

# **International migration and its regulation**

## **State of the art report Cluster A1**

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## INTRODUCTION

The main focus of cluster A1 is international migration as such. It does not deal with the causes and consequences of migration. Nor does it address the different dimensions of the integration process and the legal inclusion or exclusion of migrants. The process of migration, its conceptual delineation and the statistical recognition are in the centre of the A1-interests.

This overarching approach to migration implies that the issues addressed by the members of this cluster are of central interest to the whole network. These issues basically fall into five research questions: How can we define international migration and mobility; which phenomena of international migration and mobility have already been addressed and which have been neglected? What are the relevant theoretical paradigms in international migration research? Which regularities does international migration show in terms of structural aspects? What are the most important modes of regulation? Which new forms and patterns of migration have evolved in response to regulation? These five principal, to some extent broad, but necessary questions have guided the work of cluster A1. They correspond to five thematic areas:

- Thematic Area 1: International Migration: Concepts and Measurement,
- Thematic Area 2: Changing Paradigms in Migration Theory,
- Thematic Area 3: Structural Aspects of International Migration,
- Thematic Area 4: Modes of Regulation,
- Thematic Area 5: Migration Industry: Means and Routes of Migration.

These thematic areas supply the basic structure for this state of the art report. Based on contributions of the cluster members, this report has two aims: one is to reflect the wide range of research interests within the cluster. The other, more ambitious goal is to provide a wider overview of the state of the art in the different areas addressed within this cluster.

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# CHAPTER 1: INTERNATIONAL MIGRATION: CONCEPTS AND MEASUREMENT

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## 1 Introduction

In the past, migration across borders has frequently been conceptualised as a distinct event, as a rule, taking place once in a migrant's lifetime. Though it is questionable whether this conception ever did full justice to empirical reality, it increasingly becomes clear that in the present-day world processes related to economic globalisation also increase (the opportunities for) human mobility. Individuals tend to become less sedentary and once they move, they are increasingly likely to do so repeatedly (from settlement migration towards transnational mobility). Questions arising from this statement can be summarised as follows:

- How appropriate is our traditional concept of migration as a change of place of residence involving a certain distance for a minimum period of time?
- What are the links and the differences between mobility and migration?
- Does our traditional understanding of migration stand up to reality?

There is no common concept of international migration, nor is there a common way of gathering data on this phenomenon. 'Compared to some other areas of statistics, such as labour force data, there exists little international standardization of migration statistics. ... The data reflect migration systems and the policies of national governments and so ... it can be difficult to generate harmonized data' (OECD 2002: 283). In the following we will try to provide an overview of both different concepts of international migration and data sources, two spheres that are closely connected. This overview encompasses three types of international migration, namely

- legal international migration,
- illegal international migration and
- asylum seekers,

as these types also reflect different ways of conceptualisation and measurement. Furthermore, the following elaborations are driven by research interests; that means that they concentrate on the validity and usefulness of concepts and statistical sources for empirical research on international migration in the social sciences.

## 2 Concepts and measurement: legal international migration

### 2.1 Concepts and definitions

Concepts and definitions of legal international migration are a dime a dozen: 'As they result from distinct political, social, economic and cultural contexts, definitions of migration are highly varied in nature. This makes comparison difficult not only because statistical criteria differ, but because these differences reflect real variations in migration's

social and economic significance, depending on the particular contexts' (Castles 2000, cit. in IOM 2003: 8). Notwithstanding these contextual variations, there is a distinct trend towards harmonisation of concepts, chiefly pushed by international bodies and organisations that need comparative data, such as the UN, the OECD, the IOM or the EU. These therefore come up with concepts and definitions that aim to grasp 'worldwide reality' rather than only one particular context.

The two defining features of international migration are space and time. All definitions include these two variables but vary markedly in their specific use. Regarding space, the identification seems to be rather easy: international migration requires the crossing of an international border. However, this definition does not do full justice to migrants who cross more than one border or do so repeatedly. Nevertheless, there is more disagreement as to the minimum requirements concerning time. How long somebody has to stay to be counted as an immigrant still differs considerably from one country to another.

In the latest United Nations recommendation dating back to 1998 international migration is described as follows: 'An international migrant is defined as any person who changes his or her country of usual residence. A person's usual place of residence is that in which the person lives, that is to say, the country in which the person has a place to live where he or she normally spends the daily period of rest. Temporary travel abroad for purposes of recreation, holiday, business, medical treatment or religious pilgrimage does not entail a change in the country of usual residence' (United Nations 1998: 17).

In view of a necessary time perspective, the UN argues for a period of one year, stating that 'a long-term migrant should be defined as a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months) so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure the person will be a long-term emigrant and from that of the country of arrival the person will be a long-term immigrant' (UNO 1998: 18). Short-term migration includes people, who 'move to another country for a period of at least three months but less than a year', except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage.

Up to now, the European Union has defined long as well as short-term migration along UN lines.<sup>1</sup> Yet, recent developments as to the measurement of international migration in the EU point towards a future regulation on community statistics on migration, citizenship and asylum that will serve to fulfil the urgent need for 'better statistics to improve estimates of the current population and projections of future population change' (European Commission 2004). In the draft of this regulation, the term 'usual residence' is again based on the UN description (the place in which a person spends the daily period of rest). However, the text proposes a new definition of long-term migration that clearly distinguishes between immigration and emigration. 'International immigration shall refer to the action by which a natural person establishes their usual residence in the territory of the Member State for a period that is, or is expected to be, of at least twelve months, having previously been usually resident in another Member State or third country. International emigration shall refer to the action by which a natural person, having previously been usually resident in the territory of the Member State, ceases to be usually resident in that Member State for a period that is, or is expected to be, of at least twelve months.' This text is more precise in the way it describes sending and target countries by differentiating between member states and third countries. However, it does

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<sup>1</sup> See <http://forum.europa.eu.int/irc/dsis/coded/info/data/coded/en/gl009055.htm>.

not address a fundamental difference in the conceptualisation of ‘long-term migration’ in Europe, allowing both *actual* and *intended* stays of more than twelve months to be counted. In practice, this means that little will change in the way European countries currently measure immigration and emigration flows. The proposed regulation will thus only bring about a limited harmonisation of migration statistics and maintain confusion and incomparability between European countries.

### **Box 1: The social construction of migration**

***Heinz Fassmann***

Migration is a real event. It involves leaving home, covering a significant geographical distance and living in the new place of residence for a minimum period of time or intending to stay there forever. These are, more or less, the defining features of a migrant and migration as an event. But how does this differ from spatial mobility? Usually, mobility is taken to be the overarching concept that includes migration. Nevertheless, the decision when a mobile person becomes a migrant is always a social construction.

A society that uses a narrow definition of migration generates fewer migrants and probably more temporary resident population, visitors, tourists, foreign students, guestworkers and other mobile groups coming and leaving. That these are perceived to be different and thus not categorised as migrants is closely related to the self-understanding of the respective society which in the above case only includes people who always have been and always will be part of it. This concept underlies German or Austrian self-understanding. The Germans perceive themselves as more or less direct descendants of Germanic tribes who settled in today's Germany in times immemorial. Germany and Austria have constructed their histories as ethnically continuous without any significant influence of migration. This explains why migrants coming from ‘outside’ these territories are categorised as guests or temporary resident population rather than as immigrants who intend to integrate themselves into the society which is per se difficult as they can never become descendants of the ‘first Germans’ or ‘first Austrians’.

Other societies, such as the United States, emphasise their long lasting history as immigration countries. They see themselves as ‘nations of migrants’ and as a consequence use a very broad definition of migration in their different statistics. That is why tourists entering the US have to pass immigration control; temporary resident population is labelled as non-immigrant migrant; and the census includes a question on ethnic origin, reflecting the fact that every member of this society is either a migrant or a descendant of a migrant. Migration here is thus not perceived as an event in an individual's life but as a defining attribute of the whole society.

According to the OECD, there are two basic ways of defining immigration systems (OECD 2003: 288):

- ‘permanent residence’ type countries tend to focus on acceptances for permanent settlement as an indication of inflows and on the population of foreign-born as an indication of the stock of immigrants (Australia, Canada, the USA), thus the classic countries of immigration;
- ‘temporary permit’ type countries tend to have population registers and use these to focus on inflows and stocks of foreign citizens (as distinct from the foreign-born) (most OECD-countries, with the exception of France and the United Kingdom, that do not have population registers).

It is necessary to differentiate between migration and migrant population. Migration addresses the flow, the actual change of place of residence, whereas migrant population describes the stock of population that migrated in the past. The different definitions of the latter can be traced back to two basic concepts (OECD 2003: 287) that are closely related to the diverging histories of immigration systems and legislation on citizenship and naturalisation:

1. *citizenship concept*: foreign nationals (many European countries, Japan), including second and third generation members, keeping foreign citizenship, even if native-born,
2. *place of birth concept*: foreign-born population (Australia, Canada, New Zealand, USA<sup>2</sup>), including both foreign and national citizens.

As the OECD (2003: 287) points out, in some countries native-born foreign nationals are a non-existent group, ‘as legislation is such, that birth within the country usually entitles individuals to citizenship’.

Regarding the role of naturalisations in the stock of the immigrant population, we can again differentiate between two models (OECD 2003: 287):

1. Countries where foreigners can easily acquire nationality (France, Belgium) and where immigration therefore contributes to the growth of the native population;
2. Countries where naturalisation is rather difficult to achieve (Germany, Switzerland) where immigration therefore implies the growth of the foreign population.

## **Box 2: Some additional information on migration statistics and projects**

***Michael Jandl***

The project *Comparing national data-sources in the field of migration and integration (COMPSTAT)*, implemented in 2001/2002, was financed by DG-Research and coordinated by ICMPD and the European Centre for Social Welfare Policy and Research, Vienna, Austria. COMPSTAT was designed as an initial step in an effort to overcome the lack of comparable data in social and economic integration of migrants and their descendants in Europe. The main objectives were 1) to collect and analyse essential technical information on various sorts of micro-datasets and statistics regularly produced by public authorities; 2) to contribute to establishing comparability of these data in Europe and 3) to provide useful instruments for a comparative monitoring of integration processes in Europe.

Since COMPSTAT was designed as a pilot-study, it only included eight countries, namely Austria, Belgium, Germany, Hungary, Italy, the Netherlands, Norway and Switzerland, plus limited information on two EU candidate countries from Central and Eastern Europe (Czech Republic, Poland). In addition, EUROSTAT was invited to the project as an observer.

The final product of the COMPSTAT project is an internet-accessible, fully searchable database ([www.compstat.org](http://www.compstat.org)) containing meta-data on the details of about 325 individual datasets (all in all almost 500 individual datasets were screened) with relevance for cross-national studies on integration of immigrant minorities. The database provides general information on the datasets (institution responsible for data collection, the period of

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<sup>2</sup> The US Census Bureau uses the term *foreign-born* to refer to anyone who is not a US citizen at birth. This includes naturalised US citizens, legal permanent residents (immigrants), temporary migrants (such as students), humanitarian migrants (such as refugees), and persons illegally present in the United States. Furthermore, the term *native* refers to anyone born in the United States or a US Island Area such, as Puerto Rico, or abroad of a US citizen parent (<http://www.census.gov/population/www/socdemo/immigration.html>).

coverage, sample sizes etc.) and all the variables and their possible values. Apart from collecting data, the project described the data systems of the countries involved, analysed the micro-data as to their quality, availability and comparability and evaluated the possibility of using them for comparative research. Using a range of formal, substantive and thematic criteria, the analysis of the available micro-data identified a variety of problems with regard to the data's comparability and availability and discussed ways of improving the situation.

The project *THESIM - Towards Harmonised European Statistics on International Migration* intends to tackle the problem that international migration statistics are among the least reliable within the field of socio-economic and demographic data. This weakness was pointed out by international bodies, such as UNECE Geneva, as early as the 1970s. Yet only in 1990 EUROSTAT started to devote continuous attention to this problem. Their first initiative was to produce a report on harmonisation of international migration statistics in the then 12 EU member states. Henceforth, the international bodies concerned increased their co-operation in order to improve the situation, which, amongst others, led to an update of the UN recommendations for international migration statistics. Nevertheless, there still is no sufficiently reliable and minimally harmonised set of data. At the same time, the demand for such data is increasing. THESIM aims to support the implementation of a forthcoming EU regulation for community statistics on international migration.

In order to reach this objective, THESIM will: 1) compare definitions and concepts related to international migration; 2) analyse available data in order to see what the data already reveals and where the main problems are in terms of reliability and comparability; 3) integrate data on asylum with data on flows and stocks in order to get more reliable information on de facto international migration within each country; 4) describe and analyse all efforts done on bilateral and international levels in order to improve the situation and to identify the impact of low reliability and lack of comparability on policy implementation; 5) propose practical recommendations after discussion with all potential data providers and data users in migration policy development. The project includes all 25 EU Member States and runs from April 2004 to March 2005.

Finally, the project EMIN (*European Migration Information Network*) aimed to supply information on international migration for a wide group of users. It hoped to produce a database that would eventually hold registers and directories containing metadata on information sources for all types and aspects of migration in Europe. Initially funded by the European Union's Odysseus Programme, EMIN was based in the Migration Research Unit (MRU) at University College London (UCL). See: [www.emin.geog.ucl.ac.uk](http://www.emin.geog.ucl.ac.uk).

## **2.2 Data Sources on legal international migration**

Generally speaking, data on international migration are gathered at the national and in some cases local level, mostly by the national statistical offices that also process data provided by other administrative institutions.

Efforts to standardise statistics on international migration have a long history. It was more than 80 years ago that the International Labour Conference made first steps into this direction. Since then, the United Nations, in particular, have been trying again and again to bring together statisticians from all over the world in order to further progress towards comparable, high-quality migration statistics (IOM 2003: 294). But things have not moved very much in the past century, for the following reasons:

- there are no direct links between the United Nations Statistics Division and the respective government institutions at the national level;
- the UN-recommendations have been developed mostly by demographers, who see international migration as part of population change and not from a management perspective.

What are the main data sources of international migration today? Differentiated by place of collection, there are three different approaches to collecting data:

- in the countries of destination,
- in the countries of origin and
- while crossing the border,

with the first option being by far the most important. In addition, we can distinguish between official (administrative) and unofficial ‘data producers’.

Empirical research projects usually either draw on official data sources or use small numbers of narrative interviews, none of which are fully satisfying methods. Official data sources are very selective in their cognitive interest (which rarely concerns migration) and only provide a limited insight into a complex ‘reality’. On the other hand, while interviews allow for a more holistic approach, they can only ever cover a small sample. Furthermore, the criteria guiding the selection of surveyees are often unclear, if not dubious.

A well established method of measuring international migration is comparing the population register with the census. Based on the assumption that birth and death are statistically well defined demographic processes and that the census provides reliable data on the stock of population, this method allows estimating the change in population figures over a certain period of time that is not accounted for by births and deaths and is therefore interpreted to be the international migration balance. In concrete terms, this implies calculating the population at a given time (the population at a previous time plus the number of births minus the number of deaths) and comparing the result to the census data. The difference between these two numbers can be explained by two factors: statistical variation and international migration.

### *2.2.1 Statistics in the countries of destination*

#### *Census data*

Migration researchers mainly turn to census data to obtain information on the non-national population stock, generally identified on the basis of legal nationality (citizenship). Yet, this method does not provide any information on international migration. For second-generation foreigners, who might never have migrated, are counted as non-nationals, while naturalised persons, who have changed their place of residence, are counted as nationals. Some censuses do not even include a question on citizenship (Baltic States, Poland). Others also ask for ethnic origin (UK, USA, Canada, Czech Republic, Slovakia) (Poulain & Perrin 2001: 7). Due to its nature, no census covers international emigration.

Nevertheless, population censuses represent an important data source that can also be disaggregated spatially up to a very large scale. Furthermore, some censuses provide information on immigration, e.g. when they ask for ‘the place of residence five years ago’ (Germany and Austria). However, the real plus of census data lies in the factual width of the information available as well as in their spatial depth. Censuses offer information on age, sex, education, religion, language, profession, housing condition, family and household structures and many other factors.

Census data could therefore also be of great support for research on international migration, if it was not for two main disadvantages:



- Censuses are only carried out once every ten years. Hence, the information is usually not up to date.
- Both the official character of censuses and their definition of the place of residence lead to the exclusion of certain people from the survey, i.e. those who stay on a temporary basis. This means that the data is useless for other than classical forms of migration, such as transnational mobility.

*Sample surveys: microcensus*

Another useful source for research on international migration are microcensuses that are carried out periodically in some countries, such as Germany and Austria, to supplement the census. These surveys consist of a fixed set of questions, on the one hand, and a variable set of questions on differing themes, on the other. As the fixed set contains a number of questions also asked in the census, microcensuses bridge the long gaps between one census and the next.

The greatest disadvantages of the microcensus for research on international migration are, again, its official character and the sampling procedure. In Austria, the sample is determined in a two-stage procedure that randomly selects the surveyees from a housing register. This implies that the microcensus excludes anybody who lives in a shop, warehouse, on a building site or in a cellar of a building to be renovated. It thus has a bias towards the established foreign population.

This bias is further enhanced by the official character of this survey. The Austrian regulations, for example, state that the selected household must be notified in advance of the interview. Hence, any undocumented subtenants can leave the premises and will therefore go unmentioned.

*Population registers and statistics on employees: whole population*

Microcensuses and censuses are carried out by statistical offices every ten years and three months respectively, whereas population registers and statistics on employees are continuously updated and are carried out by different institutions.

A *population register* gathers demographic and administrative information on individuals living in a given place (Poulain & Perrin 2001: 9). The information is constantly updated (births, deaths, immigration, emigration). Problems occur, for example, in the case when an individual has several places of residence. Furthermore, there is no exchange of information between sending and receiving countries, which leads to a high number of undeclared emigrations (Poulain & Perrin 2001: 10).

The population register lies in the hands of the registration authorities, usually an administrative unit of the respective Ministry of Internal Affairs. By contrast, the statistics on employees are conducted by the Ministry of Employment and Social Affairs in Austria and by the Federal Office of Labour in Germany, to cite just two examples. While population registers keep record of all people living in a specific area, statistics on employees only include those who are legally present and allowed to work. Both data sources record nationality.

As they are continuously updated, population registers and statistics on employees are more apt to measure migration flows than the census or the microcensus. They therefore represent valuable data sources for the analysis of mobility. However, they also have disadvantages. First, they only register 'legal cases'.<sup>3</sup> Anyone staying in a country but

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<sup>3</sup> One exception is the population register in Spain that also includes illegal cases. This is mainly due to the fact that here registered illegals do not have to fear expulsion or punishment, as this register is not interlinked with police data. On the contrary, there are positive incentives to register, including access to

not registered by the police or the competent authority respectively does not appear in the population register either. As long as these people are not conspicuous, not picked up by the police or caught as fare dodgers in public means of transport, they can live in the respective country of immigration for a very long time.

Almost the same holds true for the statistics on employees. Anyone who does not have an official work permit cannot be covered statistically. Yet, people working in private households, cleaning or doing the laundry can easily do so without permit. Furthermore, they are rarely found out since controls carried out by the labour market administration concentrate on 'suspicious places', most of all building sites.

Recent political measures aiming at the reduction of immigration might paradoxically lead to a further increase in the number of illegally resident and working foreigners not accounted for in the above statistics as those potential immigrants who are not deterred will come nonetheless and work on an illegalised basis.

#### *Permit data: residence and work*

The most important immigration countries, namely Australia, the United States and Canada, as well as some larger European countries, such as France and the United Kingdom, do not have population registers. They use permit data or in the case of the UK 'landing cards' to describe international immigration (OECD 2003: 286). In contrast to the statistics described above, these data only reflect movements of non-nationals of the respective country.

#### *Non-official surveys*

The deficits of official statistics as to the coverage of international migration have given rise to non-official alternatives that try to provide a more complete insight into the phenomenon. Surveys have been carried out to review official statistics and to get a rough idea of the illegalised labour market. These surveys are not representative because their selection procedures do not fulfil the principles of random sampling. Nevertheless, they are apt to complement official statistics and constitute a good point of departure for further research.

#### *2.2.2 Border statistics*

Border statistics record how many cars and passengers cross international borders. Moreover, they represent a source of information on so called 'rejections' since they register, amongst others, undocumented passengers who try to enter a foreign territory. However, these statistics are by no means sufficient for social science orientated research. While they help to describe and analyse flows on a macro level, they do not supply any information on the structure of mobility.

#### *2.2.3 Data sources in the countries of origin*

Experience shows that it is much easier and far more reliable to register immigrants than emigrants. Even when emigration required consent of the responsible municipality and landlord, statistics on emigration did not do justice to reality and they are still notoriously poor.

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the health and school system and evidence of residence within subsequent legalising programmes. In 2002, the Spanish population register included 500.000 more foreigners than the aliens' statistics.

### *Official data on emigration*

The cancellations at the registration office no longer seem to be a reliable source of information on the numbers of emigrants. Regular comparisons of updated population numbers and census results show that many people do not notify their home authorities of their change of residence. This does not always happen on purpose. In many cases these people believe that they will only temporarily leave their country of origin.

### *Surveys on the migration potential*

There are also non-official data sources that provide information on the number and structure of people leaving a country. Usually, these are based on household surveys establishing the number of household members who are abroad as well as their links to the home country. Surveys on migration potentials use a similar procedure to estimate possible emigration in the near future, i.e. for up to five years. Longer-term estimates draw on demographic and economic forecasts of variations in population developments in potential countries of origin and destination and of income differences. These surveys and estimates are a delicate but important source of information for political decision makers.

## **3 Concepts and measurement: Asylum seekers and refugees**

Another part of international migration is constituted by people crossing an international border and claiming asylum according to the Geneva Convention. The IOM defines asylum seekers as follows: ‘A person who has crossed an international border and has not yet received a decision on his/her claim for refugee status...’ (IOM 2003: 10). Persons who are approved as political refugees or who are allowed to stay in the host country for other reasons are no longer categorised as asylum seekers. Depending on their specific status, they enjoy either the same rights as the citizens of the respective country or at least a limited number of these rights.

Asylum statistics first and foremost serve policy purposes: they support the development and evaluation (monitoring) of asylum and interrelated policies (e.g. in the field of migration, housing, social security, etc.) in national and international contexts. However, they are also useful for scientific purposes. Thus statistical analyses can be used to study possible interdependencies between asylum flows and current or previous regular migration flows. In theory, statistics on asylum-seekers should aim to describe, as precisely as possible, the path of an asylum-seeker from the moment s/he crosses the border or submits an application abroad up to the definitive decision on the case. If possible, this should include characteristics such as nature of stay/residence permit, country of citizenship, country of birth, sex, date of birth, and household position. Moreover, apart from compiling these basic data, the statistics should also follow the cohorts of asylum seekers (i.e. those arriving in the same year) over the years, as it is highly improbable that the relevant institutions will decide on their claims in the year of their application.

However, in practice, asylum data leave a lot to be desired, in particular with regard to their availability, reliability and international comparability. It is hard to judge the results of asylum procedures in the various countries, as concepts, legislations and ways of calculating vary. So apart from the fact that asylum procedures as such should be the same within Europe, there is a strong need for harmonised asylum statistics.

Although the 1951 Geneva Convention and the 1967 New York Protocol are widely accepted, their interpretation is left to national legislations. These differ markedly as to the exact way to claim asylum, potential preliminary and the length of procedures,

provisions for appeal, and possibilities to stay in the country for those not qualifying for Geneva Convention status. Furthermore, there are various definitions of widely used concepts such as ‘manifestly unfounded claims’, ‘safe third countries’, and ‘safe countries of origin’.

Asylum seekers who are denied Geneva Convention status can be granted a lesser status that allows them to stay in the country, albeit with fewer rights and often for a limited period of time. If seen as a positive outcome of the asylum procedure, this status is usually called ‘subsidiary protection’. Otherwise, the respective claimant is ‘rejected without order to leave’. In practice, the distinction between these two concepts is not always very clear. Both may be granted for reasons of protection (i.e. when it would be irresponsible to send the applicant back to his or her home country based e.g. on the non-refoulement principle laid down in the Geneva Convention) or on humanitarian grounds (including family ties, grave illness, etc.). Most countries can also offer temporary humanitarian protection to a whole group of aliens without prior asylum procedures in case of a mass influx of displaced persons, as e.g. from former Yugoslavia a few years ago.

It goes without saying that the differences indicated above are reflected in the national statistics. If these do not per se impede international comparison, they should at least be taken into account.

Asylum statistics have to be differentiated from collected asylum data of which substantial parts are not published or made available otherwise. There are two possible reasons for this: either the respective country has political motives for not disclosing the data or it does not gather any data apart from the obligatory asylum statistics. The resulting lack of data explains why it is rather difficult to describe the whole asylum process in statistical terms – a task that is further exacerbated by the fact that the compilation of asylum statistics is often left to the responsible ministries or special agencies that do so for administrative rather than for statistical purposes.

Most countries do not collect even the most basic flow data on asylum. Different definitions of an applicant for asylum prevent international comparison. So does the fact that the information on decisions stems from different stages in the asylum process (preliminary procedure, first instance normal procedure, appeal). Furthermore, countries rarely gather more detailed demographic information on asylum-seekers (e.g. sex, age, marital status, and household composition), let alone longitudinal data on asylum procedures.

Similar to asylum statistics, refugee statistics firstly serve policy purposes: they support the development and evaluation (monitoring) of various policies relating to the (dynamics of the) refugee stock. In addition, they can be useful for scientific purposes: statistical analyses can be used to study the interdependencies between characteristics of the (dynamics of the) refugee stock and societal phenomena, such as employment, education, integration, and participation.

There are almost no stock statistics on refugees and in the rare cases where data of this kind are available, their credibility is limited. This might also explain why it is almost impossible to trace refugees in administrations or registers in the course of time.

Because of the many diverging ways of calculating recognition rates or percentages, these nationally defined figures can hardly be compared. Their adequate use as indicators in an international context therefore presupposes a description of their exact contents. However, the ideal solution to this problem would be an international agreement on a standard calculation method.

The recognition rate is a generally accepted measure that relates the number of accepted requests to the total number of requests. As is common practice with other demographic measures, the rate has to be related to a ‘risk population’. In case of the

recognition rate this should be the number of people who applied for asylum. Given that procedures are not necessarily completed within the year of application, a correct calculation requires a longitudinal approach, meaning that a cohort of asylum-seekers has to be monitored over time. However, in practice, most countries simply divide the number of positive decisions in a calendar year by the total number of asylum-related decisions. This way of calculation may easily lead to erroneous conclusions.

The statistics on international migration are usually only loosely linked to the statistics on asylum, particularly due to the differences between these two sources. Notwithstanding this difficulty, close(r) co-operation between the responsible administrative unit for asylum matters and the national statistical institute would not only improve the system of population accounting. It would also ensure that all possibilities of providing a more complete description of the asylum process in statistical terms are exploited.

Resuming the foregoing, it may be concluded that the institutions compiling statistical information on asylum and refugees primarily cater for national purposes. Indeed, if data are available, most of these statistics provide a more or less apt description of national fluctuations in the number, the composition, and the degree of recognition of asylum-seekers in the course of time, unless there were relevant changes in registration methods, definitions, policies, etc. However, a lot of work remains to be done as to the harmonisation of definitions before we can draw an analogous conclusion for their international comparability. Furthermore, there is a need for agreements on the variables to be included, the classifications to be used, the length of the time series, and the expected time span between collection and publication. Ideally, these agreements should facilitate a comprehensive (longitudinal) description of asylum processes in the various countries. For now, comparing international statistics on asylum and refugees is a rather hazardous job, especially with regard to data on the degree of recognition and on refugee stocks.

## **4 Concepts and measurement: Irregular migration**

### ***4.1 Conceptualising illegal migration***

Most writers on illegal migration omit the question of what exactly is ‘illegal migration’, an ‘illegal immigrant’ or an ‘illegal border crossing’. A notable exception is Tapinos, who details six important categories of clandestinity (Tapinos 1999). This logical classification can be depicted in a two-dimensional table including illegal work as a further factor as shown in Table 1.<sup>4</sup>

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<sup>4</sup> The six categories of clandestinity are (from top left to lower right): 1) legal entry, legal residence but illegal work; 2) legal entry but illegal residence and illegal work; 3) legal entry, no work but illegal residence; 4) illegal entry, legal(ised) residence but illegal work; 5) illegal entry, illegal residence and illegal work and 6) illegal entry, illegal residence but no work. The other two possible combinations – 7) legal entry, legal residence and no work and 8) illegal entry but legal(ised) residence and no work – do not amount to ‘clandestinity’. Moreover, it is assumed that legal work can only be carried out when residence is legal (or legalised) and therefore cannot lead to further combinations of ‘clandestinity’.

Table 1: Relevant categories of illegal migration

	<i>Residence legal</i>	<i>Residence illegal</i>
<i>Entry legal</i>	Work illegal	Work illegal - No Work
<i>Entry illegal</i>	Work illegal	Work illegal - No Work

However, using the six identified relevant categories of illegality as a point of departure presents a number of practical problems. This starts with the fact that any person may change his or her status over time, sometimes more than once. For example, a person may enter a country legally, then overstay his or her visa and become illegal, subsequently be regularised and again be legal, and still later fall back into irregularity, becoming an illegal immigrant again. This also goes to show that illegal migration (in the broader sense) includes a wide variety of phenomena. It has therefore been suggested to limit the term ‘illegal migration’ to illegal border crossings and to use ‘irregular migration’ for a broader class of phenomena including illegal entries, legal entries with subsequent illegal residence (visa overstayers, etc.) and abuse of schemes for legal entry (i.e. ‘sham marriages’, ‘bogus students’, etc.).<sup>5</sup> In addition, it should be noted that the term ‘irregular migration’ often encompasses asylum seekers, especially on the policy-making level, as they tend to use illegal means in order to reach their intended destination (see also Jandl 2004b). However, these terminological differentiations and clarifications are not (yet) commonly accepted. On the contrary, most researchers and writers still use the term ‘illegal migration’ to refer to a whole class of irregular migration phenomena.<sup>6</sup>

#### 4.2 Statistical data related to illegal migration

National authorities collect a great number of administrative (enforcement) data linked to illegal migration phenomena. In many cases, however, these data are not published and until very recently, no European-wide database on illegal migration trends has been publicly available. Nevertheless, from a policy perspective, it is clearly necessary to gain a clearer picture of the size, structure and dynamics of illegal and irregular migration across Member States. To this aim, the European Commission (especially DG JAI and Eurostat) has developed a data collection system (CIREFI<sup>7</sup>) that regularly compiles statistics on illegal migration provided by Member States. It was only in early 2004, however, that the European Commission, in its first Annual Report on Asylum and Migration<sup>8</sup>, published a sub-set of illegal migration data from its CIREFI database.

There are three main types of data linked to illegal migration and published from the CIREFI database<sup>9</sup>, namely statistics on

<sup>5</sup> Finally, we could define ‘illegal residence’ as comprising only those residing illegally in a given country but excluding those working illegally while residing legally in the country. Although the latter will often lead to a withdrawal of residency rights if found out (e.g. of tourists, students), this does not hold true for all cases (e.g. for family members of legal residents who do not (yet) hold work permits).

<sup>6</sup> For example, within the institutions of the European Union, the term ‘illegal migration’ is generally used to refer to the illegal entry and/or stay of international migrants who are citizens of third countries.

<sup>7</sup> Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration.

<sup>8</sup> The documents are available online at (29.4.2004):  
[http://europa.eu.int/comm/justice\\_home/doc\\_centre/asylum/statistical/doc\\_annual\\_report\\_2001\\_en.htm](http://europa.eu.int/comm/justice_home/doc_centre/asylum/statistical/doc_annual_report_2001_en.htm)

<sup>9</sup> The CIREFI monthly data collection includes two more categories of data on enforcement measures relating to illegal migration, namely data on apprehended facilitators (by citizenship) and apprehended

1. refusals of entry (1997-2001)
2. apprehensions of aliens illegally present (1997-2001)
3. removed aliens (1997-2001).

Due to conceptual problems and poor data quality, these sources do not offer much help in estimating either flows or stocks of illegal migrants to (or within) the European Union. A recent review of the subject concluded that ‘the form and content of the statistical material published from the CIREFI database is wholly inadequate to capture levels and trends in illegal migration processes and is, hence, insufficient to properly address the question of the relationship between legal and illegal migration. Data on *apprehended illegal migrants present* do not distinguish between stocks and flows (nor do they distinguish between persons and events), data on *refusals of entry* do not distinguish between the reasons for refusals of entry and data on *removals* do not specify to which type and category of removals they refer.’ (Jandl 2004c)

### **4.3 Methods for estimating illegally resident foreign populations**

#### *4.3.1 ‘Residual’ estimation techniques*

‘Residual’ estimation methods measure the differences between census data and other registries of immigrants. While this is a well established method of estimating the stock of undocumented immigrants in the US, it is only rarely used in European states because the censuses are thought to be seriously undercounting irregular migrants in Europe.

#### *4.3.2 ‘Multiplier’ estimation techniques*

Most statistical estimations of undocumented migrants are based on the ‘multiplier principle’. Basically, these methods presuppose that the size of the unknown variable to be estimated (such as the stock of undocumented migrants) has a stable relation to a variable that can be measured (such as the stock of the legally resident migrants), so the problem is redefined as finding the ‘right’ multiplier (Vogel 2002). One particular variant of multiplier methods consists in surveying ‘experts’ on the subject and adding up their estimations to an appropriate multiplier (survey methods). A pioneering study carried out in the Netherlands has used the capture-recapture method for estimating the size of the illegally resident population in Dutch cities (Van der Leun, Engbersen & Van der Heijden 1998).

#### *4.3.3 Evidence based on regularisation data*

Perhaps one of the best sources on illegal migration are regularisation figures. Before migrants are regularised, their status is, by definition, ‘irregular’. Usually, this involves irregular residence. However, regularisation can also include cases of irregular work, i.e. foreigners who take up work without permit (e.g. ‘working tourists’, family members of regular migrants or asylum-seekers).

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facilitated aliens (by citizenship and type of border), see: UN Statistical Commission, UN Economic Commission for Europe & Eurostat 2003. A sixth set of data published in the first Annual Report on Asylum and Migration serves to measure the implementation of the Dublin Convention, i.e. it includes information on Member State requests to another Member State to take back or to take charge of asylum applicants. However, these data refer to administrative requests and not to actual movement from one country to another.

#### *4.3.4 Estimations based on the extent of illegal foreign employment*

Some estimates infer the size of the illegal foreign population from estimates of the numbers of migrants working in the informal sector of a given country (i.e. the amount of illegal foreign employment). These, in turn, either draw on data on apprehended illegal foreign workers at worksites or use indirect estimation methods based on the amount of cash in circulation or the amount of electricity consumed. While there are no indications that the results of these calculations have bigger margins of error than those derived from other estimation techniques, the resulting estimates on illegal foreign residents display even greater variations than estimates derived through other methods.

#### *4.3.5 Estimations based on the number of apprehended illegal aliens*

Finally, a few remarks should be made on the value of data on illegal aliens apprehended within a country in the course of one year. As mentioned above, such data are sometimes available from Federal Police services as statistics distinct from those on persons apprehended when illegally crossing a border. However, there are two main problems with using such data for estimating stocks of aliens illegally present within a country at a given point in time: First, data on apprehended aliens illegally present in the country within the course of one year do not yield any information on the stocks of aliens illegally present at one point in time. And second, more than other apprehension statistics, such data very much depend on the intensity of law enforcement. To simplify, one could say that data on apprehensions can easily be ‘produced’: If higher numbers are desired, a few additional police raids on suspected work sites or living quarters of illegal foreign residents will do the trick.

### **4.4 Estimating illegal migration flows**

The only methodology explicitly used for estimating flows of illegal immigrants to Europe is the projection of border apprehensions, using an estimated ratio of border apprehensions to (non-detected) illegal entries.<sup>10</sup> While this method does have its validity (not least because of the lack of alternatives), three technical problems should be pointed out here. First and foremost, much of the statistical material collected by border enforcement agencies is kept secret and only few countries in Europe regularly publish their border apprehension data.<sup>11</sup>

Second, border apprehension data usually refer to cases rather than to individuals. Thus, if an individual is apprehended more than once while trying to cross an international border illegally, he or she will be counted more than once in apprehension statistics.

Third, the estimations of the ‘correct’ multiplier vary. In the past, the most commonly used multiplier for the estimation of actual illegal crossings on the basis of apprehension figures has been two (‘two pass for each one caught’).<sup>12</sup> In addition, analysts

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<sup>10</sup> See, for example, Heckmann & Wunderlich (2000: 167-182) who use an assumed ratio of one border apprehension on two illegal entries into the EU. Widgren (2002) provides a more elaborate description of his methodology that works on the same ratio.

<sup>11</sup> This is also true for the data on illegal migration collected by the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC).

<sup>12</sup> Using a formal model for their estimation, Massey & Singer (1995) infer a probability of apprehension of 0.35 from a survey in 22 Mexican communities in Mexico and the US and the recorded apprehensions by the INS between 1965 and 1992 (Massey & Singer 1995).



have also resorted to ‘criminological’ methods based on the likely chances of being caught while attempting to cross a border illegally, arriving at similar multipliers.

To summarise the discussion, there are a number of conceptual problems associated with the estimation of illegal migration flows on the basis of border apprehension data. Nevertheless, the available material can and has been used – with all caveats raised in the preceding discussion in mind – for producing rough estimates on illegal migration flows (see Jandl 2003).

## CHAPTER 2: MIGRATION THEORIES, HYPOTHESES AND PARADIGMS: AN OVERVIEW

*Gustav Lehart*<sup>13</sup>

### 1 Introduction

The study of migration within social sciences is, as Castles (1993) pointed out, ‘strongly multidisciplinary in its theory and methodology’. Given the multifaceted nature of migration, it comes as no surprise that several disciplines have posited theoretical explanations for the nature, genesis and development of specific types of migration. The resulting variety of theoretical viewpoints has led Massey and his colleagues (1994) to synthesise theories based on empirical evidence with a view to formulating a comprehensive theoretical approach to international migration for the 21<sup>st</sup> century.

The following elaborations on migration theories can be found in well established literature. Only few approaches originate from lesser known migration research. This chapter aims to review migration theories, hypotheses and paradigms that have been proposed within the various disciplines and to provide a comparative analysis of their strengths and limitations.

### 2 Hypotheses and Paradigms on Migration

#### *Economy and Migration*

From the economic point of view the central questions are: which circumstances and conditions attract which kinds of migrants, what explains the propensity to migrate and how can the effects of migration be measured economically? While other disciplines wonder whether and how to evaluate positive and negative inputs or outcomes, economists and economic demographers often try to assess the fiscal and human capital costs and benefits of in- and out-migration. Economic research on migration focuses primarily on wage differences (Stark 1991; Alonso 1976; Cain 1976) and investigates the influence of structural changes within capital markets and service sectors (Brettell & Hollifield 2000; Sassen 1991; Malmberg 1992). This may be one of the reasons why this discipline covers many theoretical aspects (Borjas 1999; Huber & Espenshade 1997). Generally, all economic approaches assume that migration is mainly a result of rational choices.

The economic perspective regards migration as a mechanism to redistribute labour, especially focusing on international movements of economically active individuals. One of the oldest theoretical approaches that tries to explain the occurrence of labour migration is based on hypotheses by Adam Smith. He illustrated that labour migration is caused by differences in the supply of and demand for labour in different locations. Different researchers modified the classical approach developing the **neoclassical theory of migration** (Todaro 1976; Harris & Todaro 1970; Sjaarstad 1962). This macro-economic

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<sup>13</sup> Views expressed in this paper are those of the author and do not necessarily reflect those of Statistics Austria. Paper not to be quoted without author’s permission.

approach posits that people migrate to areas with a higher wage level. This is the basic 'law of migration' in regional economics. The micro-economic counterpart considers migrants to be rational actors who migrate due to cost-benefit calculations. Migrants are seen as choosing to move to wherever they can be most productive given their skills (Massey et al. 1993, 1994; Martin 1991). The neoclassical theory has some limitations as it does not take into account the international political and economic environment and its influence on individual decisions to migrate. These limitations have led to alternative economic approaches.

A variation of the neoclassical migration model has been proposed to take into account that a large part of migration consists of the movement of complete families and not just of workers (Massey et al. 1993; Stark 1991; Stark & Taylor 1989). The **new economics on migration** assumes that people act within families and households to maximise expected income but also to minimise risks to their economic well-being by diversifying the allocation of family labour. According to this approach, migration of family members to other countries, where employment conditions are to some extent independent of local economic conditions, can be seen as a form of insurance against deterioration. It similarly facilitates to obtain the capital needed to increase productivity in the community of origin. Therefore economic development within areas of origin does not necessarily reduce pressures for international migration. It can be assumed that the propensity of households to send family members abroad will increase if these do not share equitably in the income gains of other households (Massey et al. 1993 and 1994; Taylor 1992).

The theory of **economics of family migration** considers the effects of earnings differentials across space on family migration. This approach is quite realistic since one family member may anticipate gains in potential earnings while another expects losses in the place of destination. It was shown that the difference between the individual's and the couple's optimal strategy depends upon the degree of correlation in the gains from migration of the husband and wife (Mincer 1978). This approach was developed to analyse the constraints faced by migrants moving within advanced market-economy countries. Only in that context did it seem necessary to attach equal importance to the economic goals of husband and wife. Other researches analysed the selectivity of migration to show that the extent of income inequality between country of origin and destination influences the type of migrant (Taylor 1992).

In contrast, the **dual labour market theory** posits that international migration is a result of permanent demand for foreign labour. It emphasises that wages cannot respond freely to changes in the supply of workers in an established occupational hierarchy (Piore 1979; 1983). The main hypothesis guiding this approach is that such economic conditions preserve established occupational hierarchies by seeking unskilled workers and giving them access to the bottom of the labour market. An increase of wages at the bottom would not only change socially defined relationships between status and prestige within the labour market but also influence wage conditions at other levels. The central message emerging from this approach is that the importation of foreign workers avoids pressures in times of labour scarcity and provides upward mobility for local workers. This assertion is validated by the experience of the labour-importing European countries through recruitment programmes in the 1960s (Sassen 1997; Emmer 1993).

The **world systems theory** posits that migration can be traced back to institutional and sectoral imbalances between three geographically distinct zones (core, semi-periphery, periphery). Furthermore, this approach works on the assumption that international migration is facilitated by cultural, linguistic, administrative and communication links,

citing the mass influx from former colonies to the respective colonial powers as evidence for this thesis (Portes 1995; Sassen 1988, 1991; Petras 1981; Wallerstein 1974).

### ***Sociology and Migration***

The central questions in sociology of migration are: Why does migration occur; how is the migration process sustained over time; and what are the cultural, economic, and social consequences of migration? The theoretical framework of sociology is substantially grounded in the classic work of social theory (Marx, Durkheim, Weber). Sociology of migration focuses on socio-demographic relations to understand the migration process and its impact on the host society. Sociology, like anthropology, studies social relations of migration and the relevance of social networks as initialising, sustaining and finishing factors in the migration process.

Economic factors are important in migration decisions but do not cover all events and considerations that can trigger migration (life threatening situations, climatic aspects, marriage market, etc.). The approach by Lee (1966) recognises that a wide range of factors have to be taken into account when explaining the decision to migrate. Lee's approach built upon the work of Stouffer (1940 and 1960) who suggested that migration was a function of the relative perceived attractiveness of areas of origin and destination. In fact, distance continues to be an important factor reducing migration propensities or as the economic models would put it, increasing both the tangible and the intangible costs of migration. According to the **pull-push approach** migration is determined by both positive factors in areas of destination and negative factors in the place of origin or current residence. Consequently, the greater the perceived difference in the net forces of attraction in places of origin and destination, the more likely migration will take place. Lee argued that migrants who respond primarily to pull-factors in the place of destination tend to be positively selected, whether by age, education, skills or motivation. Those migrants responding primarily to push factors in the area of origin tend to be negatively selected. In addition, the former group is more likely to migrate voluntarily than the latter. An implication of this theory is therefore that emigration follows a bi-modal distribution according to certain characteristics (e.g. educational attainment).

Migration involves family members and not just workers as posited by economic theory. Family units may move simultaneously or in stages with one family member relocating first and others following. Family members of migrants are often dependent on already established networks in the country of destination to obtain jobs, accommodation or other types of support during an initial period of adaptation. Such a kinship between potential migrants in the country of origin and residents of the country of destination can reduce the costs of migration and lower the risks. The concept of a **migration network** encompasses all interpersonal ties that connect migrants, former migrants and non-migrants in areas of origin and destination. Network connections can therefore be considered as a form of social capital that people can draw upon to gain information as well as material or psychological support that facilitate both migration and the adaptation process (Portes 1995, Gurak & FeCases 1992, see box 3 below).

### **Box 3: The theory of migratory networks in migration studies**

*Natalia Kovaleva*

Migratory networks are above all networks of relationship. They play a significant role in the organisation and the development of the migration processes. Analysis in terms of networks was elaborated by the Chicago school in the 1920s. Migrants' networks became a subject of renewed interest when researchers sought to connect micro (individual decision factors) and macro (economic, politic and cultural opportunities) determinants of migration (Fawcett 1989, Light 1972 etc.)

Based on these ideas, Douglas Massey formulated the theory of 'cumulatively caused' migration; according to him, migrations create networks which then generate new migrations; whatever the reason for the first migration, the migratory process then becomes 'progressively independent' (Massey et al. 1989) from the original conditions; networks transform migration into a self-sufficient process, which supports immigration. Networks are 'sets of interpersonal ties that link migrants, former migrants and non-migrants in origin and destination areas through the bonds of kinship, friendship and shared community origin' (Massey 1988).

Networks promote the independence of migratory processes for several reasons: they permit the mobilisation of the funds necessary to pay for the trip, they provide information on the country of destination circulated through the network and spread to the potential migrants, and they facilitate the adaptation of the newcomer in the host country. At the same time, networks ensure that the migrants selected in the departure country fit the specific needs of the host country. Furthermore, they help to avoid legal constraints in the host countries, and influence the choice of destination. These network functions reduce the social, economic and emotional costs of migration (Faist 1997; Light 1993; Massey 1989).

To understand the mechanisms of migration processes, three levels of analysis are necessary: first, the structural level (political, economic and cultural structure of the countries of origin and destination), second the relational level (social network formation), and third the individual level (individual liberty to migrate or not) (Massey 1993; Faist 1997). This theory was used in the domain of immigrant entrepreneurship (Light et al. 1993; Ma Mung 1994). Ivan Light, for example, proved that migration networks are a competitive ethnic resource. They can stimulate the local economy by money transfers of new immigrants, or by purchase of housing and enterprises. Research analysing migration in terms of networks therefore goes beyond the push and pull theory and labour market supply and demand.

### ***Transnationalism and Migration***

Theories of transnationalism and migration basically focus on the way cultural and transnational connections shape migration processes and explore the impact of immigration on social relations. Core issues are the characteristics of migrants and whether coequal membership in two societies corresponds with diasporic identity. So how does this approach differ from existing theories?

Social scientists have long been interested in how international migrants are incorporated into countries of destination. In Austria, Germany and France, the expectation

that foreigners and migrants will assimilate over time is a central piece of “migration policy”. Similarly, migration scholars in the United States initially argued that, immigrants need to abandon their unique customs, mother tongue, cultural values and identities to move up the socioeconomic ladder in the country of destination (Elias & Scotson 1965; Park 1950). Although ‘remaining ethnic’ became more acceptable, most researchers assumed that the relevance of homeland ties would gradually fade. To be Turkish-German or Ex-Yugoslavian-Austrian would eventually reflect ethnic pride within a multicultural State rather than enduring relations to an ancestral land. Today scholars increasingly recognise that certain migrants and their descendants remain strongly influenced by their continuing ties to their home countries determined by social networks that stretch across national borders. They see migrants’ cross border ties as a variable and argue that to understand contemporary migration, the strength, influence, and impact of these ties must be empirically assessed. Generally, transnationalism implies that a return is not always for good. Scholars therefore call for a transnational perspective on migration (Fassmann 2002; Smith 1997; Basch, Glick-Schiller & Szanton-Blanc 1994; Bauböck 1994; Massey 1987).

The resulting analyses, in combination with other scholarship on transnational dynamics, are building toward a new paradigm that rejects the long-held notion that society and the nation state are one and the same. Transnational connections to a country of origin or to dispersed networks of family or sociocultural groups who share a common identity can occur at the same time and reinforce each other. By regarding boundaries of social life, it becomes clear that the incorporation of individuals into transnational spaces is not a contradictory social process. Summing up, mechanisms of transnationalism within migration processes need to be theorised and explored more deeply (Faist 1997, 1998; Portes 1996).

### ***Demography (Geography) and Migration***

The central questions of demographic research refer to the momentum of population dynamic. Essentially, births, deaths and migration are the major components of population change. Demographic research is often dependent on aggregated data and investigates patterns and directions of migration flows. Demographic studies on migration and their theoretical approaches, however, primarily use predictive models in order to find out which groups move and especially when they move. These demographic predictions are complemented by geographical studies that analyse the social and economic impact of migration on the regional structure in both sending and in receiving countries.

At a time when demographers argued that the path to modernisation brought with it specific patterns of demographic change (‘demographic transition’), Zelinsky (1971) noted that modernisation can also be associated with specific changes in the patterns of mobility. He thus posited the hypothesis of the ‘mobility transition’. One very valuable aspect of Zelinsky’s mobility transition is that it considers explicitly the existence of different types of migration, namely: a) international migration, b) migration to the frontier areas of a country, c) rural-urban migration, urban-urban and intra-urban migration and e) a whole set of short-term types of mobility that he called ‘circulation’ (Zelinsky 1971).

According to this approach, these five migration types vary in relative importance over time but always coincide with a specific stage of demographic transition. Zelinsky’s model has several weaknesses which stem from basic assumptions made. First, it presupposes that mobility is non-existent or rare in pre-modern societies and second it assumes that the modernisation process is unilinear which means that societies move steadily towards ever higher levels of prosperity. To be fair that assumption also underlies

the theory of demographic transition. Generally, it is unlikely that both international and internal migration will change in similar ways in all development contexts.

#### **Box 4: Transnationalism**

*Michael Collyer*

Recent work on transnational migration poses a series of challenges to traditional approaches to migration theory. Since transnationalism provides explanations for economic, political, social and cultural aspects of the migration process it is appropriate to consider it separately from other theoretical approaches. There is still little agreement over exactly what constitutes transnational migration so it is too early to speak of a 'theory' of transnationalism as it relates to migration. Categorisations have referred to 'narrow' and 'broad' transnationalism to distinguish different types of transnational involvement (Itzigsohn, Cabral, Medina & Vazquez 1999) but there remains considerable debate (Vertovec 2004). Even so, much work in this field shares a certain number of insights into the migration process that are becoming increasingly influential in work in migration studies, informing a range of well-funded research programmes, taken as the subject for academic conferences and becoming increasingly widespread as the guiding principles behind PhD theses around the world.

The theoretical contribution of work on transnational migration consists in breaking down a series of false or unrealistic dichotomies inherent in existing migration theory. The most significant of these is between the product and process of migration. Previous theories can be broadly separated into those which explain the act of migrating and those which concentrate on ensuing processes of interaction with the migrant's new society. No such distinction is made in work on transnationalism. For writers on transnationalism, international migration does not involve exchanging a developed web of relations in one country for a poorly developed set of relations in another but rather 'stretches' the economic, political, social and cultural interactions in which migrants were involved before migration so that they remain active following migration. Migrants are conceptualised as acting in a transnational social field (Basch et al. 1994) or a transnational social space (Faist 2000) which connects the country or region of origin with the destination and within which migrants interact with other migrants and non-migrants in both places.

Criticisms of the transnational approach are widespread. One of the most commonly expressed of these is the distinction between old and new approaches to migration. Concern is frequently expressed that migrant transnationalism is nothing new (Portes, Guarnizo & Landolt 1999) and certainly examples of what is today called transnationalism can be found throughout history. The counter argument is made that it may not be new but has grown significantly in recent decades due to encouragement from governments of countries of origin, keen to retain influence on the financial resources of emigrants, increasing tolerance of dual nationality by host governments and advances in communication and transport technologies which enable transnational ties to be maintained much more economically than in the recent past (Vertovec 2004). It has also been pointed out that while transnationalism may not be new it at least represents a new way of studying migration (Al-Ali & Koser 2002). This is one of a number of issues which must be resolved before the considerable contributions that transnationalism has to make can be fully incorporated into the existing body of migration theory.

## ***Political Science and Migration***

Political scientists working on migration chiefly concentrate on two topics: control mechanisms serving to protect national borders and impacts of migration on nation-state institutions and foreign policy with a particular focus on citizenship and civil rights.

Zolberg (1989) argued that migration theories cannot explain why the vast majority of the world's population that should rationally opt to move to another country does not decide to migrate internationally. One reason lies in the fact that the contemporary world is organised in exclusive and legally sovereign states. Each state consists of single societies, whose social boundaries coincide with the frontiers delineated by international law as those of the state. In this context international migration can be seen as a system of interaction between states that constitutes an exception from the prevailing norm of current social organisation in territorially-based, self-reproducing cultural and social systems. With respect to labour migration, the political science approach focuses on the conflicting interests of receiving societies – on the one hand to maximise labour supply and on the other hand to protect cultural integrity. This has led in some countries to a political dilemma with a limited number of solutions. The most common of these is to confine foreign workers strictly to their economic role by reinforcing barriers against their integration into society. Such barriers may include residential segregation and socioeconomic segmentation of migrants as well as legal restrictions on their length of residence, constraints on family reunification, barriers to their naturalisation and other legal devices (Schuck 1998, Hailbronner & Motomura 1998; Bauböck 1994).

With respect to forced migration, the processes that produce refugees have received little attention from theorists of international migration. Refugees, for example, are often the product of nation-building processes. Societies that are culturally or ethnically heterogeneous try to increase homogeneity in order to conform to the traditional nation-state model. Cultural homogeneity can be regarded as a public good whose attainment may require the transformation of individuals through e.g. linguistic assimilation. In cases where transformation is impracticable or does not succeed, the state may expel or segregate the individuals involved (Zolberg 1981).

## ***Systems Theory and Migration***

The central question of the systems approach is whether there is interdependence between migration experiences of countries of origin and/or between countries of destination. Migration flows, their size and characteristics are regarded as a result of linkages between areas of origin and destination that vary over time (Kritz 1995, Kritz, Lim & Zlotnik 1992, Mabogunje 1970).

The basic idea behind a systems approach is that it does not define migration in over-simplified terms of cause and effect. Feedback effects and circular effects together with interdependent and self-modifying processes imply that changes in one part of a system may have a ripple effect on other parts and thus on the whole process. The systems approach is based on a number of premises. The first is that migration creates a 'unified space' encompassing both the place of origin and that of destination. The second is that migration is but one of the processes linking areas of origin and destination and is closely associated with those other processes that often have a long history. This explains why migration is higher between areas that already have some historical, cultural, political or economic linkages. The third is that the processes linking areas of origin and destination



modify the conditions in both areas over time, giving rise to feedback mechanisms likely to transform the initial processes. The fourth premise refers to the state's role in shaping international migration flows, either through explicit policies or by fostering economic strategic or political linkages with other states that may indirectly lead to migration. The fifth premise is that the mechanisms that influence migration dynamics on the macro level also have a significant impact on the micro level, i.e. the individual decision to migrate.

Central to the use of the systems approach is the identification of migration systems. A group of countries may be considered as generating a system if they satisfy the following conditions: a) they have similar positions relative to migration and can be identified as either attraction poles for migrants or as sources of migrants; b) if the countries concerned are mainly countries of destination, the migration flows converging to them should show considerable overlap in terms of the countries involved; c) the countries concerned should have the same level of development, a high degree of cultural affinity and similar institutional structures; d) they should show some degree of coherence in the policies that they use or have used to control migration and they should be linked by strong economic or political ties. Migrant networks help to channel resources and information between communities, thus facilitating the further migration of individuals. Consequently, the systems approach is based on 'the conceptualization of a migration system as a network of countries linked by migration interactions whose dynamics are largely shaped by the functioning of a variety of networks linking migration actors at different levels of aggregation' (Kritz, Lim & Zlotnik 1992: 15).

### **3 Conclusion**

Although considerable progress has been made in elucidating the mechanisms that give rise and maintain flows and in establishing their interrelations, there is still a need for a more holistic approach to migration. Furthermore, a schematic comparison of the theories of migration reveals that most of the current theories do not explicitly differentiate between internal and international migration (table 1).

Migration research across social disciplines is often determined by a systematic comparison of the hypotheses shaping theories (Brettell & Hollifield 2000). The operational units in migration studies are connected to matters of data and methodology. The demographic unit of analysis is the population and research is primarily carried out on an aggregate level based on census and surveys. Demographic data are abundant and discrete and theorising is driven by the data (Hill 1997). Economists and sociologists use similar statistical methods but either draw on secondary data or generate their own individual data sets by means of sample surveys. Political scientists merely use statistical analysis on aggregate data (Hollifield 1992) or on individual-level survey data (DeSippo 1996).

The levels of analysis in migration research vary both within and between disciplines of social sciences and therefore theory building is closely related to the units of analysis. (Brettell & Hollifield 2000). While sociologists mainly generate theoretical approaches that serve to explain migration on the 'micro' and meso-level' (Faist 1997), political scientists theorise international migration processes at the macro-level focusing on the state and the ways in which laws regulate migration flows (Hollifield 1998; Zolberg, Suhrke & Aguayo 1986). But there are still major lacunae in the realm of political approaches, especially in regard to integration, the role of the state or the analysis of forced migration. Although the central interest of demographic research is the population, kinship

and community ties among migrant population have as yet only been of minor concern. Economic studies on migration work both on the micro and the macro level, depending on the unit of analysis, and generate different bodies of theory on dual labour markets, wage differences or global cities in general (Sassen 1991). The systems approach tries to provide a framework for the analysis of the interactions involved but has not been fully successful in integrating the various elements that need to be taken into account (Kritz, Lim & Zlotnik 1992). Consequently, its analytical usefulness remains to some extent untested. Other, more focused theoretical approaches have been quite successful in providing useful insights into specific aspects of international migration and the functioning of the process. On the other hand, their limited perspectives impede the generalisation of their findings. Most of the theories on migration do not state explicitly whether their focus of concern is the genesis of migration or its maintenance over time. In fact, many theories on migration address both processes triggering migration and those sustaining it once it has started.

**Table 1: Schematic comparison of migration theories and paradigms within disciplines**

Discipline	ECONOMY					
<b>Theoretical approach</b>	Neoclassical I	Neoclassical II	New economics of migration	Economics of family migration	Segmented labour market	World systems
<b>Type of Migration</b>	Interregional/ international migration	Interregional/ international migration	Interregional/ international migration	Interregional/ international migration	International migration	International migration
	Labour	Labour	Labour	Labour	Labour	Labour
<b>Operalisation Level</b>	Macro	Micro	Micro	Micro	Macro	Macro
<b>Focus of analysis</b>	Country	Individual	Family	Family	Country	Country
<b>Constraints</b>	None	Costs of migration and probability of employment	Lack of adequate financial or insurance institutions	Migration to the same destination	Structural constraints at destination reduce social mobility	Constraints imposed by position in the capitalist system
<b>Explanatory power</b>	Initiation, maintenance and end	Initiation	Initiation and maintenance	Initiation	Initiation and maintenance	Initiation and maintenance
<b>Hypothesis</b>	Individuals use migration as a means to increase their standard of living or utility function and economic incorporation depends on the human capital of immigrants.					
<b>Research Question</b>	Which circumstances and conditions attract which kinds of migrants, what explains the propensity to migrate and how can the effects of migration be measured economically?					

**Table 1: Schematic comparison of migration theories and paradigms within disciplines**

<b>Discipline</b>	<b>SOCIOLOGY AND DEMOGRAPHY</b>				<b>POLITICAL SCIENCE</b>	<b>SYSTEMS THEORY</b>
<b>Theory</b>	Push/Pull	Networks	Transnational mobility	Mobility transition	Political Science	Systems Approach
<b>Type of Migration</b>	Interregional/ international migration	Interregional/ international migration	International migration	Interregional/ international migration	International migration	International migration
	All types	All types	Labour excluding forced migration	All types excluding forced migration	All types including forced migration	All types
<b>Operalisation Level</b>	Micro	Micro -> Macro	Micro -> Macro	Macro	Macro -> micro	Macro -> micro
<b>Focus of analysis</b>	Individual	Individual/networks	Individual/networks	Country	State -> Individual	State, Network, Individual
<b>Constraints</b>	Constraints may be interpreted as push factors	None	None	Evolution of Modernisation.	Those imposed by states	Those imposed by states and institutions
<b>Explanatory power</b>	Initiation	Maintenance	Maintenance Duration	Process	Process	Process including feedback mechanisms
<b>Hypothesis</b>	Immigrant incorporation is dependent on social capital.	Networks are considered as a form of social capital that facilitates migration. Migrants remain influenced by their continuing ties to their home country and by social networks that stretch across national borders.		Relationships between different types of migration flows and general processes.	Rights create incentive structures for migrants.	Feedback effects together with interdependent processes have a ripple effect.
<b>Research questions</b>	Why does migration occur, how is the migration process sustained over time and what are the cultural, economic, and social consequences?		Is transnationalism one characteristic of migrant population and does coequal membership in two societies correspond with diasporic identity?	Can specific changes in the patterns of mobility be associated with modernisation? How does migration affect population change demographically?	How do control mechanisms protect national borders? How does migration affect nation-state institutions and foreign policy?	Is there an interdependence between migration experience of countries of origin and/or between countries of destination?

## CHAPTER 3: ECONOMIC RESTRUCTURING AND MIGRATION IN EUROPE

*Maria I. Baganha*

### 1 Changing pattern in time

From the end of the Second World War to the oil crisis of the early 1970s, western European countries actively promoted the opening of new pools of labour, strategically signing bilateral agreements for the recruitment of foreign labour and easing legal proceedings for the issuing of resident permits to economic migrants entering their borders.

They fostered this massive import of labour on the assumption that the millions of foreign workers would only stay temporarily. This presumption was based on the idea that after accomplishing their own projects a significant part of the immigrants would return to their home countries, while another sizeable part would depart when the economy would cease to need foreign labour. Those remaining would thus be a kind of small residual that would not pose any serious social or cultural problems.

The economic recession that followed the oil-crisis of the 1970s falsified this hypothesis. In fact, not only did relatively few immigrants return to their countries of origin, but, what proved to be more relevant for the present situation, numerically significant and highly concentrated immigrant communities had been established for good within the borders of the majority of the Western European countries, in a substantial number of cases evidencing signs of social and cultural exclusion.

With the fallacies of the so called 'rotation system' Western Europe also discovered that, independently of its own political representations, it had become a region of immigration. Furthermore, the recognition of this new situation came in a period of high unemployment among the domestic and the foreign resident population, of growing xenophobic attitudes towards ethnic minorities, and of increasing social and economic problems with the so called 'second-generation'.

This new reality led governments to abandon their previous recruitment programmes and to subscribe to policies aimed at fostering the integration of those already established in the country. In short, they curtailed the entrance of new economic migrants, while facilitating family reunification purposes. Furthermore, the continuously high unemployment rates all across Western Europe helped to reinforce both at governmental and at societal level the widespread conviction that Europe does not need more economic migrants with few or no skills.

The economic explanation for this prevailing belief may be summarised as follows: after the Second World War Europe saw a phase of mass production on massive industrial plants that required a large supply of poorly qualified manpower. This phase was followed by automatisisation and the expansion of the service sector that needs less but much more qualified personnel. This re-structuring of the European economy, which has been underway since the 1970s, went hand in hand with a displacement of a great number of labour intensive industries which greatly decreased the need for unskilled labour in Europe. Simultaneously, the changes opened up new opportunities, namely in activities connected with information and knowledge, essentially dependent on highly qualified manpower. In this process, raising unemployment came to be seen as the result of 'the mismatch between the supply of and the demand for, different skill types' (Bean, Bernholz, Danthine & Malinvaud 1990: 20). It is

widely accepted that this mismatch can only increase, if more economic immigrants with poor or no skills are allowed to enter (Vogler-Ludwig 1994).

European governments acted accordingly, closing their borders to economic migrants and only reluctantly and exceptionally regularising illegal or irregular immigrants. However, the incoming migrants seem to hold quite a different view of the opportunities the restructuring of the European economy opens up to them, since, regardless of the general closing of the borders, they keep entering not only on family grounds, and as asylum seekers, but also as temporary migrants, as tourists overstaying their visas, or simply as undocumented migrants.

## **2 Immigration to Southern Europe**

In the process, Southern European countries became for the first time a powerful magnet to a growing number of immigrants coming from neighbouring Eastern countries and from Africa. Furthermore, while in the EC countries the stock of the foreign population was growing at an average rate of approximately 2 per cent per year between 1981 and 1991, in Southern European countries this same process was occurring at the much higher rate of 10 per cent per year<sup>14</sup>, with Italy, Spain, Greece and Portugal roughly tripling the size of the legal foreign population within their borders.

This was an entirely new situation for this region, since for more than a hundred years, with the remarkable exception of France, all Southern European countries were engaged in mass migration movements, but as sending areas. The traditional role of the Southern European countries as labour suppliers was, thus, decisively inverted during the 1980s.

At the end of the 1980s, Italy, Greece, Spain and Portugal hosted close to 1.4 million regular migrants and an estimated 1.3 to 1.5 million irregular migrants (1988/89). This raised unprecedented legal, social and economic problems that caught these countries unprepared both at the public and the societal level.

The novelty, urgency and broader political implications of immigration in Southern Europe spurred the interest of several social scientists that obviously look to the migratory experience of the traditional European receiving countries in their quest for answers and policy making. However, the results of this comparative exercise were meager, as should have been expected, for, as Kingsley Davis pointed out several decades ago, although migration is a constant in the history of humankind, migratory flows are time specific. That implies that they reflect the world as it is in the moment when they occur. And, as we all probably agree, the world of the 1980s and 1990s is extremely different from the world of the 1960s and 1970s. In fact, political turmoil, progressive instability, acute ethnic conflicts and lower standards of living in Eastern Europe, growing demographic pressure, oppressive poverty, the search for economic betterment, religious strife and war in Africa are some of the events that are changing our world and that have greatly enhanced the attraction of Southern European countries both for economic migrants and for refugees. But it is not only the accentuated growth of geo-economic inequalities that is changing the world. The intensification of the globalisation process promotes a deep restructuring of the industry, a relocation of labour supplies, a redirection of capital flows, and new patterns of international competition that clash with the labour market and social policies endorsed by the democratic welfare states of Western and Southern Europe.

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<sup>14</sup> Only 10 countries were considered. Figures for 1981 and 1991 in OECD 1994 and Baganha 1996.

## **Box 5: Skilled International Migration**

*Andreas Breinbauer*

The movement of highly skilled workers was first noted in the early 1960s and since then has been studied in waves of varied interest. Initially, researchers focused on the brain drain from Great Britain to the United States and stimulated a lot of scientific research on the movement of the highly qualified. Then these migrations were investigated in the light of the movement of the best brains from the less and least developed countries to the West, especially to the US. With the discussion on globalisation at the beginning of the 1980s the movement of the highly skilled was again subject of scientific dispute that peaked with the fall of the iron curtain and decreased in the mid 1990s. Since the beginning of the millennium migration of expertise is again discussed intensively, this time with a particular focus on policy questions, such as ‘how to get and hold on to skilled labour?’ (Cervantes & Guellec 2002: 1)

The general view of the problem is that it would imply a significant economic and social loss if the best educated people made their contributions in a country different from their own. Many researchers stick to that point of view, especially with regard to developing countries, where emigration to developed countries has markedly increased over the past decade (Faini 2003: 15f., Carrington & Detragiache 1998: 15, Lowell & Findlay 2001: 3). Only more recently researchers have begun to take into account the dynamics of networking and linkages (Saxenian 2002: 21, 22, 35). As a consequence, the benefits and losses of skilled migration are perceived as a more complex issue, which has not been carefully studied yet.

The original paradigm of brain drain is now regarded as too narrow, as it neglects many important factors of the movement of the highly skilled. Instead, new terms, such as ‘brain exchange’, ‘brain gain’, ‘brain circulation’ and ‘brain strain’ have been proposed and highlighted that movements of the highly skilled have many dimensions. Especially, academic mobility is not mainly a one way route, quite often academics return to their home countries.

Lowell & Findlay (2001) group the policy options under the the ‘Six Rs’: Return, Restriction, Recruitment, Reparation, Resourcing, Retention. Reparation for the direct loss through a ‘brain drain tax’ has been abandoned in the late 1970s. Return, restriction and recruitment are variants of migration policy. The retention and return options are hard to manage for the developing countries. But even if people do not return home, the perspective of the ‘diaspora option’ might have positive consequences for the sending country. The condition for harvesting these benefits is that the link between sending and receiving country is still intensive; it is also a very cheap method of knowledge transfer from the best R&D institutions abroad to the sending countries which could additionally benefit from the remittances.

As a consequence of this theory many networks have been implemented like SANSA (South African Network of Skills Abroad) or just recently ASCINA (Austrian Scientists in North America, 2002) and the German GAIN initiative (2004). Their perspective could be linked with the concepts of transnational mobility and transnational citizens/communities that are accentuating the relationships between sending and receiving country. While some research has been done in that direction, empirical data are still insufficient.

### 3 The new dualism of the structure of migrants

Contrary to common belief, the process of economic globalisation does not only create a growing number of opportunities for highly qualified labour in activities such as banking, finance, insurance and communication services, but it also generates numerous opportunities for poorly qualified persons in agriculture, construction, cleaning, catering, security, and a 'panoply' of other activities connected with leisure.

This last set of activities is undoubtedly traditional. Nevertheless, it would be a mistake to consider them simply as remnants of the past, when they increasingly appear directly connected to the growth of the most modern service sectors and share the same urban space.

This phenomenon has been documented not only in the 'global' cities of New York and London, and in the so called 'soft cities' of Paris and Amsterdam, but also in all the major cities of Southern Europe. In all these cities, immigrants with or, in an increasing number of cases, without valid resident permits carry out these kinds of work that require no special training or qualification and are not attractive for the domestic population. Due to present immigration restrictions, the resulting demand for foreign labour leads to an increasing number of undocumented migrants. Furthermore, these new unwelcome often suffer victimisation, economic exploitation and social exclusion.

In sum, there are currently two kinds of migratory movements. At one of the extreme poles, there is a growing number of highly skilled migrants that the receiving countries are eager to attract in order to complement or expand their high-skilled labour force (also see box 5 above). At the other extreme, we have a flow of migrants that regardless of their qualifications can only find jobs in the least qualified occupations, in sectors such as agriculture, construction, hotels, contract cleaning, domestic service and catering.

Increasing competition explains the growing demand for highly skilled labour in multi-national corporations that aim to protect their foreign investment. Yet, highly skilled migration also serves the aim of the receiving countries to foster a knowledge base society in order to become or to remain a central node in the globalised world. By contrast, international migration of low or unskilled persons to the central economies of the globalised world can be conceptualised as an answer to the intrinsic need for migrant labour in the advanced economies, as postulated several decades ago by segmented labour market theory.

In fact, according to the proponents of segmented labour market theory advanced industrial societies are marked by four characteristics that create an intrinsic need for migrant labour, namely structural inflation, hierarchical constraints on motivation, economic dualism, and the demography of labour supply.

In modern industrial societies wages are not only income, they are associated with hierarchies of prestige and status. This essentially means that 'wages must be increased proportionately throughout the job hierarchy in order to keep them in line with social expectations, a problem known as structural inflation' (Massey, Arango, Hugo, Kouaouci, Pellegrino & Taylor 1998: 29). Thus, employers have an interest in keeping wages low at the bottom of the occupational structure.

The second of these characteristics is hierarchical constraints on motivation. These result from the fact that at the bottom of the job hierarchy there is no status to be maintained and there are few chances for upward mobility, which makes these jobs undesirable for the vast majority of the native working population. In other words, there is no motivation for natives to enter the lowest class of jobs. This does not always hold true for immigrants, who,



at least in the beginning, essentially look for income and do not immediately connect employment with accumulation or maintenance of social status in the receiving society.

The third relevant characteristic of modern industrial societies is economic dualism (or the inherent duality between labour and capital) that generates bifurcated labour markets. These are a capital intensive primary labour market where jobs are essentially stable and skilled and a labour intensive secondary labour market where jobs are essentially unstable and unskilled. Natives have little or no motivation to accept the low wages, the unstable labour conditions and the few prospects for mobility that characterise the secondary labour market. Thus employers must turn to immigrants in order to satisfy shortfall in demand in this segment of the labour market.

As Douglas Massey and his colleagues concluded: ‘The problems of motivation and structural inflation inherent to modern occupational hierarchies, together with the dualism intrinsic to market economies create a permanent demand for workers who are willing to labour under unpleasant conditions, at low wages, with great instability, and facing little chance for advancement.’ (Massey et al. 1998: 32) This demand is basically satisfied by migrant labour since women, teenagers, and rural to urban migrants, the historical suppliers of this segment of the labour market, are no longer available in sufficient numbers or, in the case of the latter, have practically disappeared.

Segmented labour market theory was developed during the 1970s (Piore 1979) based on the migratory experience of the advanced industrial economies in the 1960s and early 1970s. It remains, however, a powerful explanatory device for present day international migration because the economic restructuring of the 1980s and 1990s did not significantly change the above-described characteristics that generate an intrinsic need for migrant labour. Instead, economic restructuring opened up a whole new set of the lowest occupations, namely in the service sector, for which the native population shows no interest, thus increasing the need for immigrant labour.

Not all the implications and propositions of the segmented labour market theory are equally valuable when it comes to explaining present day international migration. In fact, the idea that ‘international labour migration is [...] usually initiated through recruitment by employers in developed societies, or by governments acting on their behalf’ (Massey et al. 1998: 33) is clearly outdated since today recruitment practices are no longer the most frequent mechanism generating or sustaining international migration. Family reunification and the migration industry are indeed the main mechanisms fostering and perpetuating the existent migratory flows.

#### **4 Migration policy and migration industry**

The reasons behind these changes can be attributed to the migratory policies endorsed by the developed countries. In fact, since the early 1970s the majority of the European countries abandoned their recruitment practices and their open door policies and subscribed to migratory policies aimed at enhancing the integration of the immigrants already in the country by easing processes of family reunification. Simultaneously, these receiving countries designed restrictive policies aimed at keeping unskilled migrants out, thus creating a large and growing gap between the number of people who seek entry and the limited number of visas offered to these persons. The main result of these restrictive policies was to develop a growing migration industry. By migration industry I mean, following Stephen Castles and Mark Miller, ‘the many people who earn their livelihood by organizing migratory movements

as travel agents, labour recruiters, brokers, interpreters, and housing agents' (Castles & Miller 1998: 114).

The existence of for-profit organisations and of private entrepreneurs providing services to migrants in exchange for fees is not new. What is new is the intensity of the phenomenon, its transnational scope that makes it particularly difficult for governments to control, and its ability to act 'just in time' due to modern technology.

In sum, the economic restructuring of the 1970s and 1980s has led to a curbing in the organised recruitment of industrial manual labour by developed countries. The following period was marked by an expansion of the service sector. This sector generated plenty of opportunities both for high-skilled and low-skilled migrant workers. Thus, the first main consequence of the restructuring of the world economy is a marked bipolarity in international migration. This is, at one end a migratory flow essentially composed of highly skilled migrants and at the other end a migratory flow essentially composed of low-skilled or unskilled migrants.

As explained, these migratory flows took place within a restrictive regulatory framework designed to keep unskilled labour out. However, this aim does not tally with market needs. As a consequence, a migration industry has developed and has since become one of the main mechanisms fostering and sustaining international migration.

## CHAPTER 4: PROSPECTS ON MIGRATION MANAGEMENT - OPPORTUNITIES AND PITFALLS

*Jeroen Doomernik, Sonia Gsir and Albert Kraler*

### 1 Introduction

The control of migration, and more recently, its ‘management’ have preoccupied the minds of policy makers ever since the relatively liberal<sup>15</sup> migration regime prevailing during the classical period of post-war labour immigration came under increasing pressure in the early 1970s, and much more forcefully, in the late 1980s and early 1990s. Subsequently, migration policy in general came to be seen as being essentially about controlling and preventing unwanted flows. While the shift to the term ‘migration management’ introduced some new nuances in the policy discourse, the policies of European, or more generally, Western governments continued to follow a philosophy predominantly concerned with restricting and controlling migration, though sometimes combining control with the encouragement of some forms of migration (Brochmann 1999).

Migration policies in liberal states are ‘constrained’ and mediated by a variety of institutions typical for liberal democratic states which are often not taken into account when policies are formulated or evaluated. Thus, rather than due to limited state sovereignty, or for that matter, state capacity to formulate and implement (restrictive) migration policies, many of the unwanted outcomes of migration policy can be explained by constitutional and other self-limitations effective in western liberal states (Joppke 1998a, b). In addition, path dependency effects may limit the range of policy options, as has recently been shown by Hansen (2002). For example, loopholes in the nationality regulations allow Kenyan Asians to immigrate to the UK; German policy makers failed to restrict the right to asylum due to the constitutionally granted right to political refuge; and children born to Algerian nationals in France automatically acquire French nationality. Finally, policies often focus on particular entry gates (e.g. asylum) while other entry gates or groups of persons not covered by policies or out of reach of policy-makers for constitutional reasons (e.g. family reunion of EU/EEA citizens) may be just as important in quantitative terms.<sup>16</sup>

Yet in analytical terms, the regulation of migration cannot be reduced to the complex of policies manifestly aimed at managing and controlling migration. Many policies and policy regimes not directly concerned with migration often have an important impact on migration patterns, the status of migrants etc. and thus may form an integral part of the regulation of migration understood in a broader sense (e.g. the liberalisation of service provision within the EU involves the free move of their employees, including third country nationals). But the reverse is also often true: not all policies aimed at regulating migration, are necessarily solely or overwhelmingly concerned with the regulation of migration in a technical sense. Often, the rationale is rather to send a certain (symbolical) message to the electorate, interest groups or prospective migrants and immigrants already in the country – the introduction of language

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<sup>15</sup> Liberal in the sense that ‘migration policy’ was not aimed at restricting entry of aliens but rather at ensuring a sufficient supply of (cheap) labour.

<sup>16</sup> In Austria, for example, family members of Austrians/EEA citizens now make up the overwhelming majority of long-term immigrants admitted to the country (88 per cent in 2003). While the policy of restricting long-term labour migration has been extraordinarily effective, overall immigration numbers are steadily on the rise, partly because of the increasing number of naturalisations and family reunion of Austrians/EEA citizens.

and integration requirements for immigration and naturalisation in a variety of countries across Europe is a particularly glaring example for the symbolical uses of migration policy and has been excellently analysed by Dora Kostakopoulou (2003).<sup>17</sup>

Equally important, the very notion of (international) ‘migration’ by definition refers to the modern state and in this sense is always politically determined: Only in a world neatly divided into nation states is there international migration – immigration and emigration (cf. Joppke 1998a: 5). Secondly, the understanding of what constitutes migration is not static, even though policy discourses often seem to suggest exactly this. For example, the term ‘illegal migrant’ would have been quite meaningless to most European policy makers and researchers in the 1960s when many labour recruiting countries were not particularly concerned about whether immigrants entered the country through ‘standard’ procedures for labour migrants or on tourist visa.

Evidently, ‘migration’ is far from being a neutral, purely scientific concept. Rather, academic concepts of migration as well as the usage of the term in public discourses reflect (changing) systems of classification and categorisation, imposed and maintained by modern nation-states and hence reflect the modern political order at large (Wimmer 2002, Wimmer & Glick-Schiller 2002). Put in more abstract terms and taking up a distinction suggested by Pierre Bourdieu, ‘migration’ (as many other categories in the social sciences) is both a category of practice and a category of analysis.<sup>18</sup> The two dimensions of a category do not necessarily correlate; but in any case, they are not independent of each other, and social scientists are well advised to bear in mind the ‘practical’, that is, political implications of the analytical categories they apply and conversely, the possible pitfalls entailed in unreflectedly adopting legal, or for that matter, statistical categories as categories of analysis.

## 2 Migration as a policy concern

Governments of industrialised nations at present usually are critical as to whom they allow to resettle within their borders. This is especially true for European countries, where generally speaking policies are aimed at reducing the arrival of unsolicited migrants to a minimum. It is these migrants that interest us most at this juncture; for, in comparison, solicited or wanted migrants are clearly a minor policy concern.

If the arrival of certain migrants is unsolicited, why then do governments allow them to stay? The simplest answer would be that even if migrants arrive without being invited by governments, they can either be invited by non-state actors whose interests need to be respected by their states, or they can claim the right to move and resettle on the basis of

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<sup>17</sup> Again, Austria is a good example. All immigrants who have entered Austria since 1 January 1998 were obliged in 2002 to sign the so-called integration agreement stipulating the attendance of language courses unless the respective immigrant was able to prove that s/he had sufficient command of German. In fact, this regulation had almost no practical consequences, not least since the standard of German required is so low and easy to prove. In the first year of the implementation of the integration provisions, some 23,300 immigrants (both new immigrants and migrants already present and falling under the regulation) were exempted from attending language courses in Vienna, while only 130 immigrants had to take up a course. Conversely, the relatively high standards of language proficiency in Dutch and knowledge of Dutch society required for the acquisition of nationality have resulted in a massive decrease of the numbers of naturalisations. The recently introduced integration requirements for newly arriving immigrants, which are based on the naturalisation requirements, may have the same (restrictive) effect. In the Dutch case, therefore, the policy not only drove home a symbolically laden message, but also established a new set of regulatory mechanisms, effectively restricting access to Dutch territory and/or legal statuses.

<sup>18</sup> See Brubaker & Cooper 2000 for a somewhat similar argument made in regard to the concept of ‘identity’.

interests beyond the scope of national policy making, notably the UN's Refugee Convention or the European Convention on Human Rights. Adhering to those international obligations, which of course have their inherent virtues, is instrumental to the self-perception of all European states. Liberal democratic states lose legitimacy if they *only* pursue realist goals, as much as they put it at risk by solely pursuing idealistic, universalistic goals. As a result, controlling migration is metaphorically akin to walking a tightrope, as the governments have to try and keep these two political positions in balance.

This need to strike a balance accounts for the fact that governments are willing to accept a limited number of asylum seekers, of whom they will recognise an even smaller number as refugees. As became manifest in the 1990s, when the numbers of asylum seekers reached record heights, the adjudication process is long and cumbersome. The response has been twofold: governments tried both to fast-track procedures and to keep potential asylum seekers away from European territories in order to avoid having to process their requests in the first place. Furthermore, the countries started to outbid each other in the enforcement of these rules. The number of asylum seekers coming to Europe has fluctuated since the 1990s, and this may partly be attributed to increasingly restrictive policies and their stricter implementation. However, it is just as likely that decreases in asylum requests are the consequences of either a) fewer conflicts generating refugees, b) fewer people making themselves known to the authorities, c) increased applications elsewhere.

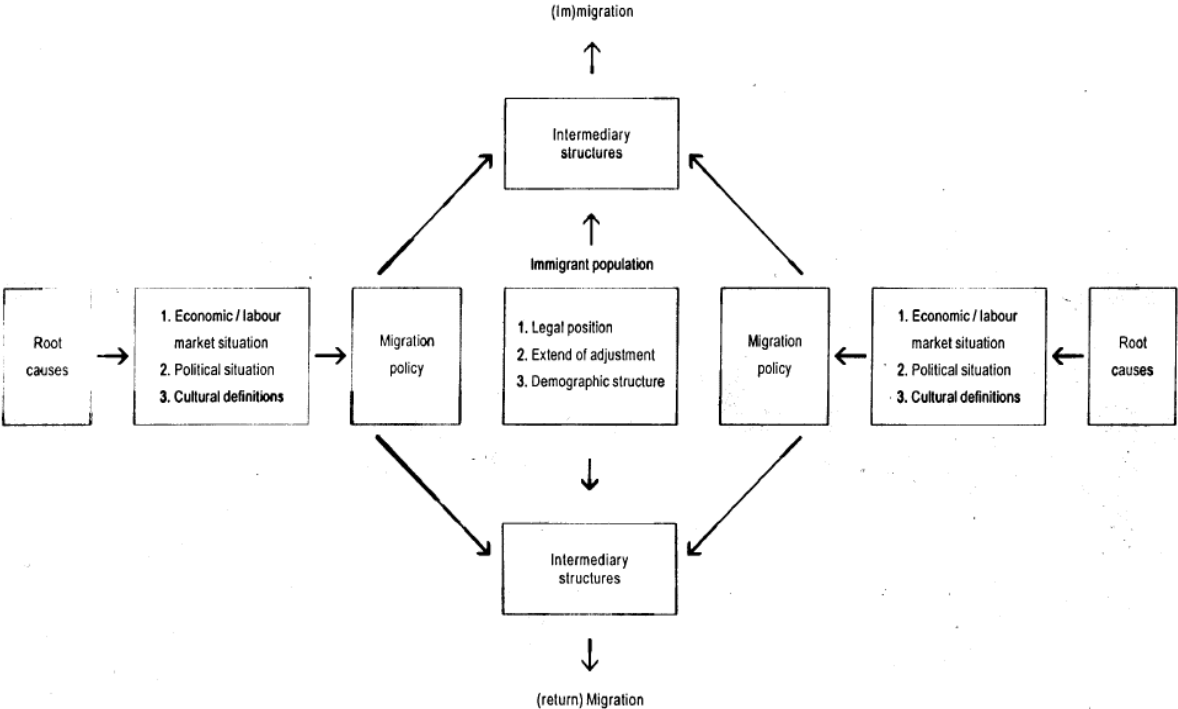
States also allow immigration for the purpose of family formation and reunification but usually impose restrictions on their numbers and the ensuing rights (e.g. by barring him/her from the labour market) or require the (prospective) immigrant to fulfil certain criteria. The purpose of these policy instruments is to deter those unsolicited migrants who cannot meet these criteria. However, the extent to which restrictive admission rules actually keep migrants from coming is difficult if not impossible to gauge. We merely know for a fact that many feel not bound by the rules set by the governments of countries to which they would like to move (assuming they know the relevant rules in the first place). This is testified by illegal arrivals, overstaying of visas, use of alternative gates of entry (e.g. marriage where work is the prime motive or vice versa). These issues will be discussed in more detail later on. For now, it suffices to conclude that policies are not likely to be entirely or even largely effective in reaching their stated goal and may well have unintended consequences or side effects.

### **3 Types of migration: globalisation vs. transnational communities**

On the two extremes of a spectrum of modes of unsolicited migration to Europe we find migration taking place within the context of a transnational community and migration taking place in relative isolation which usually implies that the migrating unit (an individual or a group) has to interact with strangers and unfamiliar institutions. The first type of migration is facilitated by the ethnic communities that have settled in Europe in the wake of the decolonisation process (i.e. Commonwealth migrants in the United Kingdom, Indonesians and Surinamese in the Netherlands, Congolese in Belgium, and North Africans in France, to name just some of the most significant resettlements) and in the 'guest worker' era (e.g. Turkish communities in the Netherlands, Germany, Belgium, France and Austria, or Moroccan communities in France, Belgium, and the Netherlands).

The second type of migration is closely related to the globalisation process. Without going into detailed discussions as to what that particular process precisely entails or not, it would seem indisputable that it has broadly two effects. First of all and most noted: increased

mobility of capital, information, goods and, to some extent, of people. This not only means that more people move but also that they move faster. Secondly, globalisation seems to have contributed to (or at coincides with) growing economic disparities between North and South. Moreover, economic decline or stagnation in the developing part of the world frequently goes hand in hand with rapid demographic growth. This leads to migration pressures that can only partly be satisfied domestically (by urbanisation). If coinciding with ethnic irredentist or separatist movements or other forms of civil strife, refugee movements are the likely result.



**Graph 1: A heuristic model of variables in migration processes**

Migration within a transnational community can, as a rule, be arranged without the involvement of third parties. The members of the community know each other or of each other. The motive for migration is often linked to existing relations, with the most prominent example being marriage partners. The existence of a community, however, also allows mobility for other motives. Legal residents (or naturalised members of the community) can stand guarantee for tourist visa, they can arrange marriages for money (or other rewards), arrange work contracts to prove stable income if that is required to have a spouse come over, provide information, lent money to a prospective migrant, and the like. In short, if the need for migration arises and is recognised, it can usually be arranged within the transnational community. In terms commonly used in migration theory - and here employed in the heuristic model above - immigrant communities can be described as intermediary structures that facilitate migration from country A (origin) to B (destination). In turn, they also allow to predict volume and direction of migration processes.

## Box 6: Theorising migration policy

*Michael Collyer*

Interest in migration policy has grown through two quite distinct literatures. In the influential book *Worlds in Motion*, Douglas Massey and his colleagues comment that migration policy has received very little attention from migration theorists. This observation received a concerned response from Guiraudon & Joppke (2001) who referred to a small library on the theorisation of migration policy. However the literature Guiraudon and Joppke cite has very different concerns to Massey and his colleagues. It is certainly true that migration policy has received a great deal of critical attention but the bulk of the work Guiraudon and Joppke refer to focuses on the process of compiling migration policy, rather the effects of policy on the migration process, which is the concern of *Worlds in Motion*. Policy can certainly be slotted into various models of migration decision making; as an 'intervening obstacle' in Lee's modified push and pull model, for example (Lee 1966), but this does no more than repeat that migration policy is a factor in the migration process and cannot, under any circumstances, be considered as a theoretical account. The absence of theorisation of migration policy is all the more problematic now that migration policy is widely considered as the most significant control on international migration at a global scale (Massey et al. 1998; Morrison & Crosland 2000).

Undocumented, unregulated or illegal migration is certainly not a new phenomena in Europe, much labour migration in the 1960s, for example, occurred outside the regulatory systems in place at the time and individuals simply regularised themselves once they had arrived and found a job. However the political focus on undocumented migration, the criminalisation of undocumented migrants and the growing resources devoted to preventing undocumented migration are all relatively recent developments that have gradually become more widespread since the early 1990s. In the past, undocumented migrants moved in much the same way as documented migrants and a separate theoretical explanation for their movement was unnecessary. Over the past decade the patterns of undocumented migration have differed more and more from those of documented migrants including different timing, different modes of transport and different routes. The role of smugglers and traffickers has also introduced a further element that requires explanation. This provides a new challenge to migration theory which so far, has offered only a very limited range of accounts for the observed differences between documented and undocumented migration.

Two contrasting accounts incorporating smuggling into the accepted body of migration theory are offered by Koser (2000) and Salt & Stein (1997). Koser considers smugglers as an extension of a migrant's social networks and so to behave in much the same way as social networks do in order to transmit information and provide certain services. Alternatively Salt and Stein offer an account of migration as a business with smugglers operating on the clandestine end of service providers and so their analysis turns on the economics of their activities. Since a large number of undocumented migrants to Europe require the services of a smuggler these approaches represent a valuable beginning to solving this theoretical problem but a range of other aspects of the process of undocumented migration have yet to be theorised and require further attention.

All this is very different when there is no or only a relatively small transnational community or when the existing community consists of individuals who have not yet accrued sufficient rights or economic independence to be of considerable assistance to compatriots still abroad.

The only thing they have on offer that might benefit potential migrants is information. This information may pertain to the (legal) opportunities in the respective country of residence and to the character and abilities of third parties who can assist the prospective migrant on his/her way to a country potentially promising a more secure future. In other words, migrants who move across borders without support of a transnational community are either forced to rely on their own wits or on help from anonymous third parties, another kind of intermediary structure. The involvement of third parties can have considerable consequences for the migration process itself and its outcome, both in terms of location and of socio-economic aspects. Moreover, migration facilitated by agents interacts with state interventions aimed at further curtailing unsolicited migration.

#### 4 National policy responses

During the 1990s European states, and first and foremost those in North Western part of the continent took measures aimed at curbing the ‘floods of asylum seekers’. The tone and pace were set by the German government. Chancellor Kohl spoke of a ‘*Staatsnotstand*’ when the number of aliens hoping to benefit from the relatively generous German asylum provisions approached half a million in 1992.

The German government believed that the ‘problem’ demanded an amendment to the Constitution<sup>19</sup>. After considerable political bargaining, the opposition agreed with the drafting of catalogues of countries that a) as a rule do not cause their citizens to flee and seek international protection (safe countries of origin) or b) are foreign countries where a refugee ordinarily would receive protection if requested (safe third countries). An asylum seeker stemming from a safe country of origin can since be rejected in fast-track procedures. In cases where an asylum seeker arrives over land (all Germany’s neighbours are safe third countries), the application is deemed to be inadmissible; for the asylum seeker was already safe from persecution before s/he arrived in Germany. The numbers of asylum requests in Germany indeed dropped markedly in the following years (1992: 438.000, 1994: 128.000). To a considerable extent, however, this was the result of a general reduction in the number of people seeking refugee protection in Europe.

At the same time, the changes in German law increased the number of asylum claims in the countries bordering Germany. These, however, were not so much the countries these asylum seekers would presumably have come through on their way to Germany (the Central European ones, for instance) but countries to the West, such as the Netherlands and the United Kingdom. Not surprisingly, these neighbouring countries planned and implemented their own interventions for they did not want to become ‘Europe’s shower drain’, as a Dutch politician phrased it at the time.

During the early to mid-1990s, most European states introduced a range of similar or identical measures that can be summarised as follows:

- If an airline, haulage or shipping company imports an alien who has no authorisation to enter or is not properly documented, the responsible company is liable to (high) fines (carrier sanctions). In this way, states transferred and privatised law enforcement on which they used to have a monopoly.
- Nationals of countries known to ‘produce’ relevant quantities of asylum seekers, refugees and undocumented migrants require a visa that has to be checked by the carrier.

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<sup>19</sup> Article 16(2) of the Constitution simply read ‘Politically persecuted [persons] enjoy the right to asylum’.



- Procedures for the adjudication of asylum requests were streamlined. This implies that the relevant bodies check all technical grounds for rejection (safe country of origin, safe third country, non-credible travel account) before they look into a case as such.
- More law enforcement capacity was freed up to guard borders. This not only pertains to the external borders of the Schengen area but also to the internal ones that formally are open, in the latter case under the guise of behind the border spot-checks.
- Depending on their administrative capacities, states imposed internal controls. Welfare states with comprehensive population and aliens registers are best equipped for this and effectively exclude non-eligible aliens from most or all welfare state provisions. In other countries, like the United Kingdom, this is virtually impossible to achieve.
- Assisting unsolicited migrants in their attempts to cross a country's borders was criminalised, especially if the aim is to make a profit. All European countries have by now introduced high penalties for human smuggling.

Most recently, governments have tended to concentrate on integration policies. This would not immediately appear to have a bearing on the subject of this paper but, as shall be demonstrated further down, the impact arguably can be significant. Here it should suffice to point out that several countries, first of all Denmark and the Netherlands, require all newcomers from third countries to attend integration courses unless they pass a language test or are otherwise excused. The general feeling appears to be that many newcomers – and especially those who have been admitted after they arrived unsolicited – keep too much to themselves and account for an unduly high percentage of those depending on welfare. In as far as such courses equip newcomers to become self-reliant, few observers would argue against them. Nevertheless, it is obvious that control mechanisms and integration measures follow a different logic. While those foreigners who arrive uninvited are, as a rule, not to remain in the country, are excluded from any form of participation in society (e.g. during the asylum procedure or when they are undocumented) and sooner or later are expelled, the exceptions to this rule, e.g. refugees or spouses of legal residents, are to integrate and make an unequivocal and permanent decision for their new country and society.

## 5 International policy responses

The management of migration flows has been for long a prerogative of the nation-state. Each state has the power to control its borders as well as the entrance and stay of aliens in its territory. Although new approaches to the management of migration flows have evolved during the last decade, responsibility ultimately remains with the state. Furthermore, most of the migration policies are still reactive, in particular those trying to tackle irregular immigration and trafficking or smuggling.

In the process of European integration the European states have tried to find common responses to migration flows<sup>20</sup>. Thus most of the measures have gradually been the subject of negotiations on the level of the European Union. One of the first joint measures aimed to stop asylum seekers from filing multiple claims across Europe (so called asylum shopping). This resulted in the Dublin Convention regulating member state responsibility for asylum claims. Simply put, this Convention stipulates that the first country entered by an asylum seeker is the one to decide on the claim. It thus formalises the safe third country principle among a number

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<sup>20</sup> The principles of a European migration policy have been defined in the 1999 Tampere Summit following the objectives stated in Amsterdam.

of EU countries. The Convention has recently been incorporated into the EU's body of law and now goes by the name of Dublin Agreement.

The Schengen Information System (SIS) and EURODAC aim to make available to member states two databases containing the finger prints and other personal data of aliens who are of concern to the authorities of the member states. Since EURODAC has become operational (January 2003) all asylum seekers have to be registered. Thus multiple applications should be easily detectable. To be complete, it should also be noted that discussions have been going on about common enforcement of the *Schengenland* external borders.

The common regulations introduced by the European Union appear to be more elaborated than most of the other international attempts of joint migration management. This led some authors including Aristide Zolberg, James Hollifield, Mark Miller, Eytan Meyers and Wayne Cornelius to 'conclude that supranational organisations and international regimes usually have had little impact on immigration policies of individual countries, with the partial exception of the EU and the refugee regime' (Meyers 2000: 1266). However, more recently Sandra Lavenex and Emek Uçarer have highlighted 'the policy-pushing role of the international organisation which becomes an additional actor' (2002: 216). Several UN agencies and programmes, specific intergovernmental bodies and NGOs attempt to shape migration policies. In 1994, Jonas Widgren counted 'about 25 intergovernmental organizations and fora, and a myriad of sub-groups, [...] involved in different activities relating to international migration' (Widgren 1994: 4). Ten years later, their number has undoubtedly increased.

The UN Population Division produced an influential report on international migration in the year 2000. Different UN bodies and programmes play an important part in migration management.<sup>21</sup> Some intergovernmental organisations provide reports and policy-oriented studies on international migration.<sup>22</sup> International organisations, such as the IOM or the ILO, are not exactly new in the field of migration but over the years they have become more important for policy-making.<sup>23</sup> The Council of Europe, a regional intergovernmental body, has mandated the CDMG (European Committee on Migration) to enhance European cooperation on migration.

The 1990s also saw the development of regional consultative processes on migration on all continents.<sup>24</sup> Aiming to manage migration on a regional basis, these are important for at least two reasons. First of all, they consider the migration process as a whole, including destination countries as well as countries of origin and transit countries. And second, although the participants are not obliged to implement decisions, it has been observed that some participating governments have changed their national migration policy in line with previous process recommendations (Klekowski von Koppenfels 2001: 75).

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<sup>21</sup> UNHCR (United Nations High Commissioner for Refugees), ILO (International Labour Organisation) and IMP (International Migration Policy Programme). The latter is an interagency activity that aims to strengthen the migration-management capacity.

<sup>22</sup> IOM (International Organisation for Migration), OECD (Organisation for Economic Cooperation and Development), OSCE (Organisation for Security and Cooperation in Europe) or ICMPD (International Centre for Migration Policy and Development).

<sup>23</sup> For example, the IOM has a Migration Policy Research Programme (MPRP) that among other things aims to provide policy guidance on migration issues for governments.

<sup>24</sup> IGC (Intergovernmental Consultations on Asylum and Migration in Europe, North America and Australia), the Budapest Process in Europe and later the CIS Conference Process in Russia, the Puebla Process or Regional Conference on Migration between North and South America, the Manila Process in Asia, the Migration Dialogue for Southern Africa and the Dakar Declaration in West Africa.

Several NGOs, such as Amnesty International, the Churches Commission for Migrants in Europe (CCME) or Caritas, have voiced their concern about international migration processes (Geddes 2000: 132). These statements mainly focus on migrants' rights and in particular on immigration policy. Nevertheless, they may also have an impact on migration management. Indeed, managing migration flows and dealing with immigrants might be two discrete policy areas but they deal with overlapping realities of one complex process.

Since the beginning of this century, governments and agencies have come up with several new initiatives regarding the management of international migration. For example, the Swiss government in 2001 initiated a consultative process to assess inter-state cooperation (the Berne Initiative). In 2003, the heads of six international organisations have established the Geneva Migration Group, an intergovernmental body that counts more than 100 member states and aims to facilitate policy discussion relating to international migration management. In January 2004, the Global Commission on International Migration began to work on a comprehensive response to migration issues. It is certainly too early to assess the impact of these initiatives, but it has to be highlighted that they involve receiving, sending and transit countries whereas most attempts to regulate migration are initiated by destination countries.

In most of the multilateral fora discussing migration and tackling illegal migration and trafficking of human beings have become priorities over the last twenty years. The Europeanisation of immigration policy has entailed the rapid development of instruments aiming to fight illegal migration (Guiraudon & Jopke 2001). This same issue has also been at the centre of most of the regional consultative processes on migration.

## 6 The outcomes

Most if not all the measures discussed above aimed at curbing unsolicited migration to Europe – first and foremost when targeted at asylum seekers and refugees. However, they have unintended, secondary, or even perverse effects that question the legitimacy, the effectivity and efficacy of current migration management, both on the national and on the EU level.

From the late 1980s onwards, human smugglers (or generally put: travel agents) have become increasingly involved in the process of unsolicited migration to Europe. Where certain types of intermediary structures are curtailed or lose their significance for other reasons, other more modern types fill the resulting gap. Attempts to repress the activities of smugglers to date do not seem to have had much impact in terms of numbers. This is not least due to the fact that this is a victimless crime. Migrants who have used the services of smugglers by and large do not share the perception that they have dealt with hard-boiled criminals. As a consequence, criminalisation of smuggling will probably not have the desired effect. This is, however, not to say that stricter legal regulations and their enforcement do have no impact at all. On the contrary, smugglers have responded to these by demanding higher prices for their services. Furthermore, it has become more difficult to determine the final outcome of migration processes.

Before we describe the external effects of smuggling operations, it should also be brought to mind that using the services of smugglers can be a very risky affair. The Dover incident probably has become part of our collective memory, but its 58 victims are only a fraction of the *recorded* number of victims amounting to 4591 (see: [www.unitedagainstracism.org](http://www.unitedagainstracism.org)) and there probably are many more who disappear without trace. Not only do migrants run the risk of drowning or suffocation. They can also end up in slavery-like (trafficking) situations where they are exploited and at the mercy of unscrupulous entrepreneurs.

We have many indications that virtually all asylum seekers arriving today have at some stage used the services of smugglers. This implies a perverse pre-selection in the asylum system. For those who have the means to buy their way across borders, do not necessarily have the most urgent cause to flee and seek protection.

That (growing) investments are needed to buy a trip to Europe does not only have selective consequences. It also makes it very likely that processes of cumulative causation are set in motion. Consider the case in which it is part of a household's survival strategy to send one member abroad in order to contribute remittances to the household's budget and perhaps to become a bridgehead for chain migration. The household thus decides to invest scarce resources into the migration project of one of its members. This investment may require selling off a piece of land or another potential means of production or taking up a loan from a third party. In any case, the investment has considerable and potentially even detrimental consequences for the economic situation of the household members staying behind. Their future depends on the success of the migration project. No matter whether this project fails or succeeds, it is obvious that under these conditions return migration (voluntarily or forcefully) is hardly ever an option. Either the household becomes dependant on the remittances generated by the member abroad, or the member cannot return without enormous social and economic consequences. These pressures to some extent explain why governmental attempts to deport growing numbers of aliens have usually failed.

If smugglers determine the final destination of the migration process, they do not necessarily serve the interests of their client but may target what they consider to be the softest port of entry to the EU (physical and administrative entry, which may well be found in different countries). Consider, for example, a migrant from Nigeria who would prefer to seek a future in the United Kingdom (the country's former coloniser). The smuggler he contracts takes him via Moscow to Prague and from there across the green border to Germany. This is as far as the smuggler knows to bring his client. The odds are considerable that this migrant ends up applying for asylum in Germany (or perhaps in a country closer to the UK like Belgium or the Netherlands).

Once this principle collides with arrangements made on the European level, migration outcomes become even more unpredictable and are – arguably – less satisfactory for all parties involved. This maybe is best illustrated with a few concrete examples.

The fictitious Nigerian applying for asylum in Germany gets 'stuck' in that country because an application for asylum should (and increasingly can) only be filed once. The fact that the Nigerian refugee speaks no German, has no relatives or acquaintances in Germany, has an education based upon the English school system etc. is not taken into consideration. This refugee will therefore either try to move on to the UK in an irregular fashion (to live there undocumented or again apply for asylum hoping the UK has not yet joined the SIS) or bide his time in Germany. After seven years he can naturalise and become a German citizen (provided he was granted Convention status and not subsidiary protection, which is likely if he cannot prove to have arrived without passing through a safe third country), which implies freedom of movement in the Union. Whether this person then still has the energy to move on, is an open question.

Our fieldwork provided us with more examples. To quote two of these: An Iranian woman is smuggled in a small group across the Slovakian/Austrian green border. An Austrian border patrol apprehends her group and takes fingerprints. The smuggler and the woman continue their journey to the Netherlands. Her husband as a young man studied in the Netherlands and has arranged a trip to what he believes to be a safe country. After she has spent two years in a Dutch asylum centre, the Austrian authorities accept responsibility for her asylum claim. The woman is flown to Austria where she quickly is recognised as a refugee. She thus found the protection she needed but has ended up in the 'wrong' country.

During the 1990s, large numbers of Somali refugees found protection in various European countries, among them the Netherlands and the Scandinavian countries. If they arrived in Denmark or the Netherlands, they have been exposed to extensive integration programmes. For the Dutch case, it is well documented that these investments towards their integration were not as successful as the government was expecting: unemployment among Somali is very high, scholars and policy makers alike predict a bleak future for the second generation. During the past few years, considerable numbers of these Somali refugees have been seen to move to the English Midlands on the strength of their Dutch etc. passports. Interviews with some of these migrants revealed that many Somali consider the UK to offer much more suitable conditions for their own and their children's future. However, this country was more difficult to reach (or their smugglers had no access to it). Moreover, their smugglers may have had good reasons to bring their clients precisely to the Netherlands and Scandinavia as these countries at the time had a) fair recognition changes for Somali refugees, b) overburdened asylum systems. System breakdowns are invariably convenient if reactions from authorities are required (especially if the law imposes deadlines on such responses) and thus cannot be accurately administered.

The emergent international policy responses seem to encourage the participation of different levels of government (national, regional and supranational), the input of non-governmental and private agencies, multilateral rather than bilateral fora and partnership between the countries involved in the migration pattern (sending, receiving and transit countries). The fact that various and numerous agencies have come to influence the process of policy-shaping or even policy-making requires a less state-centric analysis of migration policies and also the study of the evolving modes of cooperation. The concept of multi-level governance seems to be useful for the development such new approaches.

## **7 Concluding remarks**

It seems safe to assume that governments of receiving states have a limited ability to regulate immigration, and especially those types of immigration they would rather avoid (or at any rate not seek to encourage). This is due to an element of powerlessness inherent in liberal democracies. Unless authorities are willing to build walls or shoot at people crossing borders, their basic tools are legal and administrative in nature. Such instruments can never be fully effective (and usually we do not expect them to be). However, another reason why attempts to regulate migration fail is that governments are unable or unwilling to recognise that the processes determining international mobility, both at the supply and the demand side (something we have not touched upon), are long-term in nature and require matching responses instead of ad hoc policy making.

Furthermore, migration systems tend to have or develop a considerable immunity to government interventions or at the very least a high ability to circumvent them. We argued that we can broadly discern two types of such systems, each with their own internal logic. The first type is the transnational community. Interventions into the mobility originating from those can easily be ignored or circumvented. Ultimately, even prolonged periods of undocumented residence are supportable within such communities and these are virtually impossible to combat without employing police-state methods. An issue we did not touch upon is that this may have particular consequences for these communities, in terms of dependency between members, or for the informal economy.

The second type of migration system consists of anonymous entrepreneurs who navigate the fringes of the European Union and *Schengenland*. The instruments by which

European governments alone or jointly can combat their activities are just as limited. Penal law can only reach as far as the jurisdiction of states goes. If they operate outside it – which usually is the case if they remain outside the territory of a country – little can be done unless the respective state can count on the cooperation of a third country. The likelihood that for instance the Turkish government is willing and, more importantly, able to seriously address the issue of migrants seeking to *leave* their territory would seem small.

These problems are compounded with the fact that migrants who use the services of smugglers appear to perceive these as ‘friends’ or providers of essential services (that for instance relatives will also need) rather than as criminals. The subjects of such a victimless crime therefore show little to no willingness to come forward and testify in criminal proceedings. As long as there is a business in the unfruitful attempts to keep unsolicited migrants at bay, this migration system is going to show a remarkable ability to sustain itself.

What types of responses can be suitable alternatives to those that currently dominate in Europe? Summarised in the briefest possible way: in stormy times trees that do not bend break. Or put in concrete terms, it would appear that more effective management can only result from policies and instruments that are less geared towards restriction and more towards openness. As to the process following the admission of a migrant (and especially of a refugee), it would seem sensible to design new modes of relocation and distribution of the ‘burden’ between the EU member states to substitute or complement those determined by the Dublin Agreement and the different nationality laws. This would also prevent the loss of human capital brought along by refugees (who, for instance, may very well happen to be fluent in one of the EU’s languages but not the one spoken in their country of resettlement). Preventing that a refugee ends up in the ‘wrong’ country obviously also lies in the economic interests of the country concerned; especially in times of an increasing tendency towards binary thinking.

## CHAPTER 5: MIGRATION INDUSTRY: MEANS AND ROUTES

*Martin Hofmann and Matthias Neske*

### 1 Introduction

During the 1990s, the phenomenon of organised human smuggling, i.e. the facilitation of illegal entry to states for profit, has gained ever-increasing notoriety. Numerous police reports and even parliamentary inquiries have thrown glimpses of light on the harsh realities of a business which is assumed to be generating billions of dollars of profit on a worldwide scale. Increasingly, this illicit business has been linked to organised crime, threats to the sovereignty and the internal security of states and the exploitation of human beings in desperate situations. Today, far from regarding human smuggling as a benign ‘crime without victims’ (Nadig 2002: 7), human rights organisations have taken to counting the deaths of illegal and smuggled migrants.<sup>25</sup> At the same time, European states as well as the Council and the Commission of the European Union have accorded the fight against illegal migration and human smuggling one of the highest priorities in the area of Justice and Home Affairs.<sup>26</sup>

In recent years, the number of studies focusing on the migrants’ perspective has also constantly been growing. These are usually based on interviews in the destination countries, the transit countries and the countries of origin. Perhaps the most interesting question raised in this context is why migrants decide to move, or, as the numbers of people migrating from developing countries to the West are relatively small, why does the majority decide to stay. Interestingly, most of the studies imply that this majority in fact intends to move (see for example Schoorl et al. 2000).

However, the information provided by smuggled migrants does not suffice to give a comprehensive insight into the organisational structures of the ‘migration industries’, as the migrants, as a rule, are kept in ignorance of these. Researchers trying to shed light on these backgrounds therefore have to interview smugglers themselves (not only helpers or passeurs who do not know much) or study first and second hand material, such as court proceedings, criminal records or – if possible – documented telephone surveillance. Again, a small number of studies has dealt with this topic, providing preliminary though quite commonly made conclusions about the migration business.

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<sup>25</sup> UNITED, a European network against nationalism, racism, fascism and in support of migrants and refugees, monitors migrant deaths since 1993. Up to January 2004, the network has documented 4,591 deaths, who for instance drowned in the Mediterranean Sea, the Strait of Gibraltar, suffocated in trucks or committed suicide in Europe's detention centres. Many more deaths are thought to remain unreported (see: [www.united.non-profit.nl/](http://www.united.non-profit.nl/)).

<sup>26</sup> See, for example, the Council Directive of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (2002/90/EC); the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA); the Communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents, COM(2003) 323 final, Brussels, 3.6.2003; as well as the Presidency Conclusions – Thessaloniki, 19 and 20 June 2003, 11638/03 3, available at [ue.eu.int](http://ue.eu.int).

In the following we will look at the concept and measurement of human smuggling and provide an overview of important studies dealing with this business that facilitates illegal migration. In this context, the term ‘illegal’ does not serve to disparage these acts but to highlight one of their central characteristics, namely that they violate valid law. Irrespective of whether this is illegitimate, harmful or perhaps comprehensible, this feature shapes the whole process of these movements, meaning that most of the operations take place in clandestinity and that the migrants have to pay more for a service than they would if it was legal. This also implies that research on this field faces several specific problems.

## 2 Human smuggling vs. trafficking

As outlined above the topic of human smuggling has raised much attention during the last decade, but for many years most of the writing on the subject has been ‘media driven’ (Salt & Hogarth 2000: 13). Since the discussion mostly took place outside the ‘academic world’, it for a long time lacked a ‘simple, clear, and commonly accepted definition describing the phenomenon’ (Müller-Schneider 2001). Results of this lack were the non-uniform use of the terms ‘human smuggling’ and ‘trafficking in humans (or human beings)’ and the mixing of their appropriate meanings. Only in the late 1990s, the UN Commission on Crime Prevention and Criminal Justice started to work on a UN Convention against Transnational Organized Crime, including supplementary protocols dealing with the subjects of human smuggling and trafficking in human beings, which have since been ratified and entered into force.<sup>27</sup>

Article 2 of the ‘Protocol against the Smuggling of Migrants by Land, Sea and Air’ and Article 3 of the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children’ define smuggling and trafficking as follows: ‘Smuggling of Migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.’<sup>28</sup> ‘Trafficking in Persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’<sup>29</sup>

The concepts of ‘human smuggling’ and ‘trafficking in human beings’ are thus substantially different. Human smuggling means assisting in an illegal border crossing and in illegal entry and, therefore, always has a transnational element. This is not necessarily the

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<sup>27</sup> The Convention was signed on 15 December 2000 by a total of 124 countries. The full text of the Convention and the Protocols can be downloaded at [www.uncjin.org](http://www.uncjin.org).

<sup>28</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, United Nations 2000. This Protocol entered into force on 28 January 2004, on the ninetieth day after the date of the deposit of the fortieth instrument of ratification.

<sup>29</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, United Nations 2000. This Protocol entered into force on 25 December 2003, on the ninetieth day after the date of the deposit of the fortieth instrument of ratification. In view of the difficulties of covering the wide range of types and manifestations of phenomena to be subsumed under the term ‘trafficking’, the protocol only sets minimum standards to be exceeded and supplemented by Member States according to their own needs and intentions.



case with trafficking, where the key defining element is the exploitative purpose. Hence it can include cases that did not involve border crossings at all or where entry was legal rather than illegal. So trafficking is essentially ‘a human rights issue’, while smuggling is chiefly ‘a migration issue’ (Väyrynen 2003: 16). Of course, smuggling operations may entail human rights violations. For example, smugglers may intimidate their clients by threats or the use of violence in order to keep discipline and assure secrecy. And, in case of detection, they often try to get rid of the migrants as quickly as possible, even if doing so endangers their lives. Furthermore, the high prices for such an operation can result in an exploitative situation for the clients, if these have to earn an unrealistically high sum in the country of destination to settle their debts. Nevertheless, such violations can be considered to be the exception rather than the rule. Human smuggling is a business based on ‘customers’ free choice’ and ‘a voluntary relationship between the person(s) to be smuggled and their smuggler(s)’ (Shelley 2001). The individuals sustaining these operations heavily rely on their reputation. The majority of smugglers will therefore do everything to make their clients reach their destination safely and try to treat them in a somewhat humane manner. By contrast, trafficking in human beings essentially implies ‘long-term forms of rigorous exploitation’ and ‘continuous and serious violation of human rights’ (Müller-Schneider 2001). An ongoing exploitation of the victim is the only motivation for offenders to engage in such operations. Moreover, although both smuggling and trafficking have to be perceived as businesses, these differ markedly in conditions, rules and organisational requirements. There may be links between organisations/individuals engaging in these businesses, but these are usually not mandatory.

### 3 Human smuggling: a distinct form of ‘irregular’ or ‘illegal’ migration

In principle, a prospective migrant has the possibility to enter or exit a country legally or illegally and to stay in the country legally or illegally.<sup>30</sup> Human smuggling can be defined as a distinct form of ‘illegal’ or ‘irregular’<sup>31</sup> migration, namely the ‘procurement of illegal entry of a person into a state of which the latter person is not a national with the objective of making a profit’ (Graycar 2000). According to this definition a human smuggling operation comprises the following elements: an illegal, clandestine border-crossing by a person assisted by one or more individuals who provide their services against payment.

It is commonly accepted that a large share of international migration movements today takes place in form of illegal or irregular migration. The term *irregular* is used because it describes the phenomenon more precisely. Migrants may slide into and out of legality in the course of a migration process (also see chapter 1, section 4). Notwithstanding the fact that in many cases migrants organise certain parts of the journey themselves or by the use of established social and family networks, in a vast majority of cases they rely on specific services provided by smugglers to overcome specific obstacles at certain stages (Alt 2003: 333). Nowadays, migrants only exceptionally organise the whole process of their migration themselves (Heckmann 2003: 141).

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<sup>30</sup> Beare (1999: 25) has defined several categories of the possible combinations of entry and stay with regard to ‘legality’ or ‘illegality’.

<sup>31</sup> ‘In legal terms, there is a common distinction between “irregular” and “illegal” migration, contingent upon the ways in which states evaluate violations of the norms on the entry and abode of foreign citizens. Some states do consider it a criminal act, while others formalise them as a statutory offense’ (Sciortino 2004: 17).

## 4 Human smuggling and organised crime

Salt & Hogarth argue that the review of literature on human smuggling reveals that related theoretical developments mainly refer to economic and criminal discourses. Of course, other views do exist but these are not based on coherent theoretical approaches (Salt & Hogarth 2000: 25). Human smuggling constitutes a criminal offence in most countries. Due to the 'media-driven' character of the discussion, the phenomenon of human smuggling was oftentimes portrayed as being a form of 'organised crime', and the organisers of these operations were associated with the 'mafia', without clearly defining what was meant by these terms. Further to that, James Finckenauer argues that even the commonly used definitions<sup>32</sup> characterise organised crime in a rather 'loose or ambiguous' manner to 'encompass practically any crime committed by, say, three or more persons'. The lack of a clear definition hampers the 'description, explanation and understanding' of the phenomenon (Finckenauer 2001: 170). A clear distinction should be made between 'organised criminal activity' and 'organised crime'. Groups subsumed under the latter are usually involved in a succession and variety of criminal activities, whereas organisations involved in the former may also be highly structured and active over a long period of time but dissolve after the intended criminal act (Salt & Hogarth 2000: 28). The barely questioned assumption that human smuggling operations are mainly carried out by organised crime groups has its practical impacts, for instance, policy makers increasingly place 'international migration together with transnational crime in new institutional frameworks' (Koslowski 2001: 337).

Furthermore, analysing human smuggling solely from the perspective of criminality, makes it difficult to portray those elements of irregular migration that are associated with smuggling but 'have a quasi-legal status and those cases where the status of the migrant drifts in and out of legality' (Salt & Hogarth 2000: 28). The statement that international migration these days is to a large extent irregular, be it by the use of smugglers or self-organised, does not imply that these same movements are completely 'illegal' or fully undocumented. The so called asylum-migration-nexus might serve as example for the close links between legality, illegality and the use of human smuggling organisations. Regulations concerning asylum are of specific importance to the phenomenon of commercial human smuggling. Obviously entering the asylum procedure functions in many cases as part of the overall (irregular) migration strategy. 'Asylum shopping' or 'Asylum and Go' provide migrants with the possibility to legally enter a country, where they are granted provisional residency rights, and allow them to take a short rest and to organise the onward journey. Today, due to existing restrictions imposed by possible destination countries of international migration movements, large quantities of international migrants move irregularly or try to enter the asylum system(s) irrespective of whether they fulfil the conditions for refugee status (or other forms of international protection) or not. The phenomenon of persons applying for refugee protection

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<sup>32</sup> To cite one example, the concept defined jointly and used by the European Commission and the Expert Group on Organised Crime of the Council of Europe states criminal activities have to fulfil four mandatory criteria in order to be classed as organised crime: 1) collaboration of three or more people, 2) for a prolonged or indefinite period of time, 3) suspected or convicted of committing serious criminal offences, and 4) with the objective of pursuing profit and/or power. Further optional criteria were defined as follows: 5) having a specific task or role for each participant, 6) using some form of internal discipline and control, 7) using violence or other means suitable for intimidation, 8) exerting influence on politics, the media, public administration, law enforcement, the administration of justice or the economy by corruption or using other means, 9) using commercial or business-like structures, 10) engaged in money laundering, and 11) operating on an international level (ICMPD 1999: 12).

for other than protection needs has become one of the main subjects of the international debate. The emergence of ‘mixed flows’<sup>33</sup> challenges the clear distinction both between refugees and economic migrants and between legal and illegal migration, since one and the same ‘migration project’ might comprise legal and illegal forms of border crossings and residence. Consequently one individual might show up in statistics as both legal and illegal migrant, and thus be subject to research on legal as well as irregular migration at the same time.

## **5 The problem of measuring human smuggling**

Measuring irregular migration in general and human smuggling in particular is per se problematic as it concerns (mainly) undocumented and unobservable events. Due to their hidden nature, irregular migration and human smuggling cannot be measured precisely. Statements about the quantitative extent of such phenomena tend to draw on statistics of observed events that are usually collected for administrative purposes (e.g. by the police and border guards) and are necessarily incomplete. Existing estimates are based on the extrapolation of data coming from other sources like border apprehension figures, asylum applications and data on regularisations. Though these estimates should not be downplayed as being ‘informed guesswork’ only, it should be emphasised that they might give an idea about certain trends and developments but do not provide an accurate picture of the situation in quantitative terms (also see chapter 1 of this report).

## **6 First systematic approaches and empirical results**

There is no such thing like a universally valid theory of the ‘migration business’, just as there is no transregional typology of (groups of) actors or organisational forms of this business that fulfils the demands of an empirically based scientific work. Bearing this in mind, the following review is based on what can be called the smallest common denominator in this field of research, that is – apart from some programmatic studies – strictly empirical work.

One of the earlier and by now almost ‘classic’ studies dealing with smuggling and trafficking was that of Salt & Stein (1997). They provide a first systematic insight into routes, methods and organisation of migrant trafficking which they describe as the ‘core of the illegitimate business’. These elaborations are mainly of a theoretical nature, and as the authors observe themselves, ‘empirical proof is needed’. Furthermore, some of their descriptions are not up to date any more. Nevertheless, this text has become an important point of departure for many empirically based studies.

Salt and Stein were the first to divide the process of smuggling into three distinct stages, namely *mobilisation*, *en route* and *insertion*. Mobilisation comprises both the mobilisation of persons willing to be smuggled and the planning of the process. The latter includes the consideration of auspicious moments, possible routes, weather conditions, ‘staff’ and means of transport and, if necessary, the organisation of documents. This product will then have to be sold to potential customers. Sales promotion is usually publically available and local contact persons and the places where they can be found are widely known.

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<sup>33</sup> ‘Genuine’ refugees moving within broader population flows that are also composed of economic and other categories of migrants.

Sometimes migrants begin the journey on their own and only look for assistance in difficult situations (borders, sea) en route.

Salt and Stein name five main routes, all with the European Union as the destination region. The first is the northern route through Russia, the Baltic States and Poland, the second goes westward across the Ukraine, the Slovak and the Czech Republic and the third, mainly used by migrants from the Middle East, crosses Bulgaria, Romania and the Balkan countries. The last two routes involve sea crossings: one from the Middle East via Turkey and Greece (or directly by ship), the other from North Africa through Mediterranean countries. Along these routes, there are some important hubs that offer facilities to stay and to plan the next step. One of these is Moscow where e.g. Chinese migrants usually stay longer, possibly because of lax police controls. Salt and Stein also name Kiev, Prague and Sarajevo which has since lost in significance. Considering the risks of illegal travelling, it comes as no surprise that smugglers do usually not use the shortest way to the respective country of destination but take into account problems such as enforcement of border controls etc. The most frequented transit countries are the Ukraine, Poland and Bulgaria. During the 1990s, the south-north routes were continuously supplanted by east-west routes. Human smugglers use all modern means of communication for their logistical planning as well as a variety of means of transport, including lorries, delivery vans, speed boats, trawlers, refrigerator trucks and wagons. This wide range of both means and routes allows smugglers to be flexible and to adapt to changing circumstances.

After having entered the countries of destination, the migrants have to be integrated into the labour market, mostly in order to work off their debts. In most of the cases, 'local agents' take 'care' of this process and help the immigrants to find underprivileged and underpaid work as prostitutes, drug carriers or 'virtual prisoners' (like in the case of the Chinese described below). If they own travel documents that might have been of help on certain stages of the journey, the smugglers take them away or force the migrants to destroy them which in turn increases their chances to be accepted as refugees.

Salt & Stein mostly see human smuggling as an 'established branch of well organized gangster syndicates'. Some of these 'syndicates', like Nigerian smuggling organisations, cater for the whole smuggling process with contact persons in the country of origin, the transit countries and the countries of destination, while others only offer assistance for a particular stage or provide certain services (lorry drivers or boatmen between Albania and Italy). Bigger organisations have a centralised plan how and where to smuggle. This can also include other facets of smuggling like drug trafficking or money-laundering. Finally, smuggling processes interact with border controls and innerstate administration. Smugglers specifically take advantage of slow and cumbersome administration.

Ko-lin Chin's (1997) pioneering empirical study is based on 300 standardised interviews with illegal Chinese migrants in New York's Chinatown, which led the author to conclude: 'After enduring so much suffering throughout their arduous journey, many Chinese migrants arrive in the United States only to discover that the worst is yet to come' (Chin 1997: 189). His article concentrates on migrants' experiences in so called 'safe houses' where they are usually taken upon arrival and detained until their families have payed for their journeys. Chin describes all important aspects of these periods of detention like the length of stay (seven days on average), the methods of payment and, last but not least, the living conditions that very much depend on the promptness of payment and often involve abuse by captors. In 38 per cent of the cases (110 out of 288) the payments for the migrants are delivered by relatives in the US, in 37 per cent by relatives in China, in 16 per cent both US and Chinese relatives pay a certain share of the debt, and in 3 per cent of the cases the migrants had to pay in transit hubs. While during the 1980s US relatives payed for three quarters of the migrants, this figure had gone down to only one quarter in 1993. At the same

time, illegal Chinese migrants were far more likely to be locked up in safe houses in 1993. The figure of detention surged from only 39 per cent in 1988 to 82 per cent in 1993. Both of these tendencies imply that the smugglers' clientele has changed in the period under observation. Their clients can no longer afford the journey, nor do they have access to transnational networks. This decreases the 'quality' of the journey (now by ship in containers etc.), extends the duration of stay in the safe houses and increases the possibility of ill treatment.

Based on empirical data (like interviews with migrants and 'coyotes'), Spener (2001) tries to 'explore how migrant smugglers known as *coyotes* or *pateros* continue to move undocumented migrants through the south Texas-northeastern Mexico border region despite concerted efforts of U.S. authorities to stop them. The purpose of this research is to bring these central players in the migration process out of the shadows, where they have traditionally lurked, and into the light, where their functional roles and modes of operation can be subjected to critical examination and reflection' (Spener 2001: 129). Spener concentrates on the methods of smuggling and on the involvement of human smugglers in the different stages of this process. For these purposes, he uses a nine-stage model: Communities in the Mexican interior - bus terminal - hotel/private residence - international bridge/riverbank- river crossing - point of unauthorised US entry - safe house - auto pickup points - safe house/drop house in Texas interior city. While it is possible that the migrants are exploited after they have reached their destination, this process does not directly involve the smuggling networks but is organised by so called *pateros* who work on their own. That is why smuggled migrants who do not have to resort to guided insertion but are received by family members do usually not suffer exploitation. Spener states that there are hardly any links between human and other kinds of smuggling. Drug smugglers would not take the risk of an untrustworthy migrant smuggling their valuable goods. On the other hand, human smugglers concentrate on their own business mostly because of the lower fines.

Just like Chin for the Chinese in New York, İçduyğu (2003) provides a clear and sound insight into the organisation of human smuggling in Turkey, probably one of the most important transit countries for irregular/illegal migrants in the world. This study draws on interviews with irregular migrants, traffickers and smugglers as well as on Turkish official sources, like police archives, and documents from the Ministry of the Interior.

İçduyğu points out that Turkey (like Greece) is a transit country for migrants originating from Afghanistan, Iran, Iraq, sub-saharan Africa and in fewer cases the Indian subcontinent. The main destination countries are Germany and Italy, sometimes the US, France, Canada and the UK. Usually, the migrant gets in contact with a so called 'local initiating smuggler' who is commonly known. Both parties agree on the price which depends on the length the journey and potential problems. Subsequently, the migrant delivers the money either to a trustee (sometimes part of the Hawala system of payment) or to the smuggler himself. In the latter case, the smuggler keeps his share and hands over the rest to the next smuggler on the road. In most cases, the migrant (especially from Africa or Afghanistan) only knows the initiating smuggler and kept in ignorance of the following smugglers and stages of their journey.

In general, the routes are highly flexible so that the smugglers can react to changing policies (border controls) and other incalculabilities. Unlike in the case of Chinese migrants to the US, migration to Turkey and from Turkey extensively uses sea routes, with roll-on-roll-off ships becoming increasingly important. Most of the migrants enter Turkey via the Iranian or Iraqi border. Before crossing the border the migrants meet in 'collecting points'. The methods and means of smuggling vary but are in general dependent on existing border controls. Migrants enter and leave the country by foot, horse or car, in lorries, on planes, fishing boats and even luxury yachts. In the recent past, the use of boats and ships has risen

significantly, mostly because of stricter controls on airports. Furthermore, these allow to transport a greater number of migrants in one single action.

One of the central and most interesting questions of İçduyğu's study concerns the internal organisation of human smuggling. The author identifies 'seven interrelated and occasionally overlapping categories of smugglers [or roles of smugglers]' (45): The local initiating smuggler organises the departures of irregular migrants from their localities, or takes these over from a previous smuggler and hands them over to another one in order to facilitate the illegal border-crossing; the cashier is responsible for the transfer of money between migrants and smugglers; the guide who knows the region or the borders very well accompanies the migrants following the agreement between the smuggler and the migrant; the local transiting smuggler picks the migrants up near the border of the transit country and takes them to a designated departure area in this country; the middleman takes them to the chief 'organiser' who plans the final trip to the point of destination; the landman, shipman or airman arranges the irregular border crossing, sea or air passage, identifies the port from where the migrants will depart and takes care of the bribes to port employees and other officials at the point of exit; other intermediaries, handymen and helpers perform diverse activities not included in the above categories, as necessary.

A recent study by Monzini (2004) describes the dynamics of the smuggling business, as far as this is possible, by analysing its operational system and by focusing on the 'big bosses', i.e. the smugglers who run the business. The author concentrates on the oversea routes to Italy, divided into *short crossings* (Otranto channel between Albania and Apulia, crossings between Malta and Sicily), *medium crossings* (from North Africa to Sicily via Lampedusa and/or Pantelleria) and *long crossings* (from Turkey or the Levante to Calabria). Based on this evidence, he identifies eight 'types' or 'roles' of smugglers: 'owners of the boats who had the necessary funds to cover the immediate substitution of boats which were confiscated; middle-men who were well integrated into the international networks, responsible for recruiting clients and keeping the accounts for the phase involving entry to Valona; local middle-men with the necessary contacts to organise the migrants' stay, usually lasting 3 or 4 days [...]; people responsible for the upkeep of the rubber dinghies and the supply of diesel fuel at the places of embarkation; two "look-outs" in the place of embarkation; a pilot who – if he brought back the vessel undamaged – earned on average the equivalent of 1.500 € per trip; an escort for the crossing who, in close contact with the person waiting in Italy, suggested which route to take and arranged the collection of migrants.' This has led to a situation, in which a 'network of small, flexible businesses that grew up in Valona meant that by the end of the 1990s, at least 150-300 people could be transported every night' (Monzini 2004: 14).

Finally, Okólski (2000) analysed 'government records' and in-depth interviews with key informants, officers and illegal migrants in Poland. According to him, the business appears to be very informal, flexible and complex. The study revealed several principal levels of smuggling or trafficking networks: informal leadership, which takes care of, or at least controls, the entire process or a given route, and ensures its security; internationally linked underworld bosses in each country through which transit routes run; bilingual teams carrying out the smuggling activities in specific border areas; and local collaborators in relocation centres or border areas who are entrusted with particular separate tasks.

## 7 Conclusions

At present a large share of migration to the territory of the European Union is of an irregular nature. These irregular movements chiefly depend on assistance offered by individuals, networks or organisations that provide their services on a strictly commercial basis. Assisted irregular migration against payment is defined as human smuggling. This phenomenon is not a new one, what is new is its size and significance regarding international migration in general. It could be argued that this increasing importance should be mirrored in ongoing migration research, also with a view to raising awareness of the fact that processes of human smuggling are not always as spectacular as portrayed by the media.

The existing theoretical approaches to and empirical studies of human smuggling and trafficking provide a first insight into the specific structure of smuggling rings, the different forms of labour division, the main routes and the risks incurred by the smuggled persons. However, as the number of studies is still very small, these only provide a first glimpse of the different and changing scenery in this field.

The lack of studies is probably also due to the fact that research on irregular migration and human smuggling is confronted with specific difficulties inherent in the topic, such as the lack of reliable data and coherent theoretical approaches. Methods devised in more traditional and well-established fields of migration research can only be partly applied to human smuggling. A first step towards building new theories would be to develop clear-cut definitions, typologies and theoretical approaches based on a more structured analysis of existing empirical studies in the area.

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