ideas of class conflict to demonstrate how migration leads capitalists to exploit foreign labour as a means to keeping wages low and dividing the working class, thus preventing the formation of unions.[347] A quaint argument that ignore the reality of today's industrialized economies which are often dependent on union participation and have minimum wage standards. [348]

However, arguments fail to take into account the fact that migrants do not, in reality, compete with locals for jobs as often as it is believed. As explained by theories of cumulative causation the reality of the situation is more complex. Migrants tend to take on jobs that are socially stigmatized by industrialized countries, such as refuse

---

343 UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNPA. pg 164

344 Hatton and Williamson 1998; O'Rourke and Williamson 1999 in Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 603

345 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 603

346 Freeman, G. P. 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review* 29(4), 1995 pg 885

347 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 604

348 Marxist arguments may be more applicable in the case of illegal labour.

collection, manual labour, field work and the like.[349] Particularly in fields which locals shun, or are less willing to partake in. In fact "Many industries, such as horticulture and residential and care facilities for the elderly, would simply not be able to operate without migrant labour with a consequent impact on many other jobs."[350] Evidence in the United States shows that the impact of migration at a net level is to increase the national income and has been linked to more rapid economic growth.[351]

Similarly, arguments that claim that migrants leech off of the social support network and compete with locals for access to services is similarly misguided as most migrants (temporary or illegal) do not usually have access to state provided services.[352] In the case of the UK migration has had a significant effect on the nations GDP. With estimates pointing to a growth of 3 percent in GDP being directly attributable to new migrants. While the Borders and Immigration Agency has indicated that "total revenue from migrants gr[ew] in real terms from £33.8bn in 1999/00 to £41.2bn in 2003/04."[353]

The reality of migration is that it is now structurally embedded in society and economies the world over. It is nearly impossible to stop migration as both sending and receiving countries require it for survival. In addition, as Castles as indicated "migratory movements, once started, become self sustaining social processes"[354] which link people across vast distances, economically through remittances and personally through family ties.

Free Movement

There is a very strong argument that freer migration of individuals stimulates growth. Such arguments point out that from an economic point of view any constraint on the market acts a barrier to further economic development. As such, the concept of migration without borders(MWB) or areas that allow for the free movement of people would provide for flexibility in the labour market and would boost overall economic growth while allowing the market to correct distortions or inequalities between

349 Massey, D. et al. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 1993 pg 453

350 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 2008 pg 9

351 Putnam, Robert D. "E Pluribus Unum: Diversity and Community in the Twenty-first Century." Scandinavian Political Studies 30 (2) 2007 pg 140

352 Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 146

353 *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion 200808 pg 9

354 Castles, S. 'The Factors that Make and Unmake Migration Policies', *International Migration Review 38 (3)*. 2004 pg 860

countries.[355]

Neoclassical economists have supported the concept of free movement due to the fact that "controls on migration create the world's biggest economic distortion – the discrepancy in regards to labour."[356] In the view of neoclassical economists restrictions on the movement of people creates constraints on production efficiency and should "should be banned in the same way as the circulation of goods and capital should be liberalized in a globally integrated economy."[357] Migration, in this view, would lead the the achievement of equality on a global level and would eventually lead to a reduction in migratory flows, as disparities in income levels and living standards decreased.

The concept of free movement has various supporters who believe that freer movement would reduce inequalities between nations. In allowing the free movement of people, countries would be allowing for market forces to deal with issues of inequalities between countries. Open borders would liberalize the flow of money and allow for it to be redistributed around the world, while greater trade between countries would lead to greater socio-economic convergence and a more equitable world civilization.

There are some drawbacks to the argument in favour of free movement. Arguably only the highly skilled would benefit from free movement, as the case of the EU has shown.[358] However, developing states would have incentives to generate remittances under a regime of free movement and would most likely attempt to raise the level of education amongst their citizens in the interest of improving their chances of migrating. Additionally, there is the assumption that markets will correct inefficiencies in all cases. This firm belief in the market is slightly delusional as markets have not been proven to correct distortions in all cases. Few, if any, industrialized countries allow the market to function unimpeded. This is due to the fact that the market does not support the poorest of the poor, the state does.[359]

In the past borders confined the movement of goods, services, money, and people. Yet

355 "the model suggests that allowing for migration across the borders of similar countries will stimulate growth" Lundborg, P. & Segerstrom, P. S. 'International Migration and Growth in Developed Countries: A Theoretical Analysis', *Economica* 67(268), 2000 pg 601

356 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 10

357 *Ibid.*, pg 10

358 *Ibid.*, pg 10

359 Distortions occur in economies in a variety of ways. The state can distort the market by imposing taxes, as is common in developed countries, to ensure the provision of services to all people. Such distortions lead to what is called dead weight loss, and a commensurate increase in the cost of goods-further distorting commodity prices in the market. The concept of a perfect market economy is impossible as long as taxes and social systems exist.

today borders mainly stop people from moving freely. The globalization of the world has led to the reduction of those controls which hindered the movement of goods and capital; yet borders still confine people. The concept of free movement or 'Migration without Borders' would be beneficial for some, however, it might also lead to a massive exodus of some in search of better conditions abroad, and it is this mass flood of migrants that make policymakers wary about the concept of free movement. The EU has created such a regime, allowing for free movement, yet not without hesitancy, and not without great concern regarding economic disparities, some of which have been reduced through the transfer of funds between member states.[360]

360 Commission, E. (2008), Council Regulation (EEC) No 3906/89 of 18 December 1989.

Part 5

5.1 Applications

The reality of migratory flows at the level of the EU is that they are here to stay. International linkages now exist that lead to the perpetuation of migratory flows, while conflicts continue to generate large scale displacement of individuals. Europe is in need of migrants to fill a demographic deficit and promote economic growth while remittances are incredibly important for the economies of many developing nations and will not lose their importance in the short term.

Unfortunately, too many individuals are still prevented from fulfilling their aspirations of a better life in stable democracies; visa regimes, border controls and the like prevent many from being able to migrate while border controls and limited opportunities to migrate have caused otherwise temporary migratory moves to become permanent. The advent of polices of multicultural pluralism in western states have increased equality for those inside of western states, yet governmental actions to limit the intake of non-locals are still blatantly discriminatory.[361]

Exclusion and discrimination in the work force continue while the privileged few are able to migrate freely, in direct contrast to those who come from the developing world. The issuance of visas and residence permits allowing migration depend on fickle embassy staff and governmental policies intended to benefit rich nations.[362]

Towards an International Regime for Mobility and Security

An outcome of the current securitization of migratory flows may be the creation of a universal regime with promotes mobility and security. By increasing properly documented, pre-screened migratory flows that travel through ports of entry, instead of around them, an international regime based on cooperation between sending and receiving states may allow for resources to be better utilized and better focused on potential threats to security.[363] By closing borders and limiting access to western nations

361 Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1067

362 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 7

363 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global*

states may lose control over those who enter; as migrants subvert legal routes and enter clandestinely.

Why States Don't Legislate for a Global Regime

States do not have much of an incentive to form a global regime related to the movement of people as individual states benefit from the flexibility provided by the current void in international control. Currently, when shortages of labour occur temporarily during times of growth or seasonal fluctuations in production, national economies can draw on labour from abroad as heavily as they wish. There are no quotas or limits and individual states can set the entry procedures required for temporary migrants and can change the rules at any time. States can also turn a blind eye to illegal flows if they choose to. States can additionally sign bilateral agreements with traditional source countries of migrant labour while being free to clamp down on migration during times of economic decline of social dissatisfaction. There is no need for states, currently, to make any commitment to maintaining open borders during times of economic slowdown.[364]

The idea for the formation of an international regime regarding migration is unlikely to make it out of the back rooms of governmental offices. The economic benefits are negligible for host countries as they face the prospect of selling freer migration to a sceptical public. The domestic political consequences are far greater than any benefit policymakers could expect from economic growth fed by free migration. Indeed in Germany alone the backlash would be substantial as it would be nearly impossible to sell the concept of free migration to a population which contains almost 4 million unemployed.[365] There is always the argument that migrants do not, in fact, take jobs from locals but fill new ones created by dynamic economies, however, it is unlikely such a scenario could be sold to a sceptical public.

In addition to the difficulty of selling the prospect of free migration to the public there is the additional problem of international coordination. It is incredibly difficult for nations to come to agreement on free trade deals or other international norms, even when all parties wish to participate. The idea of a regime related to free migration would be dead

---

Commission on International Migration. October 2004 pg 4

364 *Ibid.*, pg 3

365 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 8

in the water even before states could consider discussing the issue. This is due to the fact that "there appears to be little interest among UN member states to expand the international legal and normative framework for migration policies . . . only 47 member states favoured convening a global conference on the issue while 26 opposed and 111 did not reply (UN 2003)."[366]

Although the concept of a regime related to the movement of migrants might benefit the world economy, through an increase in economic efficiency, the main benefit would be be felt by migrants themselves through the reduction of global inequalities.[367] Authors have pointed out that developed countries grow at similar rates due to the integration of their economies(not their economic structure or their public policies), while developing countries show wide variability in growth rates due to their weak connection to the world economy. Lundborg and Segerstrom have shown that the growth structure of "the world economy may be explained by international trade relations."[368] Yet few nations have an interest in the creation of a global regime related to migration, and those that do are mainly migrant producing nations with the most to gain from future migration.

International Cooperation

Perhaps industrialized nations need to focus their attentions, not on preventing flows, but on adequately monitoring them, through the legalization of existing migrants and the prevention of conditions that lead to migration.

There is increasingly an understanding at the international level that migration is inextricably linked with transnational issues such as development, security and demography. Multilateral cooperation is most likely the best option for dealing with transnational factors that lead to migratory flows.[369] Perhaps a more interventionist policy that strives to reduce factors leading to migration would be of interest for western states as it may be more cost effective in the long run than non-intervention.[370]

---

366 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 3

367 *Ibid.*, pg 3

368 Empirically, we should find that intensive trade between the rich countries leads to similar growth rates. In the poor countries, trade dependence is generally lower and consequently growth rates differ more. Lundborg, P. & Segerstrom, P. S. 'International Migration and Growth in Developed Countries: A Theoretical Analysis', *Economica* 67(268), 2000 pg 601

369 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 2-3

370 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 3

Authors such as Chiuri, De Arcangelis and Ferri, have calculated that non-interventionist policies, which often lead to post crisis intervention, are more costly in terms of border control and strict immigration controls. The authors have stressed that a preemptive approach that mitigates the effects of crisis with large-scale aid would require fewer resources than a reactionary approach.[371]

Similarly there is greater attention being focused on bilateral, international and supranational cooperation in the field of migration. Although national sovereignty is still an established fact in determining policy there is enhanced cooperation, especially in the case of the EU, which may benefit both source and destination countries in the long run.[372]

Benefits of Migratory Flows

The reality of migratory flows is that receiving countries benefit from increased productivity and an infusion of individuals driven to succeed. Remittances and trade may lead to a reduction in poverty levels, a reduction in unemployment and enhanced security in countries of origin with returning migrants playing important leadership and entrepreneurial roles in their source countries.[373] It is a well known fact that creativity is enhanced by immigration and diversity. As an example "immigrants have accounted for three to four times as many of America's Nobel Laureates, National Academy of Science members, Academy Award film directors and winners of Kennedy Center awards in the performing arts as native born Americans."[374] While the entrepreneurial spirit of migrants is apparent the world over, in terms of restaurants, small businesses and large corporations.[375] Migrants greatly benefit both source countries through remittances and host countries through their labours.

---

371 *Ibid.*, pg 12

372 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 787

373 *Ibid.*, pg 791

374 Putnam, Robert D. "E Pluribus Unum: Diversity and Community in the Twenty-first Century." Scandinavian Political Studies 30 (2) 2007 pg 140

375 One of the founders of media giant Google was an immigrant, while there are a plethora of other examples of individuals starting up business in destination countries. SeeLegrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007 pg 100

5.2 The Failure of Europe to respond adequately to Push Factors.

Europe has failed to respond adequately to the push factors leading to migratory flows. Global conflicts which generate flows of refugees are not aggressively prevented by EU intervention, while global disparities in wealth have hardly been affected by the limited development aid provided by nations around the world. Remittances are the largest source of incoming capital and account for large portions of national GDP in developing countries, and they dwarf any bilateral aid or development assistance in size and arguably in impact.

There are a variety of factors that affect migratory flows ranging from; disparities in wealth; to military conflict; to environmental degradation; to poverty and perhaps in the future the scarcity of resources such as water. All of these proximate causes of migratory flows have the effect of potentially contributing to migratory flows, as such, the EU should involve itself more heavily in attempts to reduce the impact of such occurrences if there is to be a reduction in migratory flows, both legal and illegal into the future.

European nations have not done enough to mitigate migratory flows and have failed to respond in a positive, proactive, fashion to flows or their negative impacts. Europe must make an attempt to reduce push factors that lead to migration, while imposing constraints on individuals which result in permanent settlement, brain drain and illegal flows.

What is Missing

European attempts to limit migration through collective action have been somewhat lacking. While attempts to limit migrant flows have seen some success "there continues to be a steady flow of refugees from violence and misery [which] keep migration pressure on western countries at a high level".[376] While European nations continue to accept asylum applicants there has been little collective action aimed at reducing the causal factors leading to migration.

There is little progress at the intergovernmental level in term of the mobilization of

376 De Swaan, Abram. "The Receding Prospects for Transnational Social Policy." *Theory and Society*, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 pg 564

resources directed towards the implementation of collective action and a consequent reduction of pressures leading to migration. European nations are well organized in relation to internal issues, but do not unite as effectively when it comes to external issues. There is little pressure to implement social policies that could "could dissuade potential immigrants by improving their living conditions at home."[377] There is, in addition, a very minimal record when it comes to the application of collective military enterprises, aimed at preventing or containing conflict that have an impact on the EU. There have been no collective EU based initiatives implemented nor any sustained joint foreign policy aimed at containment. The case of Yugoslavia, which borders the EU, is an example of EU impotence when it comes to unified containment polices.[378]

Granted, EU member states participate in institutions such as the UN, NATO and support aid bodies such as the WHO, UNESCO, UNHCR and the like in there initiatives to aid the needy. In effect the EU (member states) do contribute to the creation of a more stable international order. Yet true, in depth, attempts at involvement in factors leading to migration or to the changing of the situation in source countries with the intent of modifying push factors are nearly non existent at the EU level. Aside from pilot projects led by member states there has been little work done in this regard. The EU is prone to the implementation of protective measures of a negative nature, such as exclusion, not proactive positive policies intended to foster development and generate long term benefits.[379]

De Swaan has indicated that the Union "will be more prone to promote transnational social regulation and much more hesitant to initiate or participate in programs that would entail social transfers to those countries."[380] While this may be true, the EU has very good experience with the implementation of capacity building, and development through monetary support from its work bringing the CEE countries up to the standards required for accession. It would be interesting to see if a program such as PHARE,[381]

377 De Swaan, Abram. "The Receding Prospects for Transnational Social Policy." *Theory and Society*, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 pg 566

378 *Ibid.*, pg 566

379 *Ibid.*, pg 567

380 e.g., the proposal to impose minimum standards of pay and working conditions in low wage-countries through the GATT mechanism" De Swaan, Abram. "The Receding Prospects for Transnational Social Policy." *Theory and Society*, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 pg 567

381 "The Programme of Community aid to the countries of Central and Eastern Europe (Phare) is the main financial instrument of the pre-accession strategy for the Central and Eastern European countries (CEECs) which have applied for membership of the European Union...with a budget of over EUR 10 billion for the period 2000-2006 (about 1.5 billion per year), has two main priorities, namely institutional and capacity-building and investment financing."Commission, E. (2008), Council

implemented in Europe could be extended beyond Europe, and used to enhance economic development in non EU countries.

The implications of European border control polices are not well understood by policymakers. Apparently the intricacies of migratory flows, the deep seated desire of some individuals to migrate and the phenomenal lengths that some people will go to in order to 'make it' entirely escape policymakers. Commonly the policies of European states are out of step with current realities. Fear mongering, the threat of 'invading' migrants and myopic views on migration have led to the creation of 'secure' borders that essentially prevent the legal entry of non desirables, such as the poor and destitute of the world.[382]

The highly securitized environment that potential migrants and asylum seekers face has forced many to choose illegal means, perhaps the least secure method, for entering the EU. The use of smugglers, also known as "Schleuser", smugglers, "coyotes," "snake heads," or - in legal circles - "criminal traffickers"[383] who provide transportation assistance, or guidance to would be clandestine travellers in on the rise.[384] Granted, some smugglers or informants are simply individuals who have experienced the journey themselves, and provide assistance out of goodwill or due to networked contacts(such as ethnic or national peers),[385] although often migrant smugglers are in the business of moving people, well, for business purposes. Smugglers may charge large sums of money to transport people across borders, often with little regard for there charges lives or well being and may prey on vulnerable migrants who can least afford to protect themselves.[386]

The reality of the situation is that there is no sure way of monitoring and preventing illicit entry. Border controls may be capable of stopping some illicit migrants, or may be successful in leading to a redirection of flows, yet "existing government measures can

---

Regulation (EEC) No 3906/89 of 18 December 1989.

382 De Swaan, Abram. "The Receding Prospects for Transnational Social Policy." *Theory and Society*, Vol. 26, No. 4, Special Issue on Recasting Citizenship. 1997 pg 564

383 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 6

384 The chosen term 'clandestine travellers' is used as it must, by its nature, be all inclusive.

385 "Relatively disinterested assistance is also offered within ideological or ethnic networks, wherein national or ideological peers are helped, as can be seen in networks which offer costfree trans-border support for Turkish or Iraqi Kurds, Algerian Islamicists, Chaldean Christians, etc." Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." Global Commission on International Migration. September 2005 pg 6

386 Cases of deaths in transport are well known see BBC 'Morocco denies drowning migrants', BBC Online. Thursday, 8 May 2008 and also Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 13

be circumvented."[387] Monitoring borders, introducing visas and implementing policies against smuggling along with identity controls within borders may reduce the number of successful entrants, but will not stop determined individuals. Especially if they happen to have support from within the country in question.[388]

It is not possible for police to control the vast number of people crossing borders annually. It is not possible to halt the flow of people into a region and maintain an economy. As an example; Bavaria, a region of Germany, has "approximately 66 million annual visitors, 20 million automobiles and 2 million heavy trucks that cross [it's] borders,"[389] annually. If there were efforts to staunch the flow, or to inspect every person or vehicle entering this particular region the economy would most likely come to a standstill.

Determined individuals will manage to find a way past restrictive controls on their movement. The large networks that exist within migrant communities and the support provided by migrant communities compounded with the support that illegal's often receive from citizens alike allow for illegal's to live and work undetected. Those who wish to dodge state controls often are provided, at least tacit, support by a variety of individuals. Subversion by citizens may occur, in the case of illegal workers, due to individual beliefs which are reflective of their values, ie compassion or solidarity or a belief that the state has somehow been unjust to people in need.[390] Thus individual acts of kindness, in the case of individuals who are 'doing the right thing', when combined with self interested behaviour(of those who profit directly or indirectly from illegal workers), leads to the support of illegal flows and the infrastructure they utilize in cross border movements.

The support and subversive behaviour of citizens hinder the attempts of states to effectively prevent clandestine flows. This combined with the higher prices migrants must pay smugglers to cross borders, along with strict controls are border points of entry leads to the permanency of what may otherwise be temporary flows of migrant workers while increasing the willingness for risk taking behaviour. Those migrants who would otherwise prefer to work only temporarily in industrialized countries may be

387 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 12

388 *Ibid., pg* 15

389 *Ibid.,* pg 12

390 "Many people say as much when they claim that their actions are meant to give real validity to human rights (such as giving protection to refugees) which in their eyes are being violated by the state." *Ibid.,* pg 13

forced by the high cost of travel and the risks involved to stay permanently in destination countries so as to minimize costs and maximize returns. The high cost and risk associated with clandestine movements may lead to migrants becoming indebted to loan sharks, which puts already vulnerable individuals in an even more precarious position. Migrants will not move back and forth as they might well prefer, but stay indefinitely in destination countries, for fear of being unable to return or to earn enough elsewhere to support their debt, and their families.[391]

Toward a Realistic Approach

It is unrealistic, given the large numbers of migrants in the world, to believe that it will be possible to staunch the flows that cross borders. The imposition of draconian measures will not stop people who are desperate or driven from crossing international boundaries, after all 'where there is a will there is a way'.

A more realistic and possibly successful approach, as laid out by D. Massey et al. would be to encourage the desirable features of migration while working to reduce negative consequences. Some suggestions include: the enhancement of "on-the ground border patrols to migration prevention and improved policing of trafficking organizations, a liberalization of trade, programs to rotate temporary workers, or greater attention to factors which cause illegal migration in the first place by formulating and implementing new migration policies and laws (e.g. to adjust laws governing family reunion to the larger concept of "family" existing in non-European cultures, which exceeds father, mother and minor children)."[392]

Such policies would allow for freer movement of desirable workers while also mitigating against long term stays, by promoting circular or return migratory flows. Unfortunately Europe is still heavily influenced by fear mongers who would like to see nationalist aspirations of homogeneity realized.

Development cooperation may be the best way forward for European states in their attempts to reduce migratory pressures. Development cooperation in conjunction with capacity building and advice on good governance, combined with trade liberalization and the reduction in impediments to growth internationally may be the most effective

391 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 13

392 *Ibid.*, pg 14

way to have an impact on migratory flows.[393]

It has become increasingly clear that migrants themselves can have profound impacts upon poverty reduction and sustainable development in their countries of origin. Migratory remittances, actions and entrepreneurial actions can have profound effects on good governance, human rights and development, if they choose to return to their countries of origin. Thus there is a need to harness and support such development potential, if there is to be any hope of reducing pressures that instigate migratory flows into the future. [394]

Current policy is not necessarily flexible enough at the European level to allow for alternatives or innovative policy instruments. There is a need to recognize that migration partnerships between source and host countries, relaxed visa polices, and development cooperation may provide the much needed flexibility needed to promote sustainable migratory flows, development in source countries and long term change.[395]

393 Such as a reduction in subsidization of European farmers who undersell competition from developing nations .

394 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 791

395 Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 5

Conclusion

Migratory flows factor heavily on population growth in the EU, with between one and two million people entering the EU annually.[396] These migrants not only greatly contribute to population growth but also to the economic prosperity of the Union. Without migration the demographic decline of Europe would lead to significant problems in the future, such as high dependency ratios, economic stagnation or even decline as a result of reduced output. Europe requires migrants to maintain population growth and contribute to the economic well being of the market. In addition, the current pension and health care systems are untenable in the long run. The European Union has been unable to reduce migratory flows through restrictive legislation and has had little impact on the prevention of migration through a reduction of push factors which lead to migration.

The Current Situation

Net migration accounts for a doubling of the growth rate in some western EU countries, while in the CEE region migration has only a limited impact on population size. The impact of migratory flows is not inconsequential, as without migration into the Union the population of Europe would stagnate and decline over the coming decades.[397] Such loss over the next several decades would have a significant impact on economic productivity and the state supported pension and health systems. In fact, the need for low skilled labour is growing in Europe as young people shun labour intensive positions and set their sights on highly skilled occupations.

As explained by the dual market theory migrants are needed to fill positions which locals do not wish to accept or which lack long term potential for advancement. The demand for labour in many cases is greater than the number of available workers; migrant workers often make up this shortfall (as in Spain which is experiencing spot labour shortages) as they are willing to work in areas that locals may not find inspiring. Migrants take on such positions as they see them as a means to an end, not for their long

396Figures provided by Eurostat indicate 1.6 million on average in the last 5 years. Others place the number lower at one million. See Monnier, A. & Rogers, G. I. 'The European Union at the Time of Enlargement', Population (English Edition, 2002-) 59(2), 2004 pg 317 and Europe in figures Eurostat yearbook 2006-07 European Communities, 2007 pg 75

397 Monnier, A. & Rogers, G. I. 'The European Union at the Time of Enlargement', Population (English Edition, 2002-) 59(2), 2004 pg 324

term potential. It is assumed that more than 70% of catering positions in London are now being filled by migrant workers.[398] The economies of Europe require highly skilled workers to support a growing economy, but they also require low skilled labour to fill positions which locals are averse to participate in. Governments recognize the need for more migrants even though temporary labour recruitment is far below the levels currently required; in Germany alone 15,500 people are recruited each season, but 200,000 seasonal agricultural positions exist.[399]

The necessity for greater immigration into the EU is due to the fact that without inwards migration the EU population will surely decline in the near future given the low birth rates of approximately 1.5 children per woman seen across the Union.[400] Migratory flows are variable across European countries with some countries seeing a decline in flows, such as the Netherlands (fig. 1.2.9), while others have seen growth in numbers, such as Germany and the UK (fig. A 4.3 and A 4.4).

Regarding asylum flows, the overall picture indicates that asylum applications have declined in recent years, however, continued instability in regions of origin contributes to the displacement of individuals. While the flow of asylum seekers into European Nations has declined in recent years there is a continuing likelihood that crisis in specific countries of origin may lead to short term increases in flows, as seen throughout the 1990s.

The imposition of unified polices related to asylum applicants across the union, such as the Dublin Convention and safe third country legislation has indeed reduced 'asylum shopping'. Whereas, restrictive policies such as the imposition of visa requirements and carrier sanctions intended to limit the possibility of entry for those who lack proper documentation has reduced the opportunities available for asylum seekers to enter member states legally.

The imposition of restrictions has, no doubt reduced the likelihood of asylum applicants entering EU countries legally, such restrictions have also fed illegal flows as individuals seeking to enter the EU circumvent legal points of entry and enter illicitly. This clandestine entry unfortunately puts individuals at risk of exploitation by unscrupulous

398 Legrain, P. (2007), *Immigrants Your Country Needs Them*, Little Brown. pg 77

399 Mansoor, A. & Quillin, B. eds. *Migration and Remittances: Eastern Europe and the Former soviet Union*, World Bank Report. 2007 pg 46

400 Monnier, A. & Rogers, G. I. 'The European Union at the Time of Enlargement', Population (English Edition, 2002-) 59(2), 2004 pg 324

smugglers who charge high fees and may take advantage of vulnerable individuals. By limiting access to legal forms of entry European governments may, in fact, be causing further illegal flows to occur. The increased use of smugglers may also support, or at least piggyback off of, illegal activities such as the trafficking in women, children and other goods. If there were more legal opportunities available for migrants to enter European Nations the use of illegal smugglers would be greatly reduced.

The use of safe areas and support for the actions of the UNHCR may be beneficial in terms of reducing the flow of individuals fleeing to Europe in search of protection, yet such protection is not always sufficient. In any event the number of asylum claimants is very low in most countries in comparison to the absolute number of migrants entering the Union. Out of the total migrant population in Europe, asylum seekers are one of the smallest groups; illegal overstayers, illegal entrants and economic migrants account for a much larger part of the migration flows into European countries.

Asylum Numbers

The measures imposed by European states in response to the rise in asylum seekers in the 1990s have been somewhat successful, however they could be deemed unnecessary as the total number of asylum seekers are minimal in contrast to the total number of migrants entering the EU.(see figure 1.2.2)

The number of asylum applicants across the EU pales in comparison to the number of total migrants entering the Union each year. Given the high cost of determining status, would it not be more cost effective to allow asylum seekers some sort of immediate provisional status (with the ability to work), so as to focus state resources and energy towards countering illegal entrants who may pose a threat to security of the Union? A quick review and automatic determination for obvious refugees (or those deemed candidates) , including a separate secondary system for those who are not clearly refugees, would provide stability for asylum seekers, would speed up application procedures and reduce the cost of the asylum processing system. Such a system, where determination would be provided on the spot for well founded cases, would contribute to the economic growth of the EU by providing the economy with much needed workers, while at the same time providing stability to those in need of protection.

Alternatively, given the costs of processing asylum claims it would be more practical for

the EU to unify it's asylum application processes. The creation of offices across the EU with standardized procedural guidelines would be less detrimental to the rights of asylum seekers. The associated costs could then be spread across all member states, not only to those who have the most applicants. In addition, a unified system would be more effective and perhaps more cost effective due to the synergies it would create.

Push Factors

Poverty reduction and macro economic stability may reduce the push factors that lead to migration. The impact of remittances when compounded with development assistance, educational increases and job creation may lead to a reduction in migratory flows. A reduction in push factors associated with migration such as low wages, poor governance and instability would be beneficial in that they would stem the tide of migrants searching to enhance their living conditions. A reduction in the loss of highly skilled individuals from source countries would enable communities to enhance their development and contribute to regional stability; through local growth and development. Unfortunately, there are no large scale projects at the EU level which support such development.

The brain drain effect could, in many countries, be reduced if living conditions were improved. Brain circulation or return of migrants has been billed as a solution to the problem of migrant settlement in Europe as well as development in source countries. There has been support for the idea of maintaining circulation in the flow of migrants. By ensuring that individuals return to their country of origin, taking skills acquired in developing countries with them, development would be more likely. Such circulation would enable development and support growth through the entrepreneurial endeavours of return migrants and would lead to growth and development in migrant producing regions. Europe should emphasis and support such circulatory flows in its attempts to aid development in source countries.

Remittances

The long-term impacts of migratory flows are unknown, however, remittances have been shown to be beneficial in some cases, both in source and destination countries. Remittances support many communities around the world while migrant labour is in high demand in western states; due to its flexibility and the willingness of migrants to

work for low wages. Yet the impact of migratory flows has been seen to have a detrimental impact upon severely underdeveloped economies. In some cases the loss of a large number of highly trained nurses and doctors has led to crisis with case examples of Nigeria, Ghana, Zambia demonstrating this effect. The loss of skilled individuals is not of significance for all developing countries, only those which are incapable of educating enough individuals to cope with demand and those where cycles of migration have led to conditions being so poor that there is no incentive for individuals to stay.

Remittances have a variety of beneficial effects for developing nations; several of which have the potential to act as poverty reducers. They play a major role in many developing nations, providing much needed income for households, while providing foreign exchange reserves for governments. Remittances play a major role in the economies of many developing nations and have been seen to reduce poverty, increase purchasing power, increase investment, increase educational levels(in some cases) and fund entrepreneurial activities. While there is some evidence that remittances may have a negative impact on the development of local economies, through macroeconomic sluggishness and reduced local production, remittances have also been seen to contribute to investment, construction and education. As such, the beneficial effects would appear to outweigh the negative effects.

Governments of migrant sending countries promote migration and in some cases support their nationals abroad with the intent of increasing remittances sent home. Remittances account for far more incoming funds in many countries than Foreign Direct Investment (FDI) or development aid and may account for a majority of some states domestic economies. Remittances also function as poverty reducers as an increase in 10% increase in remittances decreases poverty by 3.5%.[401] The vast potential that remittances have to increase the livelihoods of individuals and communities is impressive.

The sheer scale of the value of remittances sent home annually is increasing and may be harnessed in the future to improve living conditions, educational levels and the like in developing countries around the world. If European countries can work to improve the effect of remittances in terms of the development of local economies it may be possible to harness them for projects that reduce those factors that push individuals to migrate.[402]

---

401 Legrain, P. (2007), *Immigrants Your Country Needs Them*, Little Brown. Pg 170

402 Report of the Global Commission on International Migration." Population and Development Review, Vol. 31, No. 4 2005 pg 791

Pilot Projects

Several EU countries have begun pilot projects intended to bring about development in source countries. Sweden, with its initiative in Somalia has attempted to link NGO's, migrant associations and city representatives in the interest of fostering economic development. Germany organizations have sponsored technical cooperation in Sierra Leone, Guinea and Liberia. France has invested in return migrants and has supported economic development. The EU has sponsored capacity building projects in Sri Lanka as well as capacity building in Morocco. Other nations have supported information campaigns in source countries. Unfortunately such small scale projects and limited budgets for development cooperation are not sufficient to have lasting impacts upon source regions. There is a need to expand such projects and to increase funding to ensure a lasting impact on the economies of source countries.

The European Union is in a unique position of having a vast amount of experience in capacity building through its attempts to stabilize countries and increase the economic stability of CEE countries. It would be to the benefit of the Union to consider the creation of capacity building projects, development work and investment outside of the EU; if nothing else simply to expand the markets available to European producers. The PHARE program has been successful in its work related to institutional capacity building and investment financing and could be expanded to encompass other developing nations. Capacity building along with the formation of stable institutions and the development of economies has the potential to reduce migratory push factors leading to migration while generating employment and increased capital flows.

The Big Picture

Migration into EU member states varies widely with some member states receiving far more migrants per capita than others. The EU has been unable to stem the tide of migrants entering its borders, in fact the level of net migration has jumped dramatically in the last decade alone. Family reunification policies which allow for continued migration in the face of stiff regulations preventing low skilled migrants have led to an increase in clandestine entry for those seeking a better life. Many EU countries have blocked access for economic migrants but continue to allow for family reunification. Although several member states have seen a large increase in migratory flows over the last decade one country stands out in its contrast.

The Netherlands has seen a dramatic reduction in flows over the last decade, in direct contrast to other countries such as Germany and the UK, this case is interesting as recent policy initiatives, political circumstances and local conditions have created an environment which could be called anti-immigrant. The imposition of new restrictive admission guidelines which require a substantial knowledge of Dutch along with the abolition of the right to appeal for asylum applications compounded by a political environment which is relatively anti-immigrant has greatly reduced the number of migrants entering the country.

It may be that the case of the Netherlands is simply anomalous, given that similar policies implemented by the UK and Germany intended to reduce migratory flows have not had similar effects. It may well be that the diversification of flows into non-traditional countries has had the effect of reducing pressures on countries of destination by spreading the burden. Additionally the changes in flows seen recently may be a result of the slow process of unifying and standardizing European legislation. It is difficult to prove causation as each case is unique.

The future impact of policy changes are impossible to know, however the reality is that Europe needs migration to prevent population decline. The expansion of current temporary work programs and an increase in family reunification may be sufficient to meet the needs of Europe's population demographics but legislative conditions which aim to exclude would be migrants invariably lead one to assume that illegal migration will continue into the future as those who wish to migrate find ways to circumvent legislative and security measures.

The possibility for free migration from without the Union is not on the table, due to security concerns, yet the push factors that lead to migratory flows have not been reduced. There is currently no unified policy at the level of European Union that aims to reduce factors leading to migration in source countries, policies of exclusion have been implemented in the creation of 'Fortress Europe' but there is no wide scale implementation of projects intended to improve conditions in source countries nor has there been any implementation of collective interventions to prevent flows from occurring. Collective action will be required in the future. Development aid is currently not sufficient to reduce the economic disparities and wage differentials that lead to migration while regional instability continues to push people to leave their homes. The European Union has not implemented strategies intended to have an impact at the local

level and as such has been ineffective in reducing the factors which lead to migration.

European policy has been overly focused or to general in its scope to have a lasting impact on migratory flows. The implementation of a variety of restrictive policies has limited access to the majority of migrants leaving family reunification and illicit entry are the only options left for many.

The EU must develop better policies which take into account the dynamism of migrant flows, the varied push factors leading to migration and the current demand for migrant labour within the Union. Europe has been unsuccessful in its restrictive approaches in the past, only an inclusive approach will pay lasting dividends when it comes to the control of migrant flows.

The European Union must work towards the development of unified effective policies which aid regional development outside of the Union. A variety of options exist ranging from cooperative arrangements to the sharing of best practises to economic development

References

Books

Bort, E. *The frontiers of Mitteleuropa: problems and opportunities at the eastern frontier of the European Union.* In Schengen still going strong: evaluation and update (Maastricht: EIPA , 2000) Monika den Boer, ed,

Brubacker, R. (1996), *Ethnicity,Civic and ethnic nations in France and Germany,* Ethnicity, Oxford - New York: Oxford University Press, Chapter: Civic and ethnic nations in France and Germany.

(2008), *Estimating the Scale and Impacts of Migration at the Local Level.* Local Government Association Institute of Community Cohesion

Legrain, P. *Immigrants Your Country Needs Them*, Little Brown. 2007

Anderson, M. & Eber Borthard Anderson, ed. *The Frontiers of Europe*, Continuum International Publishing Group. 1998

Massey, D. *Worlds in Motion: Understanding International Migration at the End of the Millennium*, Oxford University Press. 1998

Massey, D. & Taylor, J. *International Migration: Prospects and Policies in a Global Market*, Oxford University Press. 2004

Münz, R. *Migration, Labor Markets, and Integration of Migrants: An Overview for Europe,* SP Discussion Paper NO. 0807 The World Bank. 2008

Journals

Battel, R. N. M. 'Ireland's "Celtic Tiger" Economy', *Science, Technology, & Human Values* 28(1), 2003

Black, R. 'The Geopolitics of International Migration in Europe Immigration and Social Justice:Towards a Progressive European Immigration Policy', *Transactions of the Institute of British Geographers* 21(1), 1996

Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000

Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998

Castles, S. 'The Factors that Make and Unmake Migration Policies', *International Migration Review 38 (3)*. 2004

Convey, A. & Kupiszewski, M. 'Keeping up with Schengen: Migration and Policy in the European Union', *International Migration Review* 29(4) 1995

Doomernik, J. 'The state of multiculturalism in the Netherlands.', *Canadian Diversity/Diversité Canadienne, Vol. 4.* 2005

Freeman, G. P. 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review* 29(4), 1995

Freeman, G. P. 'Migration Policy and Politics in the Receiving States', *International Migration Review* 26(4), 1992

Grabbe, H. 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000

Holzer, T.; Schneider, G. & Widmer, T. 'The Impact of Legislative Deterrence Measures on the Number of Asylum Applications in Switzerland (1986-1995)', *International Migration Review* 34(4), 2000

Hugo, G. 'Environmental Concerns and International Migration', *International Migration Review* 30(1), 1996

Huntoon, L. 'Immigration to Spain: Implications for a Unified European Union Immigration Policy', *International Migration Review* 32(2), 1998

Lundborg, P. & Segerstrom, P. S. 'International Migration and Growth in Developed Countries: A Theoretical Analysis', *Economica* 67(268), 2000

Massey, D. 'Economic Development and International Migration in Comparative Perspective', *Population and Development Review* 14(3), 1988

Massey, D.; Arango, J.; Hugo, G.; Kouaouci, A.; Pellegrino, A. & Taylor, J. 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19(3), 1993

Massey, D. S.; Arango, J.; Hugo, G.; Kouaouci, A.; Pellegrino, A. & Taylor, J. E. 'An Evaluation of International Migration Theory: The North American Case', *Population and Development Review* 20(4), 1994

Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000

Monnier, A. & Rogers, G. I. 'The European Union at the Time of Enlargement', *Population (English Edition, 2002-)* 59(2), 2004

Morawska, E. 'Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History', *International Migration Review* 34(4), 2000

Okongwu, A. F. & Mencher, J. P. 'The Anthropology of Public Policy: Shifting Terrains', *Annual Review of Anthropology* 29, 2000

Palloni, A.; Massey, D. S.; Ceballos, M.; Espinosa, K. & Spittel, M. 'Social Capital and International Migration: A Test Using Information on Family Networks', *The American Journal of Sociology* 106(5), 2001

Putnam, R. D. "E Pluribus Unum: Diversity and Community in the Twenty-first Century." 2007 *Scandinavian Political Studies 30 (2)*

Sardon, J. & Robertson, G. D. 'Recent Demographic Trends in the Developed Countries', *Population (English Edition, 2002-)* 59(2), Mar. - Apr., 2004

Smith, Alasdair., W. H. 'Setting an Agenda The European Union: Towards a Policy for Europe.', *International Affairs (Royal Institute of International Affairs)* 70, no. 3. 1994

Swaan, A. d. 'The Receding Prospects for Transnational Social Policy', *Theory and Society* 26(4), 1997

White, G. 'Risking the Strait: Moroccan Labor Migration to Spain', *Middle East Report*(218), 2001

'Report of the Global Commission on International Migration', *Population and Development Review* 31(4), 2005

'An Italian Statement on International Migration', *Population and Development Review* 26(4), 2000

Electronic Sources

BBC 'France extends laws to curb riots', BBC Online. 16 November 2005
<http://news.bbc.co.uk/2/hi/europe/4441246.stm>

BBC 'Morocco denies drowning migrants', BBC Online. Thursday, 8 May 2008
<http://news.bbc.co.uk/2/hi/africa/7388309.stm>

Framework Convention for the Protection of National Minorities, Council of Europe, 1995
<http://conventions.coe.int/treaty/en/Treaties/Html/157.html>

Convention relating to the Status of Refugees. United Nations, 1951
<http://www.unhchr.ch/html/menu3/b/o_c_ref.htm>

Communities, E. 'Why do people migrate?', *Statistics in focus-Population and Social Conditions-EuroStat*. 2001
<http://epp.eurostat.ec.europa.eu>

Commission, E. *Council Regulation (EEC) No 3906/89 of 18 December 1989*. 2008
<http://europa.eu/scadplus/leg/en/lvb/e50004.htm>

Communities, E. *Europe in figures 'Eurostat yearbook 2006-07*, European

Communities, 2007
<http://epp.eurostat.ec.europa.eu>

Communities, E. *Population Statistics 'Population Statistics*, European Communities, 2004
<http://europa.eu/>

Communities, E. *Communication from the Commission to the Council and the European Parliament on the common asylum policy and Agenda for Protection.* Brussels 26/03/03 COM(2003)152 Final,
<www.europa.eu.int>

Dilip Ratha, Sanket Mohapatra, Vijayalakshmi, K. M., Xu, Zhimei. Remittance Trends 2007, *in* 'Migration and Development Brief 3 Development Prospects Group, Migration and Remittances Team'. 2007
<http://www.worldbank.org/>

Eurostat EU population compared with other world regions Life expectancy and mortality / Families and births / Migration and asylum 'Europe in Figures — Eurostat yearbook 2006-07',
<http://epp.eurostat.ec.europa.eu>

Eurostat 28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market Eurostat., Eurostat, 2005
<http://epp.eurostat.ec.europa.eu>

Final, B. 26/03/03. C. Communication from the Commission to the Council and the European Parliament on the common asylum policy and Agenda for Protection., Brussels 26/03/03 COM(2003)152 Final 2003
<www.europa.eu.int>>

Górny, A. *Continuity and Change Migration in Central and Eastern Europe before and after 2004 EU enlargement.* 2006
<http://www.un.org/esa/population/migration/turin/Turin_Statements/GORNY.pdf>

Justice & Council, H. A. *Action plan of the council and the commission on how best to implement the provisions of the Treaty of Amsterdam on an area of Freedom, Security and Justice*. Text adopted by the Justice and Home Affairs Council of 3 December 1998 (1999/C 19/01)
<http://europa.eu/scadplus/leg/en/lvb/l33080.htm>

Lanzieri, G. Long-term population projections at regional level. Ageing will affect EU regions to differing degrees 'Statistics in focus Population and Social Conditions 28', European Communities, 2007
<http://europa.eu/>

Mansoor, A. & Quillin, B. eds. *Migration and Remittances: Eastern Europe and the Former soviet Union*, World Bank Report. 2007
<http://web.worldbank.org/>

O'Neill, K. *Using Remittances and Circular Migration to Drive Development*, Migration Information Source. 2003
<http://www.migrationinformation.org/feature/display.cfm?ID=133>

Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001

<http://www.refugeelawreader.org/28/Current_Trends_in_International_Migration_in_Europe.pdf.> accessed April 6 2008

Secretariat, U. N. United Nations Expert Group Meeting on International Migration and Development, *in* 'International Migration in Central and Eastern Europe – Current and Future Trends'. 2005
<http://www.un.org> accessed April 15 2008

UNHCR *Asylum and Refugee Status determination,* in '2006 UNHCR Statistical Yearbook'. 2006
<www.unhcr.org/statistics.html > accessed April 10 2008

Union, E. *Treaty of Maastricht.*, European Union. 1993
<http://www.eurotreaties.com/maastrichtext.html> accessed April 10 2008

Eurostat, ed. *28th CEIES seminar Migration statistics Social and economic impacts with respect to the labour market.* June 2005
<http://epp.eurostat.ec.europa.eu>

Trends In Total Migrants Stock: The 2005 Revision. United Nations Department of Economic and Social Affairs Population Division, 2006
<www.un.org/esa/population/publications/migration/UN_Migrant_Stock_Documentation_2005.pdf >

UNFPA *International Migration and the Millenium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, UNFPA. 2005
<http://www.unfpa.org/publications/detail.cfm?ID=246> accessed April 6 2008

Global Commission On International Migration

Alt, J. (), 'Life in the world of shadows: the problematic of illegal migration', Technical report, *Global Commission on International Migration.* 2005
<http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005
<http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Ghai, DharKirisci, K. 'Reconciling refugee protection with efforts to combat irregular migration: the case of Turkey and the EU.', Technical report, *Global Commission on International Migration.* 2005
<http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Groff, A. 'Migration partnerships: new tools in the international migration debate', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Münz, R. 'Migrants, labour markets and integration in Europe: a comparative analysis', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Neumayer, E. 'Unequal access to foreign spaces: how states use visa restrictions to regulate mobility in a globalised world.', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Petros, M. 'The costs of human smuggling and trafficking', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Pécoud, A. & de Guchteneire, P. 'Migration without borders: an investigation into the free movement of people.', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Tanner, A. 'Brain drain and beyond: returns and remittances of highly skilled migrants', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 <http://www.gcim.org/en/ir_gmp.html> accessed April 6 2008

Annex 1: Definitions of importance

Agents

An agent may be termed 'snake head', 'smuggler', or criminal organization dealing with the movement of individuals or groups. An agent may also be an individual who for whatever reason participates in the movements of people across borders.

Asylum seeker

An asylum seeker is an individual who has applied for protection under international law in a particular country. It is important to note that asylum seekers are individuals who are awaiting status determination and does not imply that they are not refugees, it simply means that they have not yet been recognized as such.[403]

Economic Impact of Remittances Resulting From Migration.

Migratory flows have a variety of impacts including economic; in the host country migrants play a major role in the economy, while remittances have a major impact in migrant producing countries. The beneficial effects of remittances may included: regional economic development, improvement in the standard of living and the like. However, negative consequences may also include: and increase in wealth disparities, sluggish macro economic growth, brain drain, a reduction in the probability of return, and even the cessation of such remittances in the future.[404]

Emigrate

To enter a country that is not your country of birth or nationality with the purpose of settling there for some extended period of time.

Emigrant.

An individual who enters a country that is not their country of birth or nationality with the purpose of settling there for some extended period of time.

Environmental Migrant vrs Refugee vrs Economic Migrant.

People migrate for a wide variety of reasons. Individuals who migrant primarily due to economic reasons (better jobs, higher wages) may be referred to as economic migrants. Those who migrate due o a fear of persecution, complicated or simple fear of persecution, may be referred to as refugees or asylum seekers. Others who migrate for any number of complex, interconnected reasons related to the environment, its degradation or the rendering of a region as uninhabitable may be referred to as environmental migrants.[405]

---

403 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 12

404 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 2

405 Hugo, G. 'Environmental Concerns and International Migration', *International Migration Review* 30(1), 1996 pg 109

EU Migration Regimes

Migration Regimes, much like International Regimes, are sets of implicit and explicit principles, norms, procedures and rules that guide the behaviour of EU policy and action."A regime governing intra-EU migration was first articulated in the Treaty of Rome, reaffirmed in the Single European Act (SEA) and formally codified in the European Citizenship provisions of the Treaty on European Union (TEU), signed at Maastricht." [406]

Forced Migrations

The concept of forced migration is rather crude, as Rogers Brubaker has discussed at length, it implies a complete lack of choice and an involuntary aspect to migrants behaviour. As Brubaker has indicated it obfuscates the reality that there is almost always some level of choice involved. The amount of choice and the options available may not be particularly positive nor agreeable, yet there always remains some degree of choice and will involved in the act of migration itself.[407]

Forced Population Movements

Forced population movements may include a range of possibilities and root causes, including; forced expulsions, emergency evacuations, forced repatriations, deportations, governmental relocation programs, conflict in its varying forms, border transfers of groups due to shifting borders, military acts, and even socio political processes. A term better dealt with in other works, such as that by Ewa Morawska.[408]

Ewa Morawska has provided a very good definition of the varying forms of forced migration. She distinguishes between; a narrow definition that focuses on those expulsions or deportations wherein the expelled individual or group is left with no practical alternative; and a broad definition which includes both instances where there is no 'choice' and where there is 'pressure' from dangerous circumstances or events.[409]

Forced and Voluntary Migratory Flows

There are arguments that the concept of forced and voluntary migratory flows are not simply applicable in a static type of way. A simple dichotomy between forced / voluntary does not exist but in fact is part of a scale or continuum.(see figure A.1) Darren Middleton has argued that citizenship must be linked with the concept of forced migration as "It is exclusion from citizenship in the country of origin that leads to forced migration."[410] Most likely migratory flows stem from some form of compulsion and some form of choice, both of which occur to varying degrees in cases of

406 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 8

407Brubaker, R. 'Migrations of Ethnic Unmixing in the "New Europe"', *International Migration Review* 32(4) 1998 pg 1049

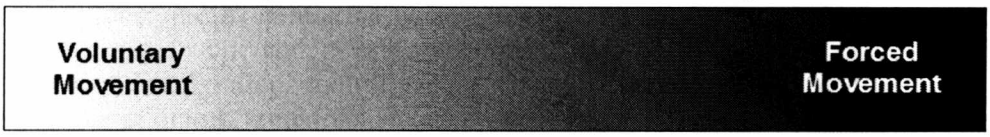
408 Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1050

409From Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." International Migration Review, Vol. 34, No. 4. 2000 pg 1074-1075

410 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 2

migration.[411]

Figure A.1: A Simple Continuum of International Migration



Source: Hugo, Graeme

Human Smuggling and Trafficking

Within this paper there is little distinction between smuggling verses trafficking of human beings as we are considering mainly the concept of migrants in general. Although before 1998 there was an apparent lack of distinction in the literature between the terms 'smuggling' and 'trafficking'.[412] Currently they are more often characterized as being separate concepts with their own concrete usage.

For the purposes of this paper we will consider 'smuggling' to relate directly to those migrants who have illegally entered a country with the help of a an 'agent'. Smuggled individuals generally request assistance in crossing international borders.[413]

In contrast 'trafficking' will be considered to include 'forced' or 'coercive' actions that lead to the movement of peoples. It covers those who freely choose be transfered in the interest of making a profit and those without the ability to make such choices.

Illegality

The legality of an individual implies that some are legal and some are not. That is to say that some individuals have permission to be in a nations territory and some do not. Thus an individual is illegal if they break the law and enters a country without permission or without a visa, or stays beyond the validity of their visa/permit. It is understood that the illegal population corresponds to approximately 10-15% of the size of the official resident foreign population.[414] That means that at least 5 million of Europe's 56.1 million migrants in 2000 were illegal, it is understood that about half a million undocumented migrants enter Europe each year.[415]

Immigrant

A person who leaves ones country of birth and enters another.

Immigrate

To leave ones country of birth and enter another.

---

411 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 2

412 (Salt and Hogarth, 2000) in Petros, Melanie. "The costs of human smuggling and trafficking." *Global Commission on International Migration.* April 2005 pg 3

413 Middleton, D. 'Why asylum seekers seek refuge in particular destination countries: an exploration of key determinants', Technical report, *Global Commission on International Migration.* 2005 pg 8

414 Appox. 20 million in 1997 according to Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 3

415 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 798

Immigration policy

"Immigration policy consists of two parts: 1) immigration control policy or immigration regulation, namely, the rules and procedures governing the selection and admission of foreign citizens; and 2) immigrant policy, namely, the conditions provided to resident immigrants (e.g., work and housing conditions, welfare provisions and educational opportunities).Immigration control policy concerns the admission and selection of permanent immigrants, temporary migrant workers and refugees, as well as attempts to restrict illegal immigration."[416]

International Regimes

A consensus definition of what international regimes are has been provided by international relations scholars: "Regimes can be defined as sets of implicit or explicit principles, norms, rules and decision making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practises for making and implementing collective choice"[417]

Incomplete migrants

"Okolski (1997) has categorised many of these moves as "incomplete migration", the term describing a situation in which those involved make frequent, short-duration trips abroad to earn a living while maintaining a home in the origin country. "Incomplete migrants" are characterised by a 'loose' social status and/or flexible occupational position in the country of origin; irregularity of stay or work in the country of destination; while maintaining a steady residence and household links in the country of origin. Often distance of move is short, perhaps only cross-border. Although individual stays abroad may be measured in days rather than weeks, during the course of a year the majority of the migrant's time will be spent away from home in a foreign country."[418]

Irregular Migration

A term used to refer to those individuals who enter or reside in a country without adequate permission or documentation. See *Illegality* and/or *Asylum Seeker.*

Migrant

An individual residing in a country other than where they were born.

Migration-Asylum Nexus

It is increasingly difficult to determine the difference between forced and voluntary or economic migrants due to the changing circumstances leading to migration. The causes of forced and voluntary / economic migration are closely related while the process of

---

416Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 1246

417 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 2

418 Salt, J. Current Trends in International Migration in Europe, Council of Europe, 2001 pg 13

migration for both voluntary / economic and forced migrants are nearly identical. There is often a lack of differentiation between asylum seekers and irregular migrants. [419]

Migration Partnership

Partnerships meant to provide for fair treatment of the causes and affects that migratory flows have on states concerned.

> "Possible elements of migration partnership include projects and programmes with migration policy components such as conflict transformation programmes, e.g. demining and combating the illegal proliferation of small arms; training and equipping customs, police, and migration officials; the reintegration of returnees, e.g. programmes for the voluntary return of victims of trafficking in persons; programmes to limit migration-related outbreaks/spread of HIV/AIDS; educational programmes in states that are either source or destination of migrants; job placement in the partner states; ways to facilitate remittances to source countries; strengthening institutions and facilitating the institutional processes, e.g. initiatives to promote the respect for human rights and international humanitarian law."[420]

Migration Without Borders/Boundaries. (MWB)

A conceptual approach which dictates that through a reduction in border patrols and even border controls migratory flows would equalize over time, creating a more balanced international system. The MWB scheme envisages a 'right to mobility' for all. This approach follows the logic that there would be a natural equalization over time around the world; both in economic terms and in terms of equal access to mobility. However, while the Universal Declaration of Human Rights provides all people with the "right to leave any country, including his own, and to return to his country' (article 13-2)" immigration is not similarly considered a right, only emigration is.[421]

Net Migration

The total number of individuals entering a country in a given period of time discounting emigration. Often presented as a number per thousand residents.

Networks

Migrants depend heavily at times on groups of other migrants who come from similar backgrounds or regions to support their movements. Often a migrant will depend heavily on contact from his/her local community/country before, during and after arriving in the host country. Accordingly a migrant may use networks for social reasons, to aid in maintaining contact with the diaspora, for legal support or help in finding a job. Given the nature of migratory flows there has been the argument that the first migrant incurs much higher costs than later migrants due to the lack of an existing network. Thus a network may indeed act as a catalyst for further migration. i.e. The primary

419 www.tolerance.cz/courses/multiculturalism/Unit4ims.ppt

420 Groff, Alberto. "Migration partnerships: new tools in the international migration debate." *Global Commission on International Migration.* January 2005 pg 6

421 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 1

migrant arrives and then educates potential migrants on 'how to' join them. This applies to families as well as other contacts and perhaps even communities. See also *The Concept of Interconnected Knots*

Phare Program

"The Phare programme, as a pre-accession instrument, is the main channel for the European Community's financial and technical cooperation with the countries of Central and Eastern Europe (CEECs). Its activities concentrate on two priorities:

- helping the administrations of the candidate countries to acquire the capacity to implement the Community acquis. Phare also helps the national and regional administrations, as well as regulatory and supervisory bodies, in the candidate countries to familiarise themselves with Community objectives and procedures;
- helping the candidate countries to bring their industries and basic infrastructure up to Community standards by mobilising the investment required, particularly in areas where Community rules are increasingly demanding: environment, transport, industry, product quality, working conditions etc.

From 2000, Phare's management methods were revamped with a view to:

- concentrating projects on the acquis implementation priorities programmed by the accession partnerships;
- improving budgetary implementation;
- radically increasing the size of projects;
- continuing the decentralisation of management to the recipient countries."[422]

Pull factors

Those factors leading individuals to consider migrating(demand side) to a particular host country. Examples of pull factors include: (perceived) access to labour markets, refugee protection regimes (or perception related to them), institutional policies in the host country, historical links between states, geographic proximity, and other factors that reduce the risk and increase the expected benefits of migration may also be termed as pull factors. The presence of social networks and regulation of the labour market also act to reduce the potential cost of migration.

Push factors

Those factors leading individuals to consider migrating from the supply side. Instances include: advances in technology and techniques of forced migration,[423] large wage differentials between source and destination country, regional instability, financial crisis, war, famine, environmental degradation, persecution in all its forms.[424] Some authors, such as Holzer, et al. have indicated that these factors are often considered to be outside of governmental control. It has been noted by some authors that "migratory movements, once started, become self sustaining social processes."[425]

---

422 Commission, E. *Council Regulation (EEC) No 3906/89 of 18 December 1989.* 2008

423 Morawska, Ewa. "Intended and Unintended Consequences of Forced Migrations: A Neglected Aspect of East Europe's Twentieth Century History." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1050

424 Chiuri, Maria Concetta., D. A. G. & Ferri, G. 'Crisis in the countries of origin and illegal immigration into Europe via Italy', Technical report, *Global Commission on International Migration.* 2005 pg 2

425 Castles, S. 'The Factors that Make and Unmake Migration Policies', *International Migration Review 38 (3).* 2004 pg 860 in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an

Refugee

-"[A refugee is a person] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."[426] States are obliged no to expel (refoul) refugees to places where they may be at risk. This is understood as the 'right to non-refoulement'.[427]

Regional Consultative Migration Processes (RCMPs).

Relatively informal intergovernmental discussions which are; informal in nature, lead to non-binding outcomes, relatively non bureaucratic, operate in parallel to existing structures which deal with similar issues. (ie UN agencies/bodies or regional economic communities, etc)[428]

Safe Third Countries

A concept that prevents asylum seekers from attempting to gain asylum in a second country if they are already in a 'safe' country. This prevents the transit of migrants by forcing them to declare their asylum claim in the first country they enter, if it is a 'safe country'. This is intended to prevent repeat asylum claims or bogus claims and has resulted, perhaps unintentionally, in individuals coming from safe countries being dismissed as non genuine refugee. In the case of the EU bordering states of the CEE have long been defined as 'safe', effectively turning CEE states in to buffer zones, absorbing transiting asylum seekers.

Security Issues

The concept of security relates to many differing issues. State security relates to multi-nation relations as well as internal security in terms of crime and instability. Security also relates to personal security, the lack of which may lead to migrant flows as individuals seek out a safe place to reside. Individuals may move due to security concerns, from states which are unable or unwilling to provide a safe environment, or even from areas deemed unsafe.

Security concerns of states lead to repressive measures to monitor and control individuals within their purview. Yet has only sporadically been used to justify intervention against to state actors, although the concept has been put forward as of late.[429]

---

investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 4

426"Convention Relating to the Status of Refugees." United Nations. 1951

427 Boswell, C. 'European Values and the Asylum Crisis', *International Affairs (Royal Institute of International Affairs 1944-)* 76(3), 2000 pg 539

428 Thouez, Colleen. & Channac, F. 'Convergence and divergence in migration policy: the role of regional consultative processes', Technical report, *Global Commission on International Migration.* 2005 pg 5

429 Koslowski, Rey. "Possible steps towards an international regime for mobility and security." *Global Commission on International Migration.* October 2004 pg 5

Scale of Migration

The sheer scale of migratory flows is impressive. According to the UN the total number of migrants, those people residing outside of their birth country, was 175 million in 2000, and 200 million in 2005.[430] A significant number but only about 3 percent of the world population. This is approximately double what it was in 1970.[431] In comparison "asylum-related migration is only 9 % of the 175-million figure and decreasing according to the UNHCR (2004)....Almost one in 10 people living in the more developed regions is a migrant. In contrast, about one in 70 people in developing countries is a migrant."[432]

Social Capital

Social capital may be seen broadly to include a variety of value adding constructs such as the physical and mental capabilities of individuals and groups which contribute to community cohesion and development. Under a more constrained definition it would include social networks, interpersonal relationships or contacts, and the intellectual capabilities of a populace which act together to form the social fabric that holds communities together. Social networks add value to those groups and the communities they belong to through acts of goodwill reciprocity, fellowship and trustworthiness.[433]

Temporary Labour Programs

Programs which were envisaged in Western Europe to satisfy the needs of rapidly expanding economies during reconstruction post World War Two as well as into the 1970's. Programs put into place in states such as Germany, France, Britain, Switzerland, the Netherlands, Sweden, and Belgium were meant to provide much needed labour during times of labour shortage.[434] Participating states actively recruited or tacitly allowed flows of workers from nearby states with a labour surplus, colonial or ex colonial territories. Many of these temporary labourers stayed on illegally or were naturalized. Many have taken advantage of family reunification programs and are now well established in all western European states.

The Concept of Interconnected Knots

According to the Castells a network of individuals is comprised of a variety of interconnected knots. These knots function differently depending on the context and are capable of expanding limitlessly and are difficult to combat. They may included networks of financial transactions, governance, or the like which bring people together into a topographical whole. Thus a migrant network can be drawn for illegal migrants, asylum seekers of economic migrants. The 'knotted' characteristic of migrant networks is that even if one knot or node is removed there is another formed to replace it, thus

---

430"Counting only those who have lived outside their country for more than one year and include more than 9.2 million refugees." Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 796

431 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 2

432 Tanner, Arno. "Brain drain and beyond: returns and remittances of highly skilled migrants." *Global Commission on International Migration.* January 2005 pg 2

433 Adapted from Putnam, Robert D. "E Pluribus Unum: Diversity and Community in the Twenty-first Century." Scandinavian Political Studies 30 (2) 2007 pg 137

434 Freeman, Gary P. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review*, Vol. 29, No. 4 1995pg 882

maintaining networked communities and allowing resources to continue to flow through them. [435]

435 Alt, Jörg. "Life in the world of shadows: the problematic of illegal migration." *Global Commission on International Migration.* September 2005 pg 11

Annex 2: Theoretical Perspectives Related to Migration

A.2.1 Theories Related to Immigration Policy Formation- An Overview

Immigration policy, in the case under discussion, relates to the the control of / or regulation of migration. These are the policies which control migratory flows and the rules and procedures which act to guide the selection and admission of foreigners.

The field of immigration policy is not specific to one field of academic study but is actually based in a variety of subject areas. These areas include political science, comparative politics (Marxist, partisan politics and institutionalist approaches), international relations (realism, liberalism and world system approaches), as well as others grounded in sociology and psychology.[436] Thus it is relevant to briefly discuss a few of the varying approaches which may better enable an understanding of immigration policy making and the resultant control of migratory flows.

Many of the approaches are useful in their own way and contribute to a better understanding of policy development.

Marxism

The Marxist approach adequately explains and predicts short term correlations between economic cycles and immigration policies, yet fails to explain policymaking as it regards immigration of varying ethnic origin. Marxism claims, debatably, to also show that long term growth of immigration under capitalism is rooted in the structures of capitalism itself.

National Identity approach

The national identity approach best explains historical factors, cultural expressions and social conflicts that have affected past and present immigration policies. Yet is beset by inadequate explanatory variables and can not explain why there are concurrent immigration polices in different countries.

Domestic Politics approach

the domestic politics approach adequately explains the importance of economic and social factors that shape policy creation and is best able to explain policies related to differing ethnic composition and the influence of politics. However, this approach is limited due to its grounding in case studies, rendering it atheoretical and narrow in scope.

Institutional

In contrast the institutional approach sheds more light on the details related to the process of immigration policy creation and is excellent at explaining policies related to refugees and migrant workers. Yet, like the national identity approach, the institutional approach is unable to explain concurrent immigration policies in different countries.

436Massey, D. S. et. al. (Dec., 1994), 'An Evaluation of International Migration Theory: The North American Case', *Population and Development Review* **20**(4) pg 700

Realism

Realism approaches to migration place the state at the for front of policy formation. Issues of security and economic clout overshadow the affect of secondary actors.

Neoliberalism

Neoliberal theories of supranational organizations and international regimes best detail EU policies related to immigration and refugees. Generally it is seen that supranational organizations and international regimes have little impact on policies of individual countries, although the case of the EU may be seen as an exception to this generality.

Liberal globalization.

Liberal globalists claim that the sovereignty of nations is declining in relation to migration is debatable. Some authors, particularly Meyers, have argued that theories of comparative politics contribute more to immigration policy understanding than those of international relations, however, the EU and the changing situation of our understanding of migrant flows has increased the importance of international relations theories.[437]

437Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1247

A.2.2 Theories Explained

A more detailed examination of several international relations theories follows. Several of these theories relate to and explain how policy development has come about in states, including the EU.

Marxist approach

The Marxist approach to immigration policy has long argued that immigration policies are based on economic factors and stratified class relations. Marxists assert that migration and the importation of labour is used to suppress wages, resulting in higher profits for capitalists. Migrants are an "industrial reserve army of labour"[438] who serve the interests of the elites, and are part and parcel of capitalist development and the division of labour seen around the globe.

Marxist approaches are comprised of several elements. Primarily they argue that labour immigration is structural, thus serving the capitalist elites. Hence it is in the interests of the capitalist elites to maintain flows of migrant labour to ensure long term, albeit uneven, development and growth. Secondly, the Marxist approach shows that changes in the ebb and flow of migration are a result of the economic cycle and unemployment rates. Thus explaining why governments stop the flow of migrant labour during periods of recession. Marxist approaches also differentiate between segments of the capitalist classes. Those who own monopoly capital tend to support the regularization of labourers compared to those capitalists who are involved in industries with lower profit who support and hire illegals who can be exploited to a greater level.

Marxist, naturally, divide individuals into two categories, those who have access to capital, the capitalists/bourgeoisie, and those who do not, the proletariat/worker class. Within the Marxist conception immigration is the result of "submission of the worker to the organization of the means of production dictated by capital," and of the "uneven development between sectors and regions and between countries"[439] Additionally, "foreign labour can be used as a mechanism to keep wages low and confound union action by dividing the working class."[440] Therefore immigration is not simply a response to simple supply and demand but is, in fact, an integral part of the structure of monopoly capitalism.[441] As a result Marxists predict a general increase in immigrant labour over time.

There are of course many more explanations put forth by Marxist theorists which are not directly relevant to our discussion here. However, Marxists have expressed how current efforts to limit migrant labour flows has been used as an ideal remedy to the crisis of capitalism for three reasons: migrant labour is highly productive during the expansionary phase; it is easily excluded during a recessionary phase, (during periods of overproduction); and migrant labour consumes little, thus reducing inflationary tensions during expansionary periods while cushioning the decline in demand during

---

438Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1247-8

439(Castells, 1975:34). in Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1248

440 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 604

441Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1248

recessionary periods.[442]

Under the Marxist approach neo-Marxists, such as Wallerstein, have indicated that world systems theory may better explain how migration at the international level is linked to the structure of the world market. Unfortunately, world systems approaches my provide adequate explanations of migration trends but fail to adequately explain immigration policy.

Critics of the Marxist approach have debated that the structural factors which apparently drive immigration to increase are not actually seen in the world today. Immigration is lower, proportionally, in the US than it was in the past while few countries currently advocate for unskilled labour recruitment on a large scale. However, it has been noted that illegal migration and asylum may have replaced traditional labour migration.[443] There are several other critiques of the Marxist approach, such as its lack of ability to explain refugee policies and the limitations some countries place on particular ethnicities.

The National Identity Approach.

The national identity approach, as argued by Meyers, is grounded in the belief that the unique history of each country, its beliefs in terms of national identity and the social conflicts it has experiences, shapes its immigration policy. In contrast to other theories the National Identity approach does not take notice of external or situational factors. The theory has its origins in historical sociology and political sociology and builds on concepts of nation building, prejudice, alienation and social closure.[444] Thus the historical base of the national identity approach allows for a better explanation of local variables affecting immigration policy. This approach allows for the evolution of policy to proceed naturally, explaining shifts in patterns and understandings based on current social norms and acceptable or legitimate topics of discussion, while including the historically rooted origins of dissent or cleavage. The national identity approach adequately explains how historical factors, such as a countries decision to root citizenship in the *jus soli* or *jus sanguinis* principal, may lead to varying forms of immigration policy. i.e. German ethnic homogeneity vrs American heterogeneity.

While the national identity approach adequately provides for an integrated understanding of the varying factors leading to certain policies being enacted in a particular place and time it fails to explain why several or many countries concur in policy. This approach can not easily explain why various countries adopt similar immigration policies at the same time. The approach also fails to adequately explain how in some cases social unrest which would normally cause restrictive policies to be enacted do not in fact lead to restrictive policies being put in place.

Domestic Politics Approach.

The domestic politics approach views the state as what can be deemed 'a neutral arena' where societal interests can interact and cause policy formation. In this framework policymaking is the result of bargaining and compromise between interests. Often within this approach changes in immigration policy are attributed to to situational socioeconomic factors such as recessions or large scale immigration of dissimilar ethnic

442Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1249

443*Ibid.*, pg 1250

444*Ibid.*,pg 1251

groups. Under this approach societal actors play a major role in Shaping policy. Party politics fit within this scheme, wherein each political party puts forth its agenda and the populace choose accordingly. Additionally, interest groups also fit within this approach, as employers, unions, ethnic groups and the like push forward their views.

In comparison to the realist approach the domestic politics approach focuses more on socioeconomic factors. Factors which empirically would seem to have a greater impact on immigration policies than those security and strategic considerations realist focus on. Unfortunately, the domestic political approach fail to provide wide, cross country comparisons and focus almost exclusively on a given state during a specific time period. Thus failing to provide anything other than explanations of the peculiarities of a given country. In addition, the domestic politics approach is unable to explain why countries often make strategically based foreign policy decisions which lead to immigration. [445]

Institutional

The institutional approach has much in common with the domestic politics approach but also includes the state apparatus into the equation. The inclusion of the state provides a more holistic understanding of immigration policy formation.

The institutional approach explains how varying governmental actors or departments of state may have an impact upon immigration policy formation. Such as how various agencies may push forth particular social interests or even their own interests. In some cases the state may pursue an agenda of its own, security or rational bureaucratic agenda etc. Thus competing with labour, capital, ethnic groups, and even other state agencies to influence immigration policy.

According to the Institutional approach political institutions are seen as autonomous units that form public policy according to the interests of the state. As autonomous entities they are unaffected by pressure from society or special interest groups. "Political choices made by earlier generations create institutions, which shape both policies and ideas for later generations."[446]

The institutional approach has been criticized for being vague in its definitions and of being tautological at times, creating or justifying its explanatory power simply because of being *post-hoc.*[447] Additionally, the institutional approach is unable to explain why various countries, with all of their variety in structure and form have been able to adapt similar immigration policies. There is also a lack of comparability between studies as they are generally case specific.

Realism and Neorealism

Realist approaches, as well as neorealist approaches see the state as the primary actor in policy formation. The states is viewed as a unitary outward looking integrated unit that also happens to be rational. In addition realist perspectives focus on how important security issues are to the state. In this regard high politics of security and strategy garner considerably more attention than so called low politics, related to economics and social issues.

Realist approaches are adept at explaining how some states have established quotas,

445Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000

446*Ibid.*, pg Pg 1261

447*Ibid.*,pg 1263

restrictions and or policies of actively supporting immigration depending on their specific foreign policy objectives. Australia or Israel are examples with their 'populate or perish' policies while many western states supported refugees who came from communist countries to prove their superiority to that ideology.[448]

In terms of an overarching theory, realist approaches are broad in scope and include the state as an actor, unlike the Marxist or domestic politics approach. Yet, the focus of realist perspectives on security ignores the social factors that contribute to policy formation. Additionally, realist perspectives generally only analyze immigration as a security consideration, ignoring other aspects.

The failure of realism to allow for irrational behaviour in state action precludes it from satisfying the generally accepted fact that immigration policy is often inefficient or irrational. In comparison the domestic politics approach allows for bargaining between actors, allowing for the existence of such state level irrationality. Finally, the realists focus on power as a key concept ignores the fact that immigration policy is rarely, if ever, related to interstate power relations.

Neoliberal

In direct contrast to the realist power centric philosophy, the liberal and neoliberal approach understands that non-state actors play a role in policy formation while also taking into account the fact that social and economic issues are important. There are, of course many strands of the liberal/neoliberal theoretical school. Of importance in relation to immigration policy are the neoliberal institutionalists and globalization theory.

Neoliberal Institutionalism

The Neoliberal Institutionalist model to migration is capable of explaining how common policies related to migration have been agreed upon within the EU. The Neoliberal institutionalist model claims that international institutions aid nations in overcoming the dilemmas related to common interests while facilitating coordination between countries.[449] Often used examples are regimes related to free trade (GATT, EU, EEC) and security (NATO).[450]

International organizations and regimes have had limited influence over migration in the past due to the high political cost for policy makers who attempt to share the burden, so to speak.[451] Issues of the 'threat' immigrants pose to local economies, the social fabric and wider security are generally politically risky topics.[452] Multinational institutions allow for states to agree to what would otherwise be untenable concessions in the face of possible public backlash. A case example would be the EU, where domestic political issues are subsumed under grand EU wide regulations, thus allowing for greater common interests to be expressed and domestic opposition to be silenced.

448Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1264

449*Ibid.*, pg 1266

450*Ibid.*. Pg 1266

451 Smith, Alasdair., Wallace, Helen. "Setting an Agenda The European Union: Towards a Policy for Europe."*International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 70, No. 3 1994 pg 430

452 *Ibid.*. Pg 430

With the removal of barriers to the free movement of peoples across the EU[453] and increased cooperation between member states in regard to immigration policy the Neoliberal institutionalist model has become more applicable to the study of immigration policy.[454]

Globalization Theory

There has been fear recently that the forces of globalization are threatening the stability and territoriality of states, both in terms of economics and welfare. Some authors argue that the state is currently constrained by past policies, unintended outcomes of those policies, human rights norms, EU institutions and the circulation of capital to the point of having lost control over immigration policy. Similarly, international migration is linked to and an essential part of globalization. If governments agree to the mobility of capital and ideas then they have little choice but to also allow for the mobility of people.

This compulsion of states, or the constraints which are imposed upon their action has been debated at length by some authors. At a more ethical or moral level it could be, and indeed has been, argued that states often have a responsibility to, or are morally bound, to particular groups of outsiders(such as those who are ethnically similar or in need of refuge due to threats to their more fundamental human rights.[455] Additionally, states can not simply expel existing inhabitants unless they pose a threat to the whole.

In contrast to the trend to globalization and liberalization of migration flows through loss of control there has been some evidence that an emphasis on the politics of identity and citizenship may, in fact, lead to restrictions on immigration as individuals react negatively to globalization pressures. Fear of the unknown, 'other' or even those of other ethnocultural backgrounds poses a potential threat to notions of "to notions of stable national identities, culture, and ways of life-regardless of whether ethnocultural or ideological criteria are emphasized."[456] These factors can often lead to seemingly harsh government restrictions Thus a crisis of identity and integration has led to a worldwide clampdown on immigration.[457] However, as is shown elsewhere in this work actual numbers conflict with these policy choices.

The globalization approach adequately describes the factors leading to the causes of migration and to immigrant and citizenship policy. However, this approach does not explain the formation of immigration control policy particularly well. The best case

---

453There does exist the possibility that sovereignty itself is being undermined. As state borders are removed the essential character of nation states is being abolished. This erasure of national boundaries is being pushed forward by globalization. Some authors have even argued that the creation of regimes on human rights, the creation of international institution and economic internationalization "have restricted the sovereignty of the state and reduced its autonomy where immigration policy is concerned." (Meyers, pg 1267) Similarly, authors such as Castles see that migration is an essential part of a globalized world, and that anyone who welcomes the "mobility of capital, commodities and ideas, [] are unlikely to succeed in halting the mobility of people." Sassen in Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1267

454Myers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review,* Vol. 34, No. 4. 2000g 1266 p

455 Black, R. 'The Geopolitics of International Migration in Europe Immigration and Social Justice: Towards a Progressive European Immigration Policy', *Transactions of the Institute of British Geographers* 21(1), 1996 pg 68

456 Rudolph, Christopher. "Security and the Political Economy of International Migration." *The American Political Science Review*, Vol. 97, No. 4 (Nov., 2003), pg 605

457Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1268

examples presented by the globalists, the EU and human rights regimes, are better described by the neoliberal institutionalist models. Additionally the loss of sovereignty implied by this approach is debated, as states continue to control their borders, perhaps more effectively than in the past. The failure of the globalization approach to allow for domestic political influence greatly diminishes its application as a holistic approach.

A.2.3 Theories Related to the Rights of Migrants.

Some authors have argued for the expansion of international conceptions of human rights to include the right to immigration(Catherine Wihtol de Wenden) while others have taken a more pragmatic approach (R.Black) and have shown how principles of social justice may be better able to include similar demands into current political frameworks.[458]

Authors such as Wihtol de Wenden and Pécoud have stressed the urgent need to adequately deal with the contradiction that exists between the commonly understood fact that emigration is considered to be a human right while immigration is a matter of national sovereignty.[459] The contradiction is expected.

It is quite natural in that the right to emigrate stems from a normal human compulsion, the need to have the freedom to escape if one so desires. Thus there is a justifiable need for individuals to be free to choose to walk away or escape from a situation of persecution or where grievous bodily harm may potentially occur. It would be morally reprehensible to prevent people from having the option to escape. As such it naturally flows from humanities fear of confinement and is generally accepted.

In contrast there is no similar support for the concept of immigration being a right on an equal footing. Individuals do not feel compelled involuntarily to accept strangers who walk in. The concept is not equivalent to the responsibility to protect, however it is similar. The responsibility to protect those who can not protect themselves or who are in need is quite common in western societies, hence the existence of social policy, but does not necessarily apply across borders.

The right to immigrate does not exist as it is in direct contrast to the right to emigrate. If one chooses from free will, or perhaps coercion in the case of a fear of persecution, then one breaks the bond linking that citizen to their state and society. Once leaving they give up any claim against the state and society. In contrast upon entering a state an individual takes up or accepts particular benefits as a resident, and may demand such from society and the state.[460] Thus control over entry is a basic principal of sovereignty. If states abandon control over who may enter their territory then they lose control over their fundamental character, the sovereignty of states. Thus it is not possible to equate the right to immigration to the act of emigration.

The work of Richard Black expresses a much more pragmatic conception of such rights. Black raises the question as to 'what responsibilities states may have to migrants', not 'what rights migrants have'. It is understood that state responsibility may stem from the globally interconnected nature of migration, indeed migration may be seen to be caused by the process of globalization put into place by western countries. Migration does not just 'happen' to Europe without Europe having any role in the creation of the economic and political conditions leading to migration.[461]

Pécoud has indicated that there is a need for mobility to be an area where people are

---

458In Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 9

459 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 7

460 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 7

461 Black, Richard. "Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 70

granted equal opportunities. This is based on the assumption that all people should have free access to all resources available to all. This implies equality of access to all goods. This is not a reality. Pécoud assumes that people have equal access to resources but in fact they do not, equal access in the globalized world is not a truth, rather it is an assumption of positivists. Pécoud claims that mobility should be a central resource available to all. She indicates that undocumented migration can be interpreted as "the expression of people's claim to their right to migrate."[462] However, mobility is not based on any right commonly accepted in the international system. Mobility is a privilege, states allow or disallow migration based on their interests, not the interests of the individual. Granted, as Pécoud has pointed out, liberal egalitarian principals would provide individuals with equal opportunities.[463] Yet, equal opportunities within a state do not necessarily translate to freedom of mobility across international boundaries. As mentioned previously principals of sovereignty preclude the idea of a right to immigrate.

462 Graziano Battistella in Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 9

463 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 8

A.2.4 Theoretical Considerations- Patterns of Understanding

The variety of approaches presented here allow us to compare and contrast their applicability to immigration policy. Generally speaking each approach has both benefits and weaknesses, as such, it is relevant to mention that a combination of approaches may be best able to provide a holistic explanation of the formation of immigration policy.

When analyzing policy formation it is necessary to understand that there are a multitude of factors influencing policy choices: from political manoeuvring and partisanship to interest groups and pressure groups.[464] However, models may aid in our analysis and act as a base from which our analysis can be built.

While many of the theoretical approaches discussed in Annex 2 may serve to aid in explaining individual state action it would appear that an alternative approach, the Neoliberal institutionalist approach may better apply to the case of the EU. This is due to the fact that most studies have concluded that "supranational organizations and international regimes have had little impact on the immigration policies of individual countries, with the partial exception of the EU and the refugee regime."[465] The Neoliberal institutionalist approach is seen to be flexible and is not tautological as the institutionalist approach has been shown to be.

Under the Neoliberal Institutionalist approach states are flexible and capable of adapting to external forces, even when dealing with historically embedded forces again unlike the more rigid and confined institutional approach. It must be said that although the Institutionalist approach will not be applied to the EU it does function to explain particular state actions. Within Europe there is a historical tendency to see nationality as tied to shared ethnicity, as there was little immigration until after the world wars. In contrast to societies built through settlement, such as Canada, the United States, Australia etc, where diversity has been more of a historical reality, and nationalism has been based more on civic participation than on ethnicity.[466] It has been argued by authors such as Freeman that "divergent immigration histories mold popular attitudes toward migration and ethnic heterogeneity and affect the institutionalization of migration policy and politics."[467] Thus the Institutionalist approach serves to explain individual state action, or inaction, in areas of immigration policy.

The rise in importance of international organizations and regimes indicates that a shift in understanding is needed. Although international organizations and regimes have had limited influence over migration in the past, due to the high political cost policy makers face when attempting to 'share the burden'.[468] The harmonization of European policies towards migrants, asylum seekers and others in the interest of removing inequalities in

---

464Interest group and the process of partisan politics is covered in great detail by: Meyers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1258 and also by Black, Richard"The Geopolitics of International Migration in Europe: Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 66

465Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1247

466*Ibid.*, pg 1254

467Freeman as seen in Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1254

468Issues of the 'threats' posed by immigrants to local economic fortunes, the social fabric and wider security are politically risky. Smith, Alasdair., Wallace, Helen. "Setting an Agenda The European Union: Towards a Policy for Europe."*International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 70, No. 3 1994 pg 430

treatment across Europe are an example of such using institutions to reduce the burden on any one state.[469]

The removal of barriers to the free movement of peoples across the EU and increased cooperation between member states in regard to immigration policy means that the Neoliberal institutionalist model has become more applicable to the study of immigration policy.[470]

Neoliberal Institutionalism would appear to better reflect the shared European policymaking that has occurred over the past decade or so. Even so, it is important to see that historical factors and embedded forces do act upon policy makers. The reaction, recently, to feelings of insecurity which are felt by many nations has led to a "worldwide trend towards stricter immigration controls."[471] Thus even when considering one theoretical model or another in an attempt to understand state action, there will always exist externalities which require careful scrutiny.

Annex 3: Impact of Theories Upon Migration Policy

A.3.1 Factors That Impact Upon State Policy Decisions

Theories are capable of aiding in our understanding of events that occur in the world yet are not always inclusive enough in their breadth to include all actors that shape policy outcomes. Often states are constrained in their action through formal and informal norms which are outside of their control. As an example it is instructive to look at the cases of human rights, civil society, and the case of border control.

In terms of a states ability to impose its will upon migrants there invariably arises questions related to human rights. Individuals are protected on the basis of person hood, not nationality, as a result the rights of individuals may supersede governmental autonomy. This means that an individuals rights may be outside of a states legal purview. In this case civil society, NGO's and human rights organizations can oppose state action through the courts and even have state decisions overturned.[472]

Civil society may also play a role in pressuring governments into undertaking particular actions. The national interest is shaped by a plethora of interests; individuals, employers, unions, politicians, lobbyists, historical factors etc. all have differing interests and views and have a role in shaping policy choices.[473] Migration itself may only be of benefit to a particular group within the populace but the impact on policy making comes from all sides.

The actions of states are constrained by a variety of powerful players in society but they are also constrained by their inability to effectively monitor their borders. In effect states have only recently gained substantial control over their otherwise porous borders. States have only slowly begun to be capable of controlling their borders and the

469 Black, Richard. "Immigration and Social Justice: Towards a Progressive European Immigration Policy?" *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1. 1996 pg 69

470Myers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1266

471*Ibid.*. pg 1268

472 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 5

473 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 12

movements of individuals themselves.[474] There exists a myth that states once had near perfect control over their borders, as Pecoud has pointed out this is myth that never was.[475]

State action is constrained by a variety of forces, some theoretical, some very much grounded in reality. Non-state actors often play a large role in the shaping of policy, as do socioeconomic factors and societal values.

474 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 5

475 Pécoud, Antoine., and de Guchteneire, Paul. "Migration without borders: an investigation into the free movement of people." *Global Commission on International Migration.* April 2005 pg 5

Annex 4

Background information

What are migrants' economic contributions to host countries?

- In 2000, some 86 million of the world's migrants were economically active-over 50% of all migrants
- Foreign workers comprise over 5% of the labour force in 8 European countries
- Skilled immigrants and family members constitute over 50% of migrants entering Australia, Canada and New Zealand

What is the demographic impact of migration in host countries? [476]

- From 1990 to 2000, international migration accounted for 56% of the population growth in the developed world, compared with 3% in the developing world
- From 1990 to 2000, immigration accounted for 89% of population growth in Europe
- From 1995 to 2000, Europe's population would have declined by 4.4 million without immigration
- From 1995 to 2000 immigration accounted for 75% of population growth in USA

What is the number of refugees and asylum seekers? [477]

- 6.5 million of the world's 9.2 million refugees live in developing countries
- From 2000 to 2004, the global refugee population decreased by 24%
- Refugees represent 23% of international migrants in Asia; 22% in Africa, and 5% in Europe
- Pakistan hosts the largest number of refugees; just over 1 million (11% of the global total)
- From 1994 to 2003 some 5 million people applied for asylum in the industrialized countries; refugee or equivalent status was granted to 1.4 million of them (28%)
- In 2004, 676,000 applications for asylum were submitted in 143 countries; representing a 19% decrease from 830,300 in 2003
- In 2004, 83,000 refugees were resettled, mainly in the USA (53,000), Australia (16,000) and Canada (10,000)

476 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 797

477 Report of the Global Commission on International Migration." *Population and Development Review*, Vol. 31, No. 4 2005 pg 798

Possible Costs and Externalities of Illegal Immigration

1. With the exception of sales tax, the income earned by illegal immigrants is not taxable. This represents forgone fiscal revenue.
2. Illegal migrants offer an unfair competitive advantage to firms that employ them over firms that do not.
3. Irregular migrants are not covered by a minimum wage or national and industry wage agreements. They are therefore more likely to undercut the wages of the low skilled.
4. Whether entry is legal or illegal may affect the quality of migrants, even if the legal migration scheme does not select on the basis of skill. Skilled workers or professionals are much more likely to enter if there is a legal channel, even if their qualifications are not a condition of entry.
5. Employers may decide not to abide by health and safety regulations, leading to the potential for migrant death and injury. Police and health services may be called upon to rescue or treat the injured, to investigate the reasons for death, or to bury the dead.
6. Illegal migrants are not screened for diseases and viruses upon arrival, and have little access to health services during their stay. At the same time, they risk having been exposed to illnesses on their journey, especially if they have been smuggled or trafficked. This has the potential to generate large public health externalities because diseases can spread to the native population. Particularly important examples include tuberculosis, which seems to be reemerging in parts of Europe, and HIV, as many trafficked women become involved in the sex industry. By way of illustration, in 2002–03, those apprehended on the Slovak–Ukraine border were found to be suffering from respiratory tract infections, tuberculosis, and scabies.
7. Forced to live underground, and with little access to legitimate employment, migrants are more likely to be exposed to the world of crime.
8. Stigmatization of illegal migrants can undermine social cohesion if it spreads to cover those who entered legally.
9. Illegal migrants may be encouraged to stay longer than they might desire and to remain even when unemployed because of the risks of detection and associated costs of entering and leaving.

Source: World Bank staff.[478]

478 In: Mansoor, A. & Quillin, B., ed. (2006), *Migration and remittances : Eastern Europe and the former Soviet Union*, World Bank. Europe and Central Asia Region. Pg 46

Comparison of Asylum and Net Migration- Select European Nations

Figure A 4.1: Asylum applications in the EU a comparison, 1985-2007

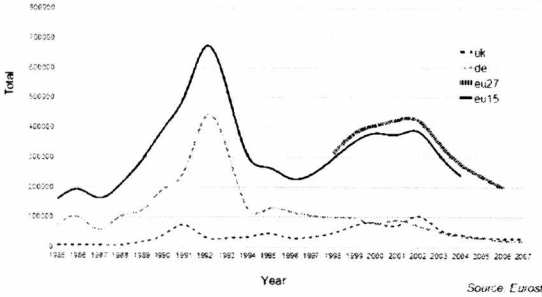


Figure A 4.2: Asylum applications in the UK and Germany, 1985-2007

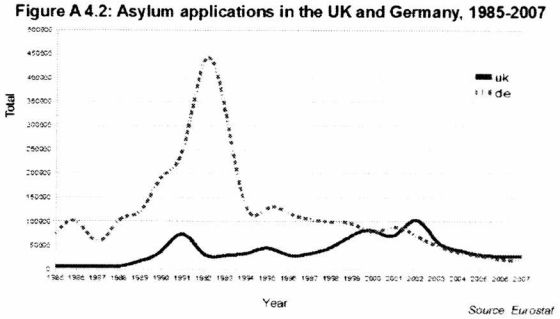


Figure A 4.3: Asylum vrs Net Migration Germany, 1985-2007

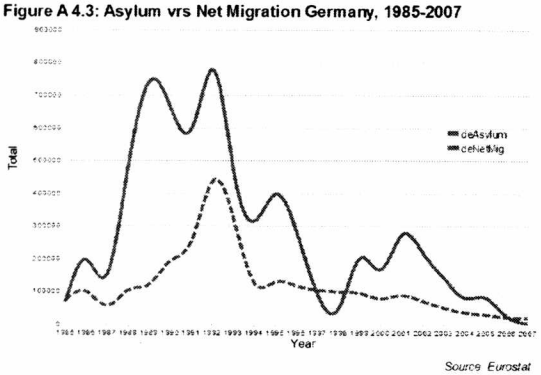


Figure A 4.4: Asylum vrs Net Migration UK, 1985-2007

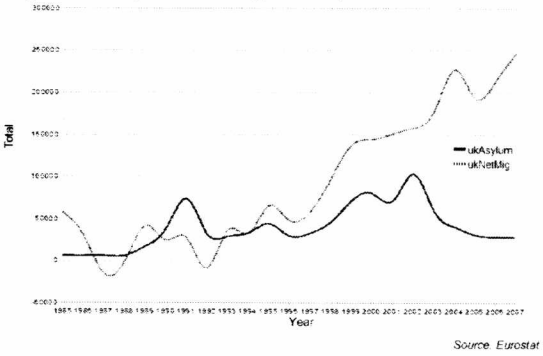


Figure A 4.5: Asylum applications vrs Net Migration, Italy 1985-2007

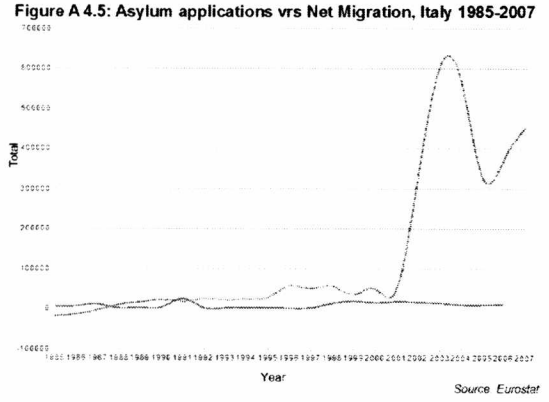


Figure A 4.6: Asylum Applications vrs Net Migration, Spain 1985-2007

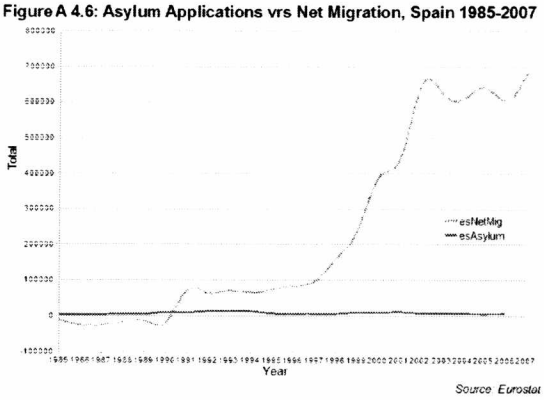
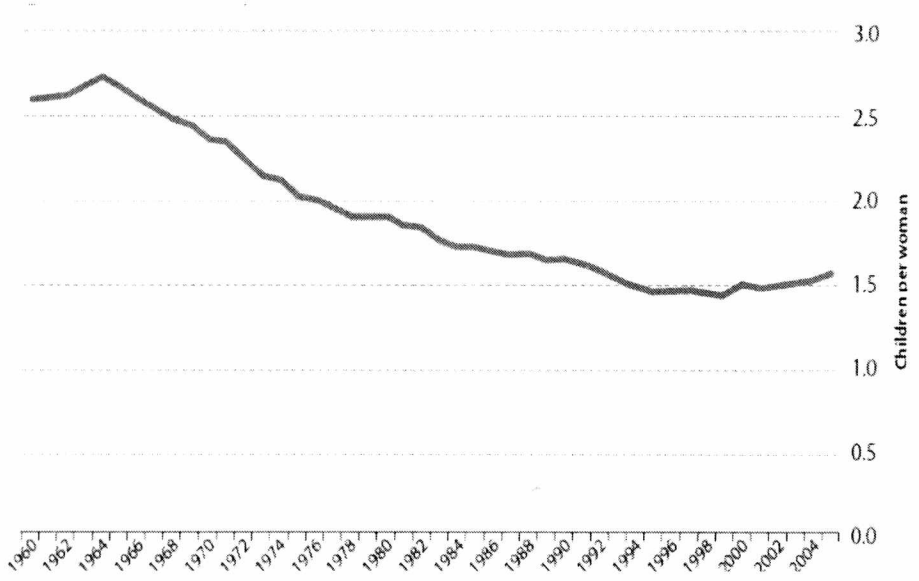
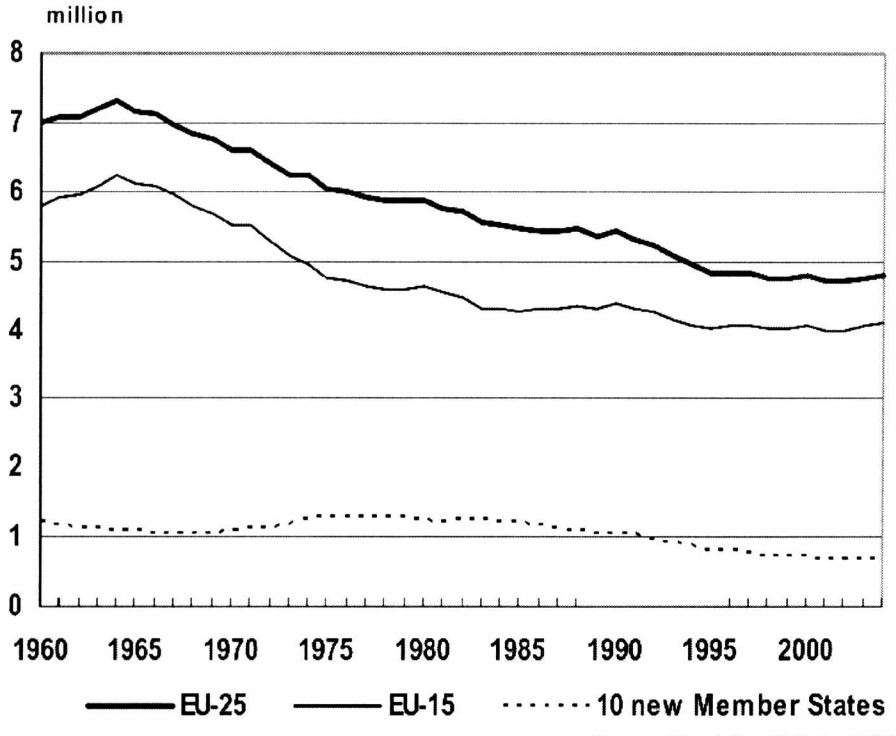


Figure A 4.7: Total fertility rate in the EU-25, 1960-2005



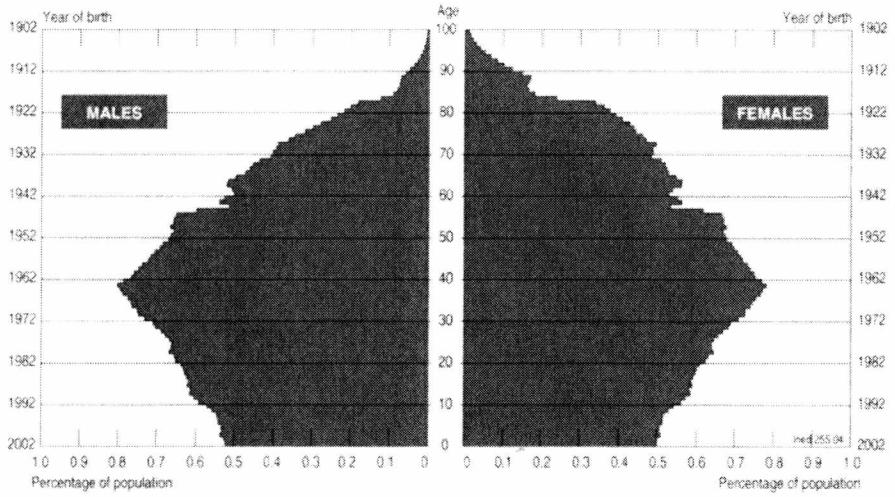
Source Eurostat regional yearbook 2007

Figure A 4.8: Live births in the EU, 1960-2004



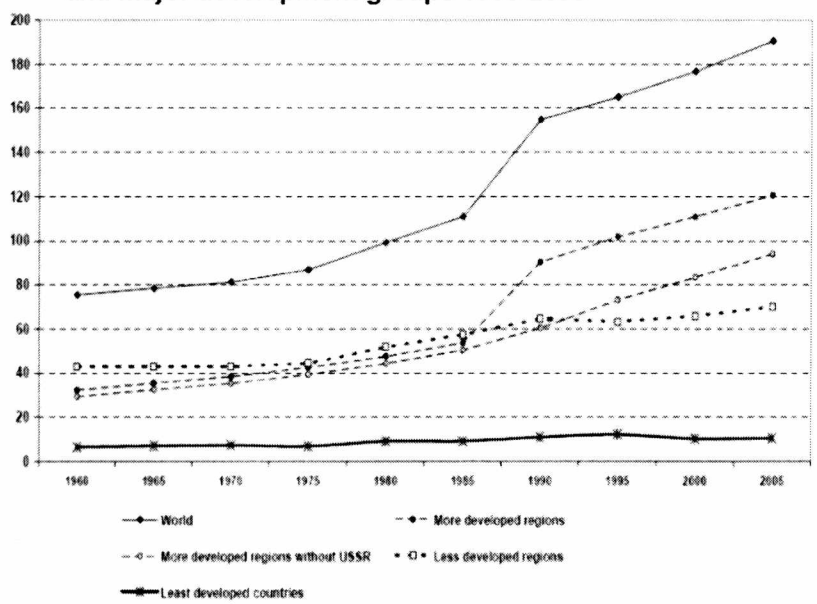
Source: Population Statistics 2006

Figure A 4.9: Population Pyramid of the Europe of Twenty-Five, Jan 03



Source: Monnier and Rogers, Population 2004

Figure A 4.10: Trends in the number of international migrants for the world and major development groups 1960-2005



Source: UN Migrant Stock Documentation 2005

Annex 5: Original Project proposal

Antonin Mikes IEPS FSV October 2007

Proposed Thesis topic- Impact of European Legislation on Migration Flows Within and Across EU Borders.

Proposed Supervisor / Advisor: Petra Nohavicova

General Outline:

The following proposal has been based on an essay previously delivered for a class related to social policy.

The topic of immigration generally leads to such wide ranging discussions that one is unable to succinctly lay out several arguments without debating or mentioning others. As such my proposed topic of discussion would be the concept of European policy related to immigration from a variety of perspectives, including; the economics of migration (push and pull factors), policy making and its impact on migration trends, the impact of naturalizations on migration and migrant integration, as well as issues of national politics- the response of the general public to migration and the impact of Europeanization of migration policy on migrant behavior while not ignoring future trends which may emerge and impact upon migration policy. **A preliminary research question will be whether or not Europe has been able to respond adequately to push factors affecting migration?**

The EU member states have agreed to common polices related to migration, border control and asylum application proceedings in an attempt to coordinate their actions and to 'deal' with the flow of migrants into the Union. **Have they succeeded in their actions?**

Remarks:

The general outline provided here is meant to simply act as a guideline and may require modification in the future, however it would appear to be of sufficient breadth to provide for a broad discussion of migration and migration policymaking within the European Union.

Proposed structural guide for the proposed thesis:

Introduction

Part 1
1.1 European Migration Situation

1.2 History of Migration in the EU
1.2.1Changes in stocks and flows in relation to EU Policies and Practices.
1.2.2 Past policies of the European Union and member states (an overview)
1.2.3 Past practices of the European Union and member states (an overview)

Part 2
2.1 Push and pull factors.
2.1.1 The Economics of Migration
2.1.2 European Response to Push Factors
2.1.3 European Response to Pull Factors

Part 3
3.1 Applications
3.2 The Failure or Europe to respond adequately to push Factors.
3.3 Future policies and their implications

Conclusions

Annex: Definitions of importance
Annex: Theoretical perspectives related to migration
Annex: Impact of theories upon migration policy
Annex: Impact of policies upon migrants

Bibliographic Citations and sources

Explanatory notes:

Push and Pull Factors:

While there have been claims that the flow of migrants has been increasing in recent years world wide data is not perfect and the flow of migrants is affected by a combination of economic, political and societal factors. Push factors originating in a migrants home country as well as pull factors in potential destination countries have a large impact on individual choices related to migration. Push factors such as economic and political instability in countries of origin may lead migrants to attempt to enter countries such as those who are members of the EU. Relative stability and the the possibility of better jobs or higher wages in the EU act as pull factors, drawing migrants into the EU.[479]

Border Control:

It is believed that through the unification of policies related to border control, immigration and common security the European Union should be able to reduce the flow of migrants entering the Union. However, the data available does not necessarily support the belief that unified migration policy suppresses migrant flows. The data suggests that migration has more than doubled since the implementation of the Schengen agreements. The only data that shows stability throughout the period beginning in 1990 are the number of asylum cases processed in the EU during this time frame. All other data suggests that migration is on the rise and that most population growth has been due to this increase in net-migration.

Methodological considerations:

International organizations and regimes have had limited influence over migration in the past due to the high political cost for policy makers who attempt to share the burden, so to speak.[480] Issues of the 'threats' posed by immigrants to local economic fortunes, the

---

479 Eurostat EU population compared with other world regions Life expectancy and mortality / Families and births / Migration and asylum 'Europe in Figures — Eurostat yearbook 2006-07', pg 75 and "Population statistics." Population Statistics 2004 European Communities, 2004 pg 95

480 Smith, Alasdair., Wallace, Helen. "Setting an Agenda The European Union: Towards a Policy for Europe."*International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 70, No. 3 1994 pg 430

social fabric and wider security are politically risky.[481] Yet with the removal of barriers to the free movement of peoples across the EU and increased cooperation between member states in regard to immigration policy the Neoliberal institutionalist model has become more applicable to the study of immigration policy.[482]

Theoretical Considerations- Patterns of Understanding

When looking at government policy it is necessary to understand that there are many factors influencing policy choices, from political maneuvering and partisanship to interest groups and pressure groups.[483] However, models may aid in our analysis and act as a base from which our analysis stems. Thus we may compare two models of such understanding; Neoliberal institutionalism and the Institutionalist approach to government policy formulation.

Both of the theoretical approaches mentioned below may serve to aid in explaining individual state action, however, it would appear that the Neoliberal institutionalist approach best applies to the case of the EU. This is due to the fact that most studies have concluded that "supranational organizations and international regimes have had little impact on the immigration policies of individual countries, with the partial exception of the EU and the refugee regime."[484]

Neoliberal Institutionalism

Through the use of the Neoliberal institutionalist model to migration it is possible to explain how common policies related to migration have been agreed upon within the EU. The Neoliberal institutionalist model claims that international institutions aid nations in overcoming the dilemmas related to common interests and facilitate coordination between countries.[485] Often used examples are regimes related to free trade (GATT, EU, EEC) and security (NATO).[486]

---

481 *Ibid,*. Pg 430

482Myers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review,* Vol. 34, No. 4. 2000 pg 1266

483Interest group and the process of partisan politics is covered in great detail by: Meyers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review*, Vol. 34, No. 4. 2000 pg 1258 and also by Black, R. 'The Geopolitics of International Migration in Europe Immigration and Social Justice: Towards a Progressive European Immigration Policy', *Transactions of the Institute of British Geographers* 21(1), 1996 pg 66

484Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1247

485*Ibid.*, pg 1266

486*Ibid,*. Pg 1266

Institutional Approach

According to the Institutional approach political institutions are seen as autonomous units that form public policy according to the interests of the state. As autonomous entities they are unaffected by pressure from society or special interest groups. "Political choices made by earlier generations create institutions, which shape both policies and ideas for later generations."[487]

Discussion of Theories

The contrast between the Neoliberal Institutionalism and Institutionalist approaches is quite stark. The state is confined in its actions according to the Institutional approach due to historically embedded forces whereas under the Neoliberal Institutionalist approach states are flexible and capable of adapting to external forces, or even in conjunction with those forces.

The Institutionalist approach, although we will not apply it to the EU, does function to explain particular state actions. Within Europe there is a historical tendency to see nationality as tied to shared ethnicity, there was little immigration until after the world wars. This is in contrast to societies built by settlement, such as Canada, the United States, Australia etc, where diversity has been more of a historical reality, and nationalism has been based more on civic participation than to ethnicity.[488] It has been argued by authors such as Freeman that "divergent immigration histories mold popular attitudes toward migration and ethnic heterogeneity and affect the institutionalization of migration policy and politics."[489] Thus the Institutionalist approach serves to explain individual state action, or inaction, in areas of immigration policy.

International organizations and regimes have had limited influence over migration in the past due to the high political cost for policy makers who attempt to share the burden, so to speak.[490] Issues of the 'threats' posed by immigrants to local economic fortunes, the social fabric and wider security are politically risky.[491] Yet with the removal of barriers

---

487*Ibid,*. Pg 1261

488Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1254

489Freeman as seen in Meyers, E. 'Theories of International Immigration Policy-A Comparative Analysis', *International Migration Review* 34(4), 2000 pg 1254

490 Smith, Alasdair., Wallace, Helen. "Setting an Agenda The European Union: Towards a Policy for Europe."*International Affairs (Royal Institute of International Affairs 1944-)*, Vol. 70, No. 3 1994 pg 430

491 *Ibid,*. Pg 430

to the free movement of peoples across the EU and increased cooperation between member states in regard to immigration policy the Neoliberal institutionalist model has become more applicable to the study of immigration policy.[492]

While Neoliberal Institutionalism would appear to better reflect the shared European policymaking that has occurred over the past decade or so, it is important to see that historical factors and embedded forces do act upon policy makers. Although as of late the reaction to feelings of insecurity which are felt by many nations has led to a "worldwide trend towards stricter immigration controls."[493] Thus even when considering one theoretical model or another in an attempt to understand state action, there will always exist externalities which require careful scrutiny.

492Myers, Eytan. "Theories of International Immigration Policy-A Comparative Analysis." *International Migration Review,* Vol. 34, No. 4. 2000 pg 1266

493*Ibid,*. pg 1268