

Düvell, Franck

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IRREGULAR IMMIGRATION, ECONOMICS AND POLITICS

FRANCK DÜVELL*

Irregular migration from a global perspective

The occurrence of irregular immigration has been reported in numerous countries of the world. It is a global phenomenon and exists in the US and in the EU, in Russia, Ukraine, Turkey, Jordan, Singapore, South Korea, Malaysia, South Africa, Botswana, Morocco, Argentina, Uruguay and Costa Rica. Indeed, irregular immigration is not limited to high-income countries but also found in middle and low income countries. Globally, in 2002, there were an estimated 22–44 million irregular immigrants (IM; Düvell 2006). This estimate does not claim any accuracy but at least indicates the scale of the phenomenon. Thus, around 10–20 percent of all international migrants, 214 million in 2010, could be in an irregular position; still only a mere 0.6 or so percent of the global population. In the US, the stock of IMs is around 11 million (2009), an increase from 6.1 million in 1998 or 9.4 million in 2002 (Koslowski 2011). In the EU-27 there are 1.9–3.8 million IMs (2008), a significant decrease from an estimated 3.1–5.3 million in 2002 (only EU-12; Vogel 2009) and significantly lower than previously commonly assumed. Most of the irregular resident population is estimated to live in the old western and southern member states, notably Germany, Spain, France and the UK. In Russia the level of IMs is estimated at 4 million irregular immigrants, a significant drop due to a major de-facto regularisation in 2008 (Moscow News 2009), and in South Africa there

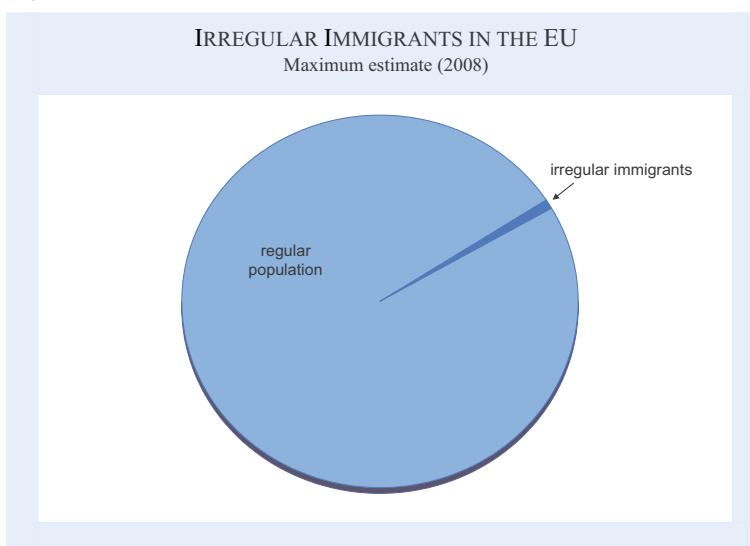
are at least one million, some say up to five million IMs,¹ though a decrease has been noted due to a regularisation of Zimbabweans in 2010 (e.g. Migration News 2010). This implies that more than half of all IMs reside and work in the US, EU, Russia and South Africa. A comparison of the EU and US shows that in the EU the stock of IMs is 0.39–0.77 percent of the total population (1.9–3.8 million of 499 million) whilst apprehended clandestine entrants represent only 0.021 percent of all international arrivals (714 million). In the US the stock of IMs is 3.6 percent of total population (11 million of 305 million) whilst 445,000 apprehensions on the south-western border (in 2010; GAO 2011) represent 0.1 percent of all international arrivals (400 million).² Thus, compared to the US levels of IMs in the EU are relatively low; indeed, it is so small that it is hardly possible to present irregular migration in the EU in any graphical form (Figure).

In terms of flows, it is assumed that in the EU 80–90 percent of all IMs have entered regularly (Düvell 2011a), hence on a visa and then overstayed, whilst

¹ This would represent 12 percent of the total population and seems implausibly high.

² In 2009, 541,000 arrests were made on the US-Mexican border (Burke 2010). Apprehensions at the northern US-Canadian border were only around 6,000 annually, 1.3 percent of the level on the southern border, GAO (2010).

Figure



* Centre on Migration, Policy and Society, University of Oxford.

in the US 60–70 percent has entered clandestinely (Koslowski 2011). Indeed, the decrease in the stock of IMs in the EU is due to accession of several major sending countries (e.g., Poland, Lithuania in 2004 and Romania in 2007), large scale regularisation which since 1996 affected around four million people (Baldwin-Edward and Kraler 2009), enhanced border and internal controls, and the impact of the economic crisis on migration in general. In contrast, the increase of IMs in the US is due to weak internal controls, notably lack of work place inspections and the decision not to regularise IMs. The majority of IMs usually comes from other countries in the region, Mexicans in the US, East Europeans and North Africans in Europe, CIS citizens in Russia or Zimbabweans in South Africa, though significant proportions come from more distant countries. Usually, irregular migration is mixed migration, meaning that it is composed of labour migrants, refugees, family members and other types, and each type raises specific economic and political concerns.

How politics and economics facilitate irregular immigration

Principally, a distinction has to be made between economic and political “push-and-pull” factors, or between economic and political reasons to migrate, though both are not easy to separate. Irregular labour migration is driven by asymmetries between the demand for labour and the supply, that is a tension between economics and politics, meaning that politics – for various more or less rational reasons – prevents businesses from regularly hiring the workers they need. Indeed, in the advanced economies and main destination countries, US and EU, labour migration is now severely restricted and the largest proportion of immigrants come through the family reunification channel (e.g., Hanson 2007; Kraler and Kofman 2009) followed by students and refugees. In particular impractical, cumbersome and time-consuming work permit applications that increase the costs and delay or prevent hiring workers result in industries turning to irregular practices (Düvell 2011a). Thus, labour migration, except some sought-after professions, notably the highly-skilled, are pushed towards irregular migration channels. The main problem lies in the availability of low-skilled and accordingly low paid workers, because (a) indigenous workers are increasingly well educated whilst (b) the indigenous low-skilled, often cushioned by welfare incomes, refuse the low-paid jobs available.

The economic “push” factors behind irregular migration are for the most part identical to those affecting regular migration: unemployment, low income, dissatisfying working conditions or lack of career opportunities. Some of the “pull” factors of regular and irregular migration, however, differ. First, irregular migration is more often driven by network effects; this is because irregular immigrants more often need support from other migrants already in the country to find jobs and accommodation (Düvell 2006). Second, countries with deregulated economies and large informal sectors, such as Italy or Turkey, offer more opportunities to irregular immigrants than highly regulated countries, such as Sweden. Hence, irregular immigrants are more likely to be attracted to countries which are more adverse to state intervention (US) and more tolerant to irregular employment (for example, Greece; e.g. Baldwin-Edwards 1998).

Furthermore, irregular migration is also shaped by the way labour markets are gendered. This means that in certain countries there is a demand for care workers, which typically attract female IMs. Other countries need construction workers, which typically attract male IMs. This explains why, for instance, male irregular migrant workers from Ukraine prefer going to Russia whilst female Ukrainian IMs rather going to Italy.

Similar processes not only drive the dispersal of irregular immigrants within a country but also across the economy. Irregular immigrants are attracted to areas, sectors or businesses that are less controlled or regulated, such as multi-ethnic cities and the countryside or small businesses and the domestic sector, where they are less visible. For example, irregular migration was once prominent in the German construction sector but due to increased workplace raids IMs were pushed out. As a result they moved from large companies into private renovations. Likewise, where employment in workplaces is inspected, IMs generally move into self-employment, e.g., as cleaners or builders (Düvell 2006).

Some political economists suggest that governments deliberately or as a side-effect of certain policies create a gap between migration policy goals aimed at preventing irregular migration and implementation practice, such as a lack of enforcement officers, that provide the preconditions for irregular migration (Cornelius, Martin and Hollifield 1994). Another rationale for accepting some level of undocumented migration lies in the political economy of internal

and external controls: i.e., there is a turning point when perfect control becomes exorbitantly expensive and uneconomical compared with the assumed gains (Jahn and Straubhaar 1998; Hanson 2007).

Determinants of irregular migration³

Principally, irregular migration is a legal and political construct, meaning, that what is irregular is defined by politics and the law, and thus can be politically deconstructed, i.e., reversed. There are five aspects that determine an immigration status: exit, entry, residence, employment and birth. Each aspect can be regular or irregular and various combinations are possible, for example:

- Either an individual has irregularly and without authorisation crossed the border of a nation state and is or is not working;
- Or an individual who has regularly stayed in a given country fails to depart before the time limit set in his or her visa, overstays and is or is not working;
- Or an individual who is regularly staying in a given country is taking up employment in breach of visa regulations and is thereby jeopardising his/her immigration status;
- Or a person is born to irregular immigrant parents and becomes an irregular immigrant by birth even without ever having crossed an international border.
- Finally, in some countries irregular exit is an offence and can be persecuted (e.g., China, Sri Lanka and increasingly in Morocco, Senegal and Algeria).

Based on the above, the Table emerges (Düvell 2008).

For instance, irregular entry/regular residence could apply to a refugee who clandestinely entered a country but then applies for asylum and thus regularises his or her status; irregular entry/irregular residence/regular employment was a pattern found in the Netherlands before 1998 prior to the Linkage act;⁴ and regular entry/regular residence/irregular employment refers to tourist visa holders working in breach of the visa conditions.

³ No less than six different terms are applied, clandestine, irregular, unlawful, undocumented, unauthorised and irregular migration. Also other concepts such as bogus asylum seekers, economic refugees or transit migration have become codes for irregular migration. There are problems with all the terms but irregular immigration seems to be the broadest and least ideologically loaded and thus most appropriate to reflect the diversity of this phenomenon (Düvell 2006).

⁴ The Linkage Act establishes a link between immigrants' right of residence and the services provided by the government.

Table

Immigration status

Irregular entry Irregular residence	Irregular entry Regular residence	Regular entry Regular residence
Irregular entry Irregular residence Irregular employment	Irregular entry Irregular residence Regular employment	Regular entry Irregular residence Regular employment
Irregular entry Regular residence Irregular employment	Irregular entry Regular residence Regular employment	Regular entry Regular residence Regular employment
Regular entry Irregular residence Irregular employment	Regular entry Regular residence Irregular employment	Regular entry Regular residence Regular employment
No entry (birth) Irregular residence	No entry (birth) Regular residence	No entry (birth) Irregular residence Irregular employment

Source: Compilation of the author.

Because of complex legal conditions the immigration status often is anything but clear. For instance, foreign students who, in addition to their studies, also engage in employment and exceed certain hourly limits, e.g., 20 hours a week as in the UK, could be considered violating the terms of their visa and thus be qualified as irregular immigrants. The 20-hour threshold, however, is arbitrary and difficult to control. Other cases refer to work permit holders who work in a job other than that stated in their permit, thus they have a regular residence and work permit but violate one condition of their visa. In certain countries, as in Spain, clandestine immigrants can even register with local authorities and thus partly regularise their situation but would still be considered irregular by the police. These examples (Düvell 2008) demonstrate that the extent of irregularity can vary considerably and depends on the extent the threshold is violated. In practice there will often be a gap between the legal threshold and a tolerated deviation from this norm – underpinned by processes of prioritising the scarce resources of the enforcement service (Düvell and Jordan 2003).

In addition, immigration status can be subject to change. For instance, migrants arrive and stay legally but then overstay and thus lose their status, or they arrive irregularly and then regularise their status, e.g., with an asylum application, marriage or an amnesty. Finally, irregular migrants from more distant

countries do not necessarily stay in the first country of their arrival but move on to other destinations, for instance, within the EU from Spain to France, from non-EU countries, such as Turkey to the EU or from Guatemala through Mexico to the US. Thus, some irregular migrants are rather mobile, and irregular migration is often only transitional.

Irregularity also depends on law enforcement practices. For example, migrants might violate certain immigration regulations and pursue unlawful strategies whilst on the other hand this might not be a secret but known to authorities or other members of the public. For instance, employers or landlords are often well aware of an immigrant's lack of permission to work or residence but nevertheless do not report such an individual but employ or rent out to such persons. There are often many other members of the host society who support, tolerate or at least ignore and thus do not report IMs, because the moral of the community differs from the law (Düvell 2007). Also in many countries the police either prioritises more serious forms of law violations and does not specifically target suspected IMs or the police would accept bribes from IMs in exchange for not arresting them, notably in non-EU countries. After all, IMs are often well-aware of law enforcement practices and avoid certain public places, certain actions, like riding without a bus fare, or working in sites or sectors that are targeted by the police.

Finally, it matters whether or not deportation is actually enforceable or whether due to unknown nationality and/or identity, lack of documents, humanitarian objections or simple lack of resources an IM is *de facto* not deportable. Thus it is often the case that an immigrant is irregular but cannot be deported and is *de facto* tolerated. Hundreds of thousands of IMs in the EU and US fall into this category. The legal issue arising from this situation is whether IMs who are not deportable should be served with some kind of a status, as, for instance, the EU's Return Directive suggests (Council of the European Union 2008a).

The argument made here is, first, that "irregularity" is anything but a clear-cut category and, second, that very few migrants live an "underground life". Instead, irregular immigrants generally live in the midst of our societies but are almost unrecognisable. The majority of clandestine immigrants seems to live relatively normal, even "quasi-regular" lives (Düvell 2006, 180).

Irregular immigrants and the economy

Irregular migration affects the production, consumption and fiscal outcome of receiving countries, even when migrants are not active on the labour market. All this, however, occurs only on a small scale according to the relatively small number of IMs. Often, it is the alleged negative aspects of irregular migration that raise most attention such as unfair labour competition; driving down wages or displacing indigenous workers; undermining power relations between organised workers (trade unions) and employers; tax evasion; illegitimate claims for social services or supposed congestion of the housing market; undermining rule of law; or exploitation and the emergence of criminal milieus (e.g., Jahn and Straubhaar 1998; Hanson 2007). But what seems plausible at first glance is often not so; indeed, a closer look reveals that how the costs and benefits of irregular migration are distributed is not obvious and the situation is more mixed than generally assumed.

First of all, irregular immigrants represent either scarce or inexpensive and flexible labour. Whilst regular immigrants are often "subject to arbitrary selection criteria and bureaucratic delays, which tend to disassociate legal inflows from labour-market conditions", irregular immigrants "tend to arrive in larger numbers when the economy is booming and move to regions where job growth is strong" (Hanson 2007, 5). Irregular migration, as any migration, principally contributes to economics of scale, larger domestic markets, higher gross domestic product, and an enriched and more dynamic environment. Irregular immigrants even contribute to the fiscal system; sometimes they pay direct taxes, notably when they work on borrowed national insurance numbers, and of course indirect taxes, such as VAT.

There is little evidence that irregular migration drives down wages or even substitutes indigenous workers, instead migration generally "play[s] a complementary role" (OECD 1990, 85; see also Hazari and Sgro 2003). An EU study has come to the conclusion that "at first sight, high unemployment seems to contradict high (irregular) immigration. However, an analysis of the Italian labour market shows that few Italians are in real competition with migrant workers" (European Communities 2000, 53). Indeed, the substitution effect of migration has only been observed in agriculture (Venturini 1999). Greenhouse (2000) argues that in the US the impact of migration on indigenous wages is marginal and only

non-skilled labour is affected. In particular IMs, because of differing human and cultural capital, e.g., lack of language proficiency, are more likely to face disadvantages when they compete directly with native workers. Indeed, because they are excluded from the formal labour market they are put in a position where they are denied the preconditions for fair competition.

Instead of competing with indigenous work forces, specific patterns of the interaction between migrants and markets have been identified. In particular IMs traditionally occupy labour market segments that are rejected or for other reasons not filled by indigenous workers (Iglitzka, Gmay and Maroukis 2011). Irregular migrant labour encourages a further division of labour into its more and less productive elements. For example, the bricklayer's work is divided into bricklaying by a skilled British worker and handling the bricks by an unskilled irregular immigrant (Jordan and Düvell 2002). In the process the productivity of skilled native workers is raised. IMs even create new markets for jobs and allow indigenous populations to enter the labour market (Young 1999). For instance, it is only because IMs offer cheap labour that lower-income households can afford to hire, for instance, domestic workers. As a result, a market is created for low-paid domestic work which did not previously exist. Second, this frees indigenous women from the constraints of housework and allows them to (re-)enter the labour market, which raises their productivity. Third, the household income increases and thus their overall spending power. Fourth, because previously non-working indigenous populations enter employment they pay taxes and thus raise state revenues. Fifth, low-wage workers enable firms to offer lower-priced goods and services, which have a diminishing impact on inflation. A cycle is thereby generated which positively affects large numbers of households, the state budget and even the economy at large.

IMs are typically concentrated in sectors and industries which cannot be outsourced to low-wage countries, such as agriculture and food processing, construction or some segments of the textile industry (which require greater proximity to markets because of fast-changing fashions and demands), domestic and care work, tourism (hotel and restaurant), service sector, not to forget prostitution. Instead, low-wage labour in form of IMs is taken in (Düvell 2006). In the US and many other countries irregular migrant labour is a prerequisite for the survival of

businesses which otherwise would not be able to compete with cheap imports (Wall Street Journal 2004). Hence, irregular immigration is an alternative to closing down or outsourcing and thus helps to maintain industries and protect indigenous jobs.

It has been demonstrated that immigration pathway and status determines immigrants' wages meaning that irregular entrants receive the lowest, overstayers a higher and regular immigrants the highest wages (Rivera-Batiz 2001). This often correlates with some ethnic stratification where certain groups are to be found at the bottom of the scale (Psimmenos and Kassimati 2006). However, half of the wage gap between regular and irregular migrants is actually due to differing characteristics, such as age, gender, education, language proficiency etc., and only the other half can be interpreted as discrimination against undocumented migrant workers (Rivera-Batiz 1999). Meanwhile, trade unions in the EU and US have begun to recruit and represent irregular immigrants, which potentially neutralises some of the critical aspects of irregular migration.

Finally, in many countries irregular immigrants have no or only limited access to public services and, by and large, avoid any interaction with statutory agencies; therefore, often there is almost no negative welfare aspect (Düvell 2006). Rather the opposite is true: they may work on borrowed national insurance numbers and thus contribute but are exempted from accessing social services.

To sum up, an OECD report (1989, 20) once interpreted "unauthorised immigration" as a "labour market adjustment to economic trends". In Greece (Sarris and Zografakis 1999) and the US (Hanson 2007) it was observed that irregular immigration has overall positive effects on the economy. Thus, Boswell and Straubhaar (2003, 1) suggest that there is an "economically optimal level of irregular migration".

Irregular migration and the EU political response

Irregular immigration is considered one of the "key threats" to the EU (Council of the European Union 2003, 4). The prevention of irregular immigration has become a top priority in the EU's "global approach" to migration (Council of the European Union 2005) and the European Security Strategy (e.g., Council of the European Union 2008b). As early as 1974 the then European Economic Community began to re-

spond as a political entity to irregular migration, but only issued its first policy in 1985. In 1989, the Council of the European Community in its famous “Palma declaration” defined the principle doctrine of EU migration policies as internal, free movement requiring tough immigration and external border controls. Thus, over the past 25 years, numerous policies have been designed to improve border security and tackle irregular immigration. Indeed, the latter has been a crucial driver of Europeanisation in the field of migration policies (Düvell 2011b).

Notably the Tampere presidency conclusions introduced a “coherent approach” along four lines (European Commission 2000):

1. tackling irregular immigration at its source,
2. introduce consistent control of external borders to stop irregular immigration,
3. combating those who engage in trafficking in human beings and economic exploitation of migrants, and
4. detect and dismantle relevant criminal networks.

This was translated into two sets of internal and external policies, (a) a common immigration and border control code, coordinated and joint border controls, common visa procedures, carrier sanctions, common detention and return standards, coordinated deportations and employer sanctions, and (b) readmission agreements, deployment of officers, controlling borders and capacity building of border and immigration controls, and generally linking immigration control with development aid, reconstruction, trade or technical cooperation agreements in/with non-member states as well as collaboration with private businesses and intergovernmental actors (carriers, IOM, ICMPD).

The main external immigration law enforcement measure is border controls, both on border crossing points and along the green and blue borders. In the EU there are 400,000 border guards, in the US there are 41,000 Customs and Border Protection officers (Koslowski 2011). Enhanced border patrols, however, have two partly paradoxical effects. First, they are responded to by the emergence of irregular service providers (“smugglers”), ever more sophisticated smuggling operations, which then increase in price, and constantly changing paths (UNDOC 2009). And second, more and better controls increase the costs of irregular border crossings and compel people, once in the country to stay longer, thus the stock of IMs actually increases (Massey 2002).

The main internal immigration law enforcement measures are (1) random ID controls on streets/train stations/trains, (2) routine workplace inspections, (3) reporting obligations or denunciation practices, (4) routine police inspections of public places, (5) one-off high profile raids and (6) arrests of suspects at hospitals, schools or NGOs (in that order of importance). IMs, however, as implied above, are aware of these strategies and avoid, as far as possible such measures. Thus, their impact is limited.

Significant resources are spent on these national and EU policies. The EU Framework programme (FP) Solidarity and Management of Migration Flows (2007–13) alone is worth EUR 5.8 billion. For instance, EUR 62 million are spent on setting up refugee reception and removal centres in Turkey. And Germany spends EUR 386 million (2006) on labour market inspections, 3 percent of all businesses, though mostly targeting indigenous people working off the books (Vogel and Cyrus 2008, 6).

So far, the EU has drawn various actors into its policy framework and expanded its scope of activities well beyond its territory; this has subsequently resulted in a transformation of the conventional concept of nation states (Düvell and Vollmer 2011). These policies, projects and institutions remain diverse, changeable and occasionally controversial. Sometimes they are short-living (notably projects, also the risk analysis centres), partly overlapping (Frontex, EUBAM, and CIREFI, and the Budapest and Sönderköping processes) or criticised for their adverse impact on human rights (e.g., the readmission agreement with Libya, funding detention centres in Ukraine or certain Frontex operations).

Conclusion

Irregular migration has become a significant structural phenomenon at the end of the 20th century. There appears to be a strange and unintended relation between migration, restrictions, continuing migration and its irregularisation, as the restrictions, instead of having a deterrent effect, are more likely to provoke migrants to dive deeper into invisible activities and stay longer (Düvell 2006; Koslowski 2011). In the EU, the relevance of border controls for containing irregular migration is often exaggerated because most IMs arrive regularly and then overstay. Also the number of irregular immigrants is usually assumed to be much higher than it is in reality and

thus probably disproportionate attention is paid to irregular migration. Due to the overall small number of irregular immigrants their impact on the economy is modest though significant in the few sectors where they concentrate, such as domestic work and cleaning, hotel and catering, agriculture and construction. Irregular immigrants are often individualist and entrepreneurial (Düvell 2006); they are highly responsive to labour market needs and more geographically mobile than the indigenous population (Hanson 2007). They are also more adaptable to less favourable working and living conditions. Finally, because they send home remittances that enable other family members to stay, irregular immigrants paradoxically even contribute to containing further irregular migration.⁵

European policy responses have been driven as much if not more by perceptions, discourses and political principles as by knowledge. Considering the relatively low level of irregular migration and the mixed and often rather positive economic and even fiscal effects the high level of political attention and deployment of resources in the EU, the US and elsewhere could be considered almost disproportionate. In any case, the presence of irregular immigrants, whether they are working or not, raises questions of access to fundamental human rights, whether this be access to health care, education or legal remedies. Thus, a *laissez faire* or toleration policy is in the long term rather problematic, instead some form of re-regularisation is probably more beneficial to all stakeholders.

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⁵ Though some of the money is used to finance migration of other family members.

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