

ETHNIC AND RACIAL STUDIES

Irregular Migrants

Policy, Politics, Motives and Everyday Lives

Edited by
Alice Bloch and Milena Chimienti



Irregular Migrants

A new era of international migration has been accompanied by increasingly restrictive immigration controls to manage migration to more developed countries. The consequence has been fewer routes to enter and/or stay in countries in a regularised way and as a result, an increase in the numbers of undocumented migrants. In this situation undocumented migrants, especially in relation to immigration controls and internal security have come to occupy an important role on the policy agenda of many nation states. The control and regulation of undocumented migrants has become an increasingly politicised issue. This edited collection brings together cutting edge scholarly research papers to explore undocumented migration at the international, national and individual levels. Starting with an overview of the literature on undocumented migration this book explores some of the key areas of research and policy in this area. This includes the making of undocumented migrants, the journey and processes, experiences of being undocumented at the individual level, collective action and return. This fascinating book explores the many facets of undocumented migration and of being an undocumented migrant in different geographical contexts that include Europe, Southern Africa, Central America and North America.

This book was originally published as a special issue of *Ethnic and Racial Studies*.

Alice Bloch is Professor of Sociology at City University London, UK. She is also co-editor of *Race and Ethnicity in the 21st Century* (2010).

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Ethnic and Racial Studies

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The journal *Ethnic and Racial Studies* was founded in 1978 by John Stone to provide an international forum for high quality research on race, ethnicity, nationalism and ethnic conflict. At the time the study of race and ethnicity was still a relatively marginal sub-field of sociology, anthropology and political science. In the intervening period the journal has provided a space for the discussion of core theoretical issues, key developments and trends, and for the dissemination of the latest empirical research.

It is now the leading journal in its field and has helped to shape the development of scholarly research agendas. *Ethnic and Racial Studies* attracts submissions from scholars in a diverse range of countries, fields of scholarship and crosses disciplinary boundaries. It has moved from being a quarterly to being published monthly and it is now available in both printed and electronic form.

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Irregular migration in a globalizing world

Alice Bloch and Milena Chimienti

Abstract

This introduction to the special issue ‘Irregular Migrants: Policy, Politics, Motives and Everyday Lives’ outlines the changing patterns of irregular migration at the end of the twentieth century and the start of the twenty-first century, explores the ways in which irregular migration has been analysed conceptually and empirically, highlights the contribution the volume as a whole makes to the literature in this domain and examines the key emergent themes from the papers in this volume. Finally, the paper concludes by suggesting gaps in our knowledge and areas for further research.

Introduction

At the start of the twenty-first century, irregular migration is a global and visible phenomenon. First, it occurs in most countries: it is estimated that in 2004, between 10 and 15 per cent of the world’s migrants were living in an irregular situation, which is equivalent to between 20 million and 30 million people (International Organization for Migration/ILO 2004; Koser 2010). Second, irregular migration has become a concern for different state and non-state actors. This includes governments who want to manage migration, human rights activists and campaigning organizations which focus on the lack of rights experienced by irregular migrants, employers who want to maintain access to ‘cheap’ and ‘compliant’ labour, travel companies and firms who are concerned by the prospect of sanctions for transporting people with the wrong or no documentation and irregular migrants themselves who try to survive despite their situation of vulnerability. Third, in several countries collective action among irregular migrants, to try and access rights, has made them

more visible. This special issue of *Ethnic and Racial Studies* aims to outline the position of irregular migrants globally and to address some of the key conceptual debates about the context and challenges of irregular migration. We use the term 'irregular migration' to refer to people who do not have a residence status in the country in which they are residing.

The special issue has its origins in a workshop held at City University London in September 2009. Paper contributions were invited from scholars working within different social science disciplines and focusing on different geographical contexts. The papers explored, theoretically and empirically, the complex interactions, processes and lived experiences of irregular migration at the international, national and individual levels.

The seven papers in this issue draw on a range of conceptual perspectives and on empirical research carried out in different countries and settings. The papers explore irregular migration in the US (Hagan, Mullis and Rodriguez), Europe (Bloch, Sigona and Zetter; Chimienti; Laubenthal; Schuster), Mexico (Chavez) and South Africa (Rutherford). The combined contributions provide a critical perspective and aim to encourage more reflection on this global issue through regional comparisons and through a multi-level analysis of the relationship between structure and agency in the irregularizing process and in the experiences of irregularity.

The following section will contextualize the special issue by discussing the changing and ongoing patterns of irregular migration. This will be followed by a discussion of the key literature in this area and the core themes of the papers in this volume. The conclusion will highlight gaps in knowledge and areas for further research.

Changing and ongoing patterns of irregular migration

It is surprising how little change there has been in the patterns of irregular migration since the 1970s when Portes (1978) edited a special issue of *International Migration Review*. The causes of irregular migration, its forms and the policies to deal with the phenomena show several similarities over time and place.

Portes argues that the causes of irregular migration are mainly related to 'structural determinants in both sending and receiving countries' (1978, p. 477) and therefore benefit both sending and receiving countries. Migrant-receiving countries need the cheap and flexible labour offered by irregular migrants while sending countries have the tensions created by underemployment, inequality and political, social and economic uncertainty partially alleviated.

Although these economic push-pull factors still have contemporary relevance, there are additional factors that precipitate irregular

migration and irregularity. These factors include the children of irregular migrants who are born into irregularity and the partners of irregular migrants, asylum seekers who have had their cases rejected, visa over-stayers (student, holiday and work) as well as those who enter clandestinely. This diversity highlights that irregularity can be a process and/or migration strategy, rather than a defined 'end-state' (Jordan and Düvell 2002; Bloch *et al.* this issue), and is, among other factors, related to the increased difficulty of migrating legally to EU member states.

In a globalized era, demand for both high- and low-skilled migrant workers in northern economies has grown (Castles and Miller 2009). However alongside the need for labour, immigration controls have been developed at nation-state and supra-national levels, creating a disjuncture between economic and political interests regarding immigration, in what Hollifield (1992) calls the 'liberal paradox' of 'open' markets and 'closed' political communities. This intensified attempt to manage migration, including with technological tools, obliges individuals to use different and sometimes fluid immigration statuses and strategies. In other words, legal immigration has become more difficult and is increasingly limited to the privileged few.

At the policy level Portes, focusing on the US case, has noted a number of strategies envisaged by the US to 'solve the problem of irregular migration' (1978, p. 469–70). These strategies included supporting development in sending countries, closing borders, penalizing employers who employ irregular migrants, apprehending migrant smugglers and offering amnesties to irregular migrants. Although irregular migration became an issue in Europe later than in North America because in Europe, before the 1980s, it was a tolerated and accepted consequence of the guest worker schemes, similar interventions have subsequently taken place in Europe.

First, both have implemented policies to repress the flow of irregular migrants. These have included both the 'externalization of border control' and 'interior social control' such as increasing the number of countries of origin that require visas (Triantafyllidou 2010; Hagan *et al.* in this issue). In the context of the European Union (EU), the control of external borders takes the form of cooperation within the EU zone and between EU member and non-member states. EU member states co-operate in a number of ways, including the operationalization of Dublin I and II regulations (see Schuster in this volume) which enable EU member states to deport asylum seekers to the first country of asylum. The cooperation between EU and non-EU states means that EU members can return a non-national to a safe third country outside the EU.

The second type of policy includes 'delocalization of the border' and 'remote control' which means that control takes place beyond borders

(Guiraudon 2003; Walters 2006). These measures diversify modes of surveillance and in recent years have incorporated travel companies, employers, service providers and private citizens into the arsenal of immigration controls used by the state. This includes transport agencies through liability fines for carriers for transporting people without the correct documentation, employers by fining those caught employing people without the correct documentation as well as NGOs, health providers and educational establishments who are asked to monitor the immigration status of their service users (Coutin 1993; De Genova 2002). This has been formalized at the EU level since the 1990s where directives suggesting a 'minimum level of common standards', concerning for instance sanctions against carriers and employers that have been put in place (Directive 2009/52/EC; see also Triandafyllidou 2010, pp. 35–36).

Border control policies, internal controls and the remote control of borders have all benefited from information technology such as EURODAC, which has facilitated their implementation (Broeders 2009; Schuster in this volume). In other words, the unification of Europe and the development of European policy have played an important role in attempting to manage migration flows. Agreements such as Schengen (1985) and especially the Dublin I/II regulations (1990 and 2003) give EU member states the necessary tools. Therefore a major change, in the European context since the 1970s, has been the increasing importance of the supranational tier in the production of irregular migration. In short, increased border controls have limited access to EU countries through regularized routes and have resulted in more irregular migration, certainly up until 2000 (Koser 2005).

Another contemporary change concerns the extent of irregular migration. While, in the 1970s, irregular migration was more of a phenomenon in the wealthier countries of the global north and west, it is now globally prevalent, as most irregular migration takes place between countries in the developing world (Koser 2005). A comparison of policies across time and space shows that, for almost all countries, irregular migration is seen as a 'problem' to solve. This can be explained by the fact that irregular migration is intrinsically related to immigration policy, border controls and definitions of citizenship by nation-states. It is not surprising, therefore, that the notion of 'clandestine migration' appeared for the first time in the nineteenth century when nation-states concretized and provided the legal tools to define legal and illegal mobility (Ngai 2004; Cvajner and Sciortino 2010). The debates on irregular migration show that nation-states still aim to protect a juridical membership and their territorial sovereignty. However, despite attempts to prevent irregular migration, it persists because, as Ngai notes, 'legislation cannot cover all permutations and

eventualities' (2004, pp. 4–5). A consequence of this increased repression is the growing criminalization of irregular migration, as some of the papers in this issue demonstrate.

Despite increased immigration controls and greater surveillance, the overview on irregular migration policy provided by the papers in this special issue shows that states tend to adopt a pragmatic perspective, focusing on employers, criminals, migrant smugglers and agents and newcomers instead of promoting the continuous mass deportation of irregular migrant workers. This pragmatism marks what Joppke (1998) has called the liberal state's 'self-limited sovereignty', highlighting on the one hand the inability of governments to control immigration flows and the other hand the human rights that nation-states are entitled to provide to any human beings independently of their status, such as healthcare and education (Joppke 1998; Guiraudon 2001; Castles 2004; Cornelius 2005).

The final key area of change has been the form that irregular migration takes, which has altered in a number of ways since the 1970s. Irregular migration flows are no longer just related to labour migration. In the post-war context, irregular migrants were often guest-workers who regularized their situation of stay and work after they had been employed (Sinn, Kreienbrink and von Loeffelholz 2005). Irregular migrants were mainly from proximate countries: from Latin America to the US (Edwards 2006) and from Eastern or Southern Europe to Northern and Western Europe (Düvell 2008). In the European context, the expansion of the EU means that people from traditional migrant-sending countries from the south and east of Europe are now able to move freely within the EU zone and, if previously irregular, have been able to regularize their situation.

At the same time, barriers to Europe and the US have become, as already mentioned, greater for unskilled workers from outside these continents, making regular migration unlikely. As a consequence, the majority of irregular migrants today come from non-European countries, which also complicates the channels of irregular migration. The migration is longer, more expensive, can entail greater risks and for many necessitates the use of agents and smugglers for border crossing and documentation (Koser 2005; Van Liempt 2007). In other words, repressive policies have not prevented irregular migration, but have diversified its characteristics and modes of illegality (Triandafyllidou 2010). This diversification means that most countries, even non-traditional countries for immigration, are affected by irregular migration. This diversity has led to research in a number of areas, and these will be explored in the next section.