The policy options of states on irregular migration

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Introduction: identifying and clarifying the status of “irregular migration”

The status of the “irregular migrant” is far from being clearly and uniformly defined. This complexity lies on the intrinsic nature of this status, which is a function of several factors.

In addition, regular/irregular migrants are likely to change their status over time.
The “definition issue” is not a trivial one. It summarizes the complexity of this phenomenon, which may be broadly interpreted as the well known clash of opposite rights and point of views: the collective right of the receiving State to host migrants according to its criteria and the individual right of the migrant to leave his/her country of origin.
Clandestine/irregular movements fulfill the needs of many actors:

1. **The migrant himself** who leaves his country often regardless the high risks connected to these irregular movements (e.g. the risk of death and of health deterioration during the travel; the risk of being jailed or labour exploitation in the country of destination, etc.);

2. **The migrant’s family**, which is likely to improve their financial conditions in the country of origin both by lowering familiar expenditures and receiving financial remittances;

3. **Labour employers in the Country of destination** – both enterprises and families – who like to employ workforce when they need, possibly at minimum prices, regardless administrative and normative constraints;

4. **Traffickers and smugglers of human beings** who profit large amounts of money from irregular movements.

5. **At the macro level, the country of origin**, since also irregular migrations succeed in:
   - reducing the labour supply’s surplus and, other factors being equal, reducing unemployment;
   - stimulating its economic growth through the positive impact of migrants’ remittances;

   As a matter of fact, the high convergence of the needs of the above agents is likely to push also in the future more and more migrants to cross national borders or stay inside them illegally.
In a broad sense the determinants affecting regular and irregular flows do not differ a lot, but there are some specific country-related factors which are likely to impact mostly on irregular flows and that actually can explain why some destination countries are more affected than others by irregular migrations.

Firstly, irregular migrations usually realize the *quantitative and qualitative* matching between demand and supply in the labour markets filling the gaps generated by inefficient quota, high cost of regular work and other policies.

Secondly, it is worth mentioning:
- the high proportion of the informal economy
- the role of social networks, which provide useful information and contacts for entering and working in the country of destination
There are several strategies that countries use to face irregular migration:

1. **Ignoring irregular migrants**, this policy is clearly not practicable in the long-term perspective;

2. **Expelling irregular migrants**, mass expulsions are neither allowed nor feasible from ethical, economic and logistic point of view;

3. **Struggle informal economy**, in order to progressively eliminate its negative effects on both the overall state budget and its attractive power on irregular migrants. However, as the underground economy is largely permeated in the economic and social systems of Southern European countries, this policy is difficult to be implemented. It needs of strong and probably unpopular policy interventions and politicians with a long-term vision. Short-term interventions - like drastic penalizations of employers and/or owners of apartments/rooms - can lead to unexpected and perverse effects;

4. **Push with incentives to return of migrants, both regular and irregular**

5. **Periodical regularizations**, through general amnesties (addressed to all categories of migrants) or specific –partial ones. This policy is strongly recommended in “situations of emergency”. In general, it leads advantages to all the actors involved, but is also a further call for other irregular migrants.
Regularization practices have been up to now the most frequently adopted tools by Southern European countries. One can distinguish in some different kinds of regularization programs:

1. **Permanent or one-off/shot.** This program regularizes migrants permanently. It is implemented on-going basis and the length of residence

2. **Fait accompli or for protection.** It is addressed to migrants who have been in a country since a specific date and it is usually based on geographic or economic criteria (but also humanitarian, medical or familiar);

3. **Individual or collective.** While the former leaves to the authority a margin in granting to individuals the permit, collective regularizations have fixed criteria and the authority, once verified that a migrant fill them, must grant the permit (usually they allow for a higher number of regularized migrants);

4. **Expedience or obligation.** It occurs when court decisions or international agreements oblige the state to regularize a number of migrants;

5. **Organized or informal.** The element which distinguishes them lies on the absence/presence of clear and defined criteria used to discriminate among migrants who can apply or not for the regularization program.

Clearly, these choices are not alternative as they can be combined for defining a more comprehensive regularization program.
For Spain, Greece and Italy the **main determinants of irregular immigration** are:

1. **The large size of the informal sector**, and the consequent structural and strong demand for foreign workers – expressed by firms as well as families – regardless their legal status (but also the strength and growth of formal economy).

2. **The geographical proximity with unstable and less developed countries** (specifically former Yugoslavia and Maghreb), which push individuals outside both to settle and to transit in these countries.

3. **The consistent size of already immigrated people**, which constitutes a call for relatives and friends at home and assures a first support network.

4. **The consistent annual inflows of tourists**, which may probably result in allowing an easy entry to these territories, even because some traffic of visa in their consulates.

Regarding the **management of irregular migration** issues, Spain, Greece and Italy seem to be characterized by an ambiguous approach in planning long-term migration policies. In particular:

1. **Continuous, but often inefficient, reinforcement of borders**;

2. **The frequent implementation of generalized regularization** procedures (specifically in Spain and Italy);

3. **The adoption, but late, of a quota system** (Italy 1998 - Spain 2002 - Greece 2001), often too much restrictive;

4. **Monitoring and controls in labour markets**, (but very often weak).
Among European regions Southern Europe is considered the most important destination both for regular and irregular migrants.

For what concerns clandestine migrants, they come through the sea-routes, but also by land and air routes. The more important routes used to avoid controls and enter irregularly are:

1. from Maghreb to the South of Spain (specially via Ceuta and Melilla);
2. from Turkey to Greece and Italy;
3. from the southern eastern Adriatic coast to Italy and
4. from Egypt or Maghreb (via Libya or Tunisia) to Italy.

Further routes have also been recently developed in addition to the traditional ones. For example, in Western Africa, the Canary Islands has evolved in the preferred point of departure to reach these countries (gradually replacing the Gibraltar Strait route, i.e. Ceuta e Melilla and the route from Libya and Tunisia to Italy). In addition to these well-known sea-routes, a high – and probably higher – number of irregular migrants use air and land routes to cross borders illegally.

Notwithstanding the phenomenon of clandestine migrants is the most evident (at least for the public opinion), overstayers are likely to represent the more consistent part of the irregular migrants in all of these three countries.
Table 2 - Clandestine migrants according to the irregular channel of entry, Italy, 2000 - 2006 (% values).

<table>
<thead>
<tr>
<th>Illegal channel of entry</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overstayers</td>
<td>59,0</td>
<td>61,0</td>
<td>51,0</td>
<td>75,0</td>
<td>67,0</td>
<td>60,0</td>
<td>64,0</td>
</tr>
<tr>
<td>Foreigners who avoided border controls (land or air routes)</td>
<td>24,0</td>
<td>27,0</td>
<td>34,0</td>
<td>15,0</td>
<td>29,0</td>
<td>26,0</td>
<td>23,0</td>
</tr>
<tr>
<td>Foreigners who arrived illegally to the Southern shores (sea-routes)</td>
<td>17,0</td>
<td>12,0</td>
<td>15,0</td>
<td>10,0</td>
<td>4,0</td>
<td>14,0</td>
<td>13,0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
<td><strong>100,0</strong></td>
</tr>
</tbody>
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Source: Computation on Italian Interior Ministry’s data (aa.vv., 2007)
Table 4 - ISMU estimates of documented and undocumented migrants in Italy, 2003 - 2007 (thousands)

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<tr>
<td><strong>Total documented migrants</strong></td>
<td>1800</td>
<td>2570</td>
<td>2740</td>
<td>3012</td>
<td>3633</td>
</tr>
<tr>
<td>of which:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residents</td>
<td>1549</td>
<td>1990</td>
<td>2402</td>
<td>2671</td>
<td>2939</td>
</tr>
<tr>
<td>non-resident</td>
<td>251</td>
<td>580</td>
<td>338</td>
<td>341</td>
<td>694</td>
</tr>
<tr>
<td><strong>Total undocumented</strong></td>
<td>-</td>
<td>-</td>
<td>541</td>
<td>650</td>
<td>349</td>
</tr>
<tr>
<td>% of undocumented</td>
<td></td>
<td></td>
<td>16.1</td>
<td>17.7</td>
<td>8.8</td>
</tr>
<tr>
<td><strong>Total presence</strong></td>
<td>-</td>
<td>-</td>
<td>3358</td>
<td>3662</td>
<td>3982</td>
</tr>
</tbody>
</table>

Source: Blangiardo, 2006; Blangiardo, 2007; Blangiardo, 2008
From 1986 to 2009, regularization programs granted a legal status to more than 1.7 million of undocumented migrants (see table 5).

Table 5 - Migrants granted legal status by regularization program, Italy

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>105,000</td>
<td>217,626</td>
<td>244,492</td>
<td>217,124</td>
<td>702,156</td>
<td>294,744</td>
</tr>
</tbody>
</table>

* This figure include only the number of applications received


In 2004, Blangiardo and Tanturri estimated that, thanks to the first five regularization programs, more than half of documented migrants present in Italy at that time had obtained the legal status thanks to one of these programs.
In the Italian case, while on the one hand there’s no doubt that foreign workers are necessary in the Italian labour market and they are needed in higher numbers than the annual quota permits, on the other hand (as frequently demonstrated by the emersion of them through regularizations, that were mainly addressed to migrants who were already employed), the Italian politics, regardless the Governments’ political orientations, seems to rest ambiguous and too much oriented at embittering the situation of irregular migrants and consequently alarming the public opinion.

Long/term provisions accompanied by integration facilities seem thus to be needed in order to a more rationale and efficient management of irregular migrations. In this regard, also the positive tool represented by regularization programs tends to lose its beneficial properties without a change of perspective.
Migrants granted legal status by regularization program, Spain, 1985-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications</th>
<th>Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985-86</td>
<td>44,000</td>
<td>23,000</td>
</tr>
<tr>
<td>1991</td>
<td>130,000</td>
<td>110,000</td>
</tr>
<tr>
<td>1996</td>
<td>25,000</td>
<td>22,000</td>
</tr>
<tr>
<td>2000</td>
<td>244,327</td>
<td>152,207</td>
</tr>
<tr>
<td>2000 Reexamination</td>
<td>57,616</td>
<td>36,013</td>
</tr>
<tr>
<td>2001 Ecuadorians</td>
<td>24,884</td>
<td>24,352</td>
</tr>
<tr>
<td>2001 Rootedness</td>
<td>338,680</td>
<td>157,883</td>
</tr>
<tr>
<td>2005 Normalization</td>
<td>691,655</td>
<td>578,375</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,556,162</strong></td>
<td><strong>1,103,830</strong></td>
</tr>
</tbody>
</table>

Source: Interior Ministry, Labour and Immigration Ministry (in González-Enríquez, 2009)
As to the Spanish case, similar drawbacks are found in their irregular migration policies especially for what concerns regularisation programs. Notwithstanding the strong efforts, they were too much temporarily oriented without long-term plans.

In the majority of the cases in fact, they provided short-term permits (1-2 years) without being accompanied by planning policies, - e.g. a normative allowing to easily renew residence or work permits - by causing a likely return to the irregular status. Despite the significant improvements of the 2004 Reform aimed at encouraging a significant proportion of the informal economy to incorporate with the formal labour market by providing a successful regularization program accompanied by substantial tools allowing for a better management of immigrations in general (e.g.), the current global crisis and the subsequent recession, led to an inversion in the management of undocumented migrants.

Around 30,000 irregular migrants had been expelled and recently the minister of Labour and Immigration, Celestino Corbacho, declared no work permits would be granted to the majority of workers migrants in 2009. Moreover, voluntary immigration repatriation plans have been proposed.
### Migrants granted legal status by regularization program, Greece

**Source:** Levinson, 2005

<table>
<thead>
<tr>
<th>Regularization</th>
<th>Applications</th>
<th>Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 (a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Card (a.1)</td>
<td>371,641</td>
<td>371,641</td>
</tr>
<tr>
<td>Green Card (a.2)</td>
<td>228,000</td>
<td>220,000</td>
</tr>
<tr>
<td>2001 (b)</td>
<td>368,000</td>
<td>228,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>739,641 (a.1+b)</strong></td>
<td><strong>599,641 (a.1+b)</strong></td>
</tr>
</tbody>
</table>
The Greek case seems instead to be characterized by the following features: 1. a high negative public opinion towards immigration in general and 2. the later adoption of comprehensive political tools in order to face this increasing phenomenon.

After the failure of border controls’ policies and bilateral agreements aimed at stopping irregular migration flows, Greece tried to take advantage of the Italian and Spanish experiences by launching two regularization programs in 1998 and 2001. Despite of the strong negative public opinion, the Greek government took these decisions mainly for economic reasons, i.e. social security and tax contributions, to regularize informal economy.

However, also in this case the two programs were strongly criticized mainly because: 1. many immigrants were excluded because of the requisites but especially 2. many immigrants turned quickly in the illegal status, after their initial six-months visa expired. Both the 1997 and 2001 programs were also characterized by long bureaucratic procedures and in addition, as pointed by Baldwin-Edwards (2004) stressed the spread phenomenon of corruption among administrative Greek officials had largely pervaded all the programs.
To summarize, these countries have not individuated long-term efficient policies yet and, in many cases, they have faced perverse effects as a result of their interventions. For instance, as pointed by Reyneri (2001), the formal “closed door” policy toward immigrants (characterized by reinforcement of borders, i.e. external borders of the Schengen area, justified by high domestic unemployment) has stimulated a sizeable unauthorized flow of immigrants attracted by the opportunities offered by the informal sector.

Similar effects have been produced by the lack of a strong policy of integration coupled with a strong exploitation and stigmatization of migrant workers and by the frequent regularization policies, which have finally evolved in a pull-factor for irregular migrants.
A look to the future

By looking forward, many reasons let to think that irregular movements are likely to continue in the future, but we do not know if with similar intensity and magnitude. In our view, while regularization programs represent nowadays the only rationale tool in order to face these trends in a short-term perspective, implementing tools aimed at monitoring and/or regularising informal economy seems to represent a fundamental medium-term challenge.

However, as the underground economy is largely permeated in the economic and social systems of South European countries, this policy is difficult to be implemented. It needs of strong and probably unpopular policy interventions and politicians with a long-term vision.
The point of view
of poor peoples and countries

Which concrete hope to survive they have but emigration? Possibly legal, but if it is impossible, then the illegal one, even when it is full of risks.
The major problem: a gigantic asymmetry

Immigration can solve demographic and economic imbalances of the North of the world, and in general of receiving Cs, as they are related to millions of people.

Emigration cannot solve demographic and economic imbalances of the South of the world, and in general of sending Cs as they are related to billions of people.
This is true in general terms, as the situation is very dynamic both in receiving and sending Cs, as the economic crisis and technologies (specially robots) are changing the rules of play. There will be enough jobs for an enormous number of candidate workers?
A possible **short-term** goal

If it is impossible to multiply enormously the number of long-term legal immigrants, we can reduce the duration of stay and increase the number of people who migrate. We should largely increase temporary migrations, while we put under control underground economy.
A common **long-term** goal

We should strongly try to favor development both in sending Cs and in receiving ones.

The common objective should be to promote **co-development**.

The main problem is to have a strong, recognized and efficient political and economic authority to establish efficient bilateral and multilateral agreement.
Some Conclusions 1/2

Anyway, international migrations, both legal and illegal, represent and are going to represent a *structural factor* in the contemporaneous and future world.

Moreover, the management of those migrations seems to be extraordinarily intricate, when it is question to correctly safeguard:
  – migrants’ and their families’ individual expectations and rights;
  – immigrants groups’ rights as a community;
  – the rights of origin countries to not to be excessively spoiled of their human resources;
  – the rights of destination countries, starting from the safeguard of populations’ identity, places, cultures, for which autochthonous are and feel heritors and guardians.
Some Conclusions 2/2

In a medium-long period the constitution of 4-5 *international/ over-national regional unions* maybe could completely and appropriately solve the *migration puzzle*, and also the problem of the world government:

– an Euro-African area, in case *unified with*
– the Middle East;
– the Americas;
– the whole Indian sub-continent;
– the far Orient area
– the Pacific area;

Each Area should guarantee in their borders a plenty and free circulation of persons and goods, in addition to that of capitals and ideas. It is an enormous challenge, as it was to have free circulation of people in an area of 27 Cs in Europe.