IRREGULAR MIGRATION*

CHAPTER 8

1. Introduction

Irregular migration is undoubtedly one of the most discussed issues in migration management, whether in political debate, in conferences on migration management or on the front page of news dailies. It is by no means a recent phenomenon, although there is reason to believe that it has increased in magnitude and complexity since migration started to attract concerted attention from governments and international organizations in the early 1970s. It was largely in response to concerns about the problems faced by irregular migrants that the International Labour Conference of the International Labour Organization (ILO) adopted the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143).[1] Those same concerns featured strongly in the discussions that led to the finalization of the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families

in 1990.[2] Governments, for their part, expend considerable energy on the formulation of legislation and policies to deter irregular migration, including through regularization of status programmes, which some regard as appropriate solutions, while others consider that they do little more than invite further influxes of unauthorized arrivals.[3]

Almost 40 years of attention to irregular migration have therefore produced a great deal of analysis and experimentation, but there are no indications that the phenomenon is on the wane or that the living and working conditions of irregular migrants have improved significantly.

This chapter begins with a brief discussion of terminology and methods of measurement of irregular migration. It then goes on to identify some basic determinants of irregular migration. Following an overview of current patterns of movement across different regions of the world, the chapter concludes

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[1] Known also by its shorter title, Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The text of the Convention is available from ILOLEX, the ILO database of international labour standards, at http://www.ilo.org/ilolex/english/convdisp1.htm.

[2] UN General Assembly Resolution of 18 December 1990. The text of the Convention is available from the web site of the Office of the UN High Commissioner for Human Rights at http://www2.ohchr.org/english/law/cmw.htm. See also Textbox 13.1.

[3] For some examples of recent regularization programmes, see the discussion in Section 6.6 below and Chapter 11.

with a brief survey of policy strategies commonly utilized against irregular migration.[4]

2. Irregular Migration: Towards Terminology Convergence

A word about terminology is necessary to establish the scope of the phenomenon under consideration in this chapter. Many descriptive labels have been proposed and discussed, often heatedly, over the years. They include "illegal" migration, "undocumented" migration and "unauthorized" migration, each of which has its proponents and detractors in migration literature. Some convergence seems to be emerging on the use of **irregular** migration as the most appropriate word to refer to

migrants whose status does not conform, for one reason or another, to the norms of the country in which they reside.[5] The term "irregular" may refer variously to conditions of entry, stay and employment, including possession of appropriate documentation. Most commonly, irregularity is determined by reference to the norms of the country of destination or transit, although recent research has shown that irregularity is a multifaceted concept that is often not reflected in policy responses (see Textbox 8.1). Countries of origin with specific legislation governing employment of their citizens abroad may also consider the latter to be irregular when they do not comply with its provisions.

[4] See also Chapter 11 for a fuller discussion of some of these policy strategies.

[5] For a discussion on the definition of irregular migrant, see Guild (2004). The term was officially endorsed by the UN General Assembly Resolution 3349 (XXX) of 9 December 1975.

Textbox 8.1

Contested Spaces of (Il)Legality

Policy debates on illegality in the immigration and employment of migrants are typically based on simple conceptual dichotomies, for instance "legal/illegal", "regular/irregular", "authorized/unauthorized" or "documented/undocumented". However, the legal frameworks that govern the immigration, residence and employment of migrants in most destination countries are typically quite intricate. This means that, in practice, rather than a clearly defined dichotomy, it is "spaces of (il)legality" that are created. The spaces of (il)legality are contested, particularly where complex immigration laws collide with flexible labour markets.

In the United Kingdom, where flexibility is at the core of the government's labour market policies, there are currently more than eighty different types of entry and immigration statuses. Each type of immigration status is associated with specific conditions. For example, arrivals on student visas – the largest category of non-European Union (EU) entrants in recent years – are legally allowed to work 20 hours during term time, but full time during vacations. Migrants on self-employed permits (a type of "business visa") cannot work as employees. Au pairs must not work outside their host families, and so on.

The complexity of these rules and conditions means that there are a potentially significant number of migrants who are legally resident (i.e. with "leave to remain in the U.K."), but working beyond the employment restrictions attached to their immigration status. To account for this contested space of (il)legality, the notion of "semi-compliance" is introduced.

It is useful to distinguish between three levels of compliance. **Compliant** migrants are legally resident and working in full compliance with the employment restrictions attached to their immigration status. **Non-compliant** migrants are those without the right to reside in the host country (i.e. those "illegally resident"). **Semi-compliance** indicates a situation where migrants are legally resident but working in violation of some or all of the employment restrictions attached to their immigration status.

The category of semi-compliance – the "space between" strict legality and (il)legality – is extremely broad and captures a wide range of violations of the conditions of employment attached to a migrant's immigration status, with varying degrees of severity. Consider the case of four student visa holders working 20, 21, 25 and 40 hours per week, respectively, in the U.K. Clearly, there is a substantial difference – in terms of the degree to which the employment restrictions attached to immigration status are violated – between a student who works 21 hours per week and a student who works 40 hours per week. The discussion of where and how the line should be drawn between semi-compliance and non-compliance – or indeed between compliance and semi-compliance – can be highly politicized or rest on a personal judgment. Different actors may draw the line in different places, an example of how illegality is "socially constructed".

National laws – and the popular legal/illegal dichotomy in policy debates – usually make no distinction between semi-compliance and non-compliance. In the U.K., any action that violates the conditions attached to a migrant's immigration status makes the migrant subject to removal and employers subject to sanctions. However, a study based on survey and in-depth interviews with over 600 east European migrants and over 300 employers carried out in April 2004[1] showed that both migrants and employers perceive semi-compliance as different from non-compliance. Many interviewees felt that they were "bending" rather than "breaking" the rules. ("There are times when you do twist it a bit ... you work for an extra couple of hours, you know, nudge, nudge and so on," as an employer of a student visa holder in the hospitality sector put it). Although some migrants in this situation faced difficulties similar to those of the illegally resident, others perceived semi-compliance as a way of accessing the U.K. labour market that was preferable to illegal entry or overstaying. From the employers' point of view, semi-compliance was often perceived as a way of circumventing the complex U.K. immigration laws to suit the needs of the flexible labour market.

If governments are serious about wanting to understand and address what is typically described as "illegal migration", they need to go beyond the simple "legal/illegal" dichotomy and instead recognize the spaces of (il)legality in the migrant labour market. Otherwise, policies and public debates risk being increasingly distanced from the actual practices of employers and migrants. A more nuanced approach to the study of various types of illegality may also help to switch the debate away from viewing illegality as a social "problem" that needs to be eliminated, to analyses and policies that view illegality as a multifaceted phenomenon that can have complex consequences, not all of which are as problematic and undesirable as typically assumed.

Note:

[1] The interviews were part of a research project on *Changing status, changing lives? The socio-economic impact of EU enlargement of low wage migrant labour in the UK*, by Bridget Anderson, Martin Ruhs, Sarah Spencer and Ben Rogaly.

Source: *Martin Ruhs and Bridget Anderson, Centre on Migration, Policy and Society (COMPAS), University of Oxford, United Kingdom.*

In view of the central topic of *World Migration 2008*, namely labour mobility, an attempt to identify in accurate statistical terms those migrants whose irregularity is demonstrably linked to active participation in employment might be expected. However, the scarcity of data in this field and the absence of reliable databases thwart any such intention. Irregular migrants do not have a single prime motivation. Some of them seek family reunion, others move in search of asylum and protection. There is nonetheless good reason to believe that a preoccupation with gainful employment is common to virtually all of them. If explanatory distinctions must be established, there may be value instead in laying out the conceptual linkages and differences between irregular migration, on the one hand, and the smuggling and trafficking of human beings, on the other.

According to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, which supplements the International Convention Against Transnational Organized Crime 2000,[6] "smuggling of migrants" is defined as

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

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[6] UN General Assembly Resolution A/RES/55/25 of 15 November 2000. The text of the Convention and its Protocols is available on the web site of the UN Office on Drugs and Crime at http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf.

which the person is not a national or a permanent resident (Article 3(a)).

Trafficking is another process that feeds irregular migration flows, most frequently for work purposes, and is characterized by its exploitative nature and a disregard for the migrant's human rights. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), defines trafficking as:

(t)he 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 (Article 3(a)).

For the purpose of this definition, the consent of the victim is irrelevant if any of the identified means are used, and "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation" is considered "trafficking in persons" even if such means are not used (Article 3(b), (c) and (d)). As this definition and indeed the very title of the Protocol indicate, many forms of trafficking affect mainly women and children, who are most frequently trafficked for sexual abuse or labour exploitation, although they may also be trafficked into forced marriages or delinquency. Victims of trafficking are exposed to physical and psychological abuse, denied human and labour rights and often found in a forced and unwanted dependency relationship with their traffickers, originating in the financial debt incurred for migration and placement services. A perspective on the extent of trafficking for forced labour of men, women and children, extrapolated from the data in the International Organization for Migration's Global Human Trafficking Database, is described in Textbox 8.2.

Textbox 8.2

Trafficking for Forced Labour

No discussion of the place of labour migration in an evolving global economy is complete without reflection upon the phenomenon of trafficking in persons.[1]

Traditionally, national and international counter-trafficking activity and policy have sought to combat the phenomenon by addressing the supply side, or what can be referred to as the root causes of trafficking in countries of origin, including economic inequality, gender discrimination, violence and corruption, and the lack of safe and regular migration opportunities. However, there has been increasing international recognition that serious attention must also be given to the root causes in countries of destination, and above all the demand for cheap and unprotected labour.

Irregular migration, and particularly the trafficking in persons for all forms of exploitation, cannot be separated from the process of globalization in general and the move towards a more global economy. New labour markets emerge, creating new employment opportunities across the globe for skilled and less-skilled workers, both men and women. But such economic growth has not been matched with the evolution of safe, humane and orderly migration channels to facilitate and satisfy this demand for labour. This tension between the growing need for labour and services on one side, and too few regular migration opportunities on the other, creates a niche for intermediaries to intervene and make profit. These intermediaries are the human traffickers, who exploit, abuse and victimize the migrant workers, especially those in an irregular, and hence more vulnerable, situation.

Only recently has the necessary attention been afforded to trafficking for non-sexual forms of exploitation as well as to men and boy victims. The exploitation of individuals by human traffickers exists in a number of employment sectors, often informal ones

that are less subject to official labour inspections, including construction work, agriculture and food processing, the fisheries sector, domestic and care work, hospitality and entertainment. Women, men, boys and girls are also trafficked for the purposes of begging and low-level criminal activities.

While accurate figures on the number of persons trafficked each year are difficult to obtain given the clandestine nature of the phenomenon, one estimate states that, globally, there are at least 2.45 million people in forced labour as a result of internal or international trafficking in persons (Belser et al., 2005).[2] It is clear that significant numbers of male and female migrants are being exploited and their human rights abused by human traffickers. Child trafficking for sexual and labour exploitation also continues to exist to an alarming degree.

If human trafficking for all forms of labour exploitation is to be combated, it is necessary to tackle also the demand for cheap, unprotected and often irregular labour. Informal and unregulated work activities need to be brought within the protection of labour laws so that the rights of all workers are protected. And lastly, though by no means least, the demand for migrant workers needs to be matched with safe, humane and orderly migration channels, and with migration management policies between source and destination countries that fully stand to protect the rights of all migrants.

Information from the IOM Global Human Trafficking Database

The International Organization for Migration (IOM)'s Global Human Trafficking Database is a unique tool, which is used to collect information and monitor IOM's return and reintegration assistance to victims of (human) trafficking (VoTs). The database is the world's largest of primary data on registered VoTs, containing only primary data on registered victims of more than 80 different nationalities trafficked to more than 90 destination countries. At the end of December 2007, the database contained data on 12,681 registered cases of VoTs assisted by IOM, with a breakdown of 10,510 females (83%) and 2,169 males (17%) (Table 8.1).[3] Individuals assisted by IOM encompass all age groups, with just under half the caseload aged between 18 and 24 at the time of interview, and approximately one-fifth aged below the age of 18.

While the majority of individuals assisted by IOM are females trafficked for prostitution and other forms of sexual exploitation (8,326 cases to date), IOM's return and reintegration assistance programmes do not focus solely on trafficking for sexual exploitation; assistance is also provided to individuals who have been trafficked, both internally and internationally, for exploitation in such sectors as agriculture, construction work, food processing, domestic employment and childcare work, fisheries, and for the purposes of begging to name but a few.

Table 8.1:

Victims of Trafficking Assisted by IOM, by Gender and Type of Exploitation, 1999-2007

Type of Exploitation	Sex	1999	2000	2001	2002	2003	2004	2005	2006	2007*	Total
Labour exploitation	Female	0	17	50	78	172	161	392	367	303	1540
	Male	0	0	6	120	219	251	514	453	290	1853
Labour exploitation and low-level criminal activity	Female	0	0	0	0	1	0	1	0	1	3
	Male	0	0	0	0	1	1	0	0	1	3
Low-level criminal activity	Female	0	0	0	9	13	22	32	8	5	89
	Male	0	0	0	0	4	7	3	1	2	17
Other exploitation	Female	0	8	24	13	9	43	61	87	61	306
	Male	0	0	2	21	3	0	1	5	3	35
Sexual exploitation	Female	28	566	725	957	639	1,224	1,584	1,567	1,036	8,326
	Male	0	0	11	19	45	21	24	78	57	255
	Not known	0	0	0	0	1	0	0	0	1	2
Sexual exploitation and labour exploitation	Female	0	0	0	7	27	48	69	52	43	246
	Male	0	0	0	1	0	2	0	1	2	6
Total		28	591	818	1,225	1,134	1,780	2,681	2,619	1,805	12,681

Note:

* Based on cases registered in the database up to and inclusive of 31 December 2007.

Source: IOM Global Human Trafficking Database.

Although not readily citable as a trend per se, given that IOM counter-trafficking activities are project-specific,[4] it can be noted that IOM field missions are increasingly assisting individuals trafficked for labour exploitation (3,393 cases), and also an increasing number of male VoTs (2,169 cases). For example, IOM has provided return and reintegration assistance to Ukrainian males trafficked to Russia for labour exploitation. Within the IOM global human trafficking dataset, the most significant number of individuals trafficked for forced labour are indeed trafficked to the Russian Federation, with Ukrainian and Belarusian nationals appearing as the most represented nationalities of individuals trafficked for forced labour.

IOM has further assisted 2,046 VoTs under the age of 18 at the time of interview. The majority consisted of girls trafficked for sexual exploitation; however, it can be noted that IOM has a regional counter-trafficking project in Ghana, which, at the time of publication, had assisted more than 500 children (boys) internally trafficked for exploitation in the fishing industry.

Notes:

[1] See Section 2 above for the definition of trafficking under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime.

[2] The *Trafficking in Persons Report 2006* of the U.S. Department of State estimates that 600,000 to 800,000 persons are trafficked across international borders each year. Other organizations have stated similarly higher and lower figures.

[3] There are missing data for two cases.

[4] Further, as stated, policy and practice have predominantly focused on the trafficking of women and girls for sexual exploitation and thus there has arguably been a bias towards the number of VoTs identified as having been trafficked for sexual exploitation compared to the number of VoTs identified as having been trafficked for labour exploitation. Such a bias in turn impacts upon data collection.

3. Determinants of Irregular Migration

In very broad terms, the determinants of irregular migration are not different from those of regular migration. It can be argued that both movements are outcomes of the various and interconnected social and economic dynamics operating in our globalized world. However, while, by definition, regular migration proceeds along open and established channels, irregular migration seeks to circumvent them. In this regard, the Global Commission on International Migration (GCIM) draws attention to limitations of the meaning of a "global labour market":[7] highly skilled professionals such as information technology specialists or health professionals and world class athletes may be able to pursue their careers across the world, but "for the majority of people and in most regions of the world, national labour markets prevail and the opportunities for them to seek work in other countries remain limited" (GCIM, 2005: 15, para. 22). This mismatch between supply and demand is one of the factors underlying the so-called "nexus" between asylum and migration: the propensity of significant numbers of irregular migrants to make use of asylum procedures not because of a genuine need for protection, but to gain entry to new countries and access to their labour markets. This pattern is particularly evident when asylum systems are perceived as the primary or only official mechanism sanctioning the entry and stay of foreigners in the absence of an alternative means of access to the labour market.

Channels for regular migration, in particular labour migration, are defined by the policies of countries of destination, sometimes, but not always, in consultation with and the assistance of countries of origin (see also Chapter 13). They are, to a large extent, a response to the demand for foreign workers coming from domestic labour markets. When the supply through established channels does not match the demand, irregular migration dynamics come into their own. For instance, in Italy, 520,000 requests from employers for foreign workers contended with 170,000 available places offered in 2006 by government decree (see Section 5.1 below).

Another way of gauging the magnitude of opportunity, if not demand for irregular migration, is to examine the operation of informal economies,

[7] See Chapter 1 for a discussion of "global labour market".

their underlying social networks and, ultimately, the migrant-recruiting industry that services them. The informal economy is the natural point of insertion into the labour force for migrants who cannot find regular employment because of their lack of appropriate documentation. According to Schneider (2004), the informal economy as a percentage of official GDP accounted for 28.2 per cent in Greece, 25.7 per cent in Italy, 22.0 per cent in Spain and 21.9 per cent in Portugal in 2003 – all of them countries that have repeatedly implemented regularization programmes. However, the informal economy is not evenly developed throughout all sectors of the economy. According to conservative estimates by the Italian National Institute on Statistics (ISTAT, 2006), 11.5 per cent (2.7 million) of employed workers were in an irregular situation in Italy in 2004; the figures were much higher in the service (18.4%) and agricultural sectors (18.3%). It is important to note, however, that migrants accounted only for a very modest proportion (4.5%) of the informal labour market, with nationals actually making up the vast majority of those working in an irregular situation.

Social networks are constantly linked to irregular labour migration, as they provide the necessary information and contacts to migrants for both unauthorized entry into the country and subsequent insertion into the workforce. Some studies contend that the impact of social networks is limited compared to that of employers (Krissman, 2005), but there is much evidence that little irregular movement can occur without the information, advice, encouragement and support of family and friends, although it is by no means unknown for the latter to seek to exploit those who rely on them.

Beyond family and friends, there are more structured systems of recruitment, sufficiently developed to bear the collective name of a recruitment industry. The industry has a pervasive role in the phenomenon of irregular migration, from advertising and recruiting in the country of origin, to connections with migration officials and transportation employees,

to linkages with migration brokers, employers and social networks abroad. This, however, does not imply that there is one monolithic system overseeing irregular migration around the world. Rather there is a multiplicity of profit-making concerns that change their configurations at will, setting up and dismantling business fronts, initiating and reacting to market needs and opening or closing routes in response to enforcement patterns (Salt and Stein, 1997; Battistella and Asis, 2003).

4. Measurements of Irregular Migration

Virtually every research paper on irregular migration deplores the lack of reliable data on the subject since, by its very nature, it eludes established data collecting systems. Accurate statistics are rarely available and, at best, one generally has to make do with estimates, and at worst with wild guesswork. The data are often influenced by the methodology utilized and sometimes by the agenda of those reporting on the subject.

Jandl (2004) and Massey and Capoferro (2004) explore the limitations of both commonly exercised and less frequently utilized methods of measurement. Census data provide very sound and comprehensive information on immigrant populations as a whole since they identify the place of birth and citizenship of respondents, but they do not distinguish between regular and irregular migrants. Highly sophisticated residual techniques must then be applied to arrive at estimates of the irregular migrant contingent, but the results require careful interpretation (Costanzo et al., 2004).[8] Intercensal surveys are more focused and more frequently conducted than statutory censuses, but they are not based on sufficiently large samples for safe conclusions to be drawn about the size and composition of the irregular migrant

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[8] According to these calculations, the estimated "residual" foreign-born population in the U.S. was 3.77 million in 1990 and 8.71 million in 2000. These figures include irregular migrants, arrivals residing lawfully, but not yet included in official figures, and arrivals awaiting finalization of their requests for regularization.

population. Some, but by no means all, countries have registration systems that require individuals to notify authorities of their arrival, departure or change in status, but irregular migrants are unlikely to bring themselves to notice, at least not until they can apply for regularization.[9] Matching arrival and departure records would appear to be a relatively simple and reliable way of determining the number of overstayers in a country. However, in addition to errors in reporting such information, there are many countries that do not require exit controls (for instance, the U.S. abolished them in 1957) and record matching can be costly in terms of both time and money.[10] Massey and Capoferro (2004) suggest the use of ethnosurveys, which combine quantitative and qualitative methods with ethnographic and survey techniques. The resulting databases are certainly rich in information, but the question remains whether they can really lead to a better approximation of the number of irregular migrants in a particular country.[11]

The European Union (EU) has established the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI), which began its work in 1995. It gathers data on irregular migrants derived from different administrative operations, but the results are subject to numerous limitations, including the important issue of comparability of the figures among participating countries (Mitsilegas, 2004).[12] Officials are relying more on data from removals of non-nationals, although such data do not specify whether removal was forced or voluntary, nor whether the same person might have been involved and counted more than once.

Estimates of the number of irregular migrants based on those remaining after regularizations have been used in particular in southern Europe. One advantage of such data is that they concern the stock of irregular migrants present in the territory and that they contain a host of qualitative data. Obviously, this measurement does not capture those migrants ineligible for regularization or who decided for some reason not to take advantage of it. A similar data set results from mass registration exercises, which have often been conducted in Asia. In the case of registrations, however, as persons are invited to return to their country either immediately or after a short time, the danger of missing people who would prefer to remain in an irregular status is higher, and the possibility that the same person might be counted in a subsequent registration very real.

Given this rather bleak picture, it is hardly surprising that specialists in this field are reluctant to provide anything more specific than orders of magnitude or scales of possibility. On the basis of a national survey of employers, Piguet and Losa (2001) concluded, for instance, that there were between 70,000 and 180,000 foreign-born persons employed without authorization in Switzerland. Similarly, the estimated number of unauthorized migrants in France in the late 1990s was between 140,000 and 500,000 (Delaunay and Tapinos, 1998).

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[9] An exception might be Spain, where even irregular migrants are registered at local municipalities.

[10] In the "Schengen zone", applicable for the time being to 25 of the 27 EU Member States as well as Iceland and Norway, the passports of all third-country nationals have to be stamped on entry and exit, which should make it easier to detect overstayers as well as the extent of the problem. See Regulation 562/2006/EC of the European Parliament and of the Council of 15 March 2006 establishing a Community Code governing the movement of persons across borders (Schengen Borders Code), OJ 2006 L 105/1.

[11] See also Chapter 9 for a discussion of the various sources of data on irregular migration.

[12] However, on 11 July 2007, the EU Council of Ministers and the European Parliament adopted Regulation (EC) No. 862/2007 on Community statistics on migration and international protection (OJ 2007 L 199/23), which establishes common rules for the collection and compilation of EU statistics on inter alia immigration to and emigration from the territories of Member States, including on third-country nationals refused entry, those found to be present without authorization and the number of undocumented third-country nationals who are obliged to leave (or who have in fact left) the territory of the Member State concerned (Articles 1, 5 and 7).

At the global level, ILO estimates refer to irregular migrants as representing 10 to 15 per cent of total migrant stocks and flows (ILO, 2004),[13] although this average obviously masks large regional or national variations.

5. Irregular Migration Flows and Trends

Any ambition to identify clear routes and patterns involved in irregular migration flows is quickly dispelled when one is confronted with the diversity of possibilities offered in an increasingly mobile world. Maps that try to depict such routes often appear as intricate webs of arrows and dots, with limited explanatory power. However, it is true, particularly for irregular migrants, that the migration process depends on information and that mediators play a crucial role. If clear routes might not always be identifiable, some cities and border-crossings have emerged as hubs, offering a high density of information sources on how to proceed with the journey. At these staging posts, smugglers set up their operations to offer travel packages, often proposing the guarantee of one or several repeat attempts should the first one fail.

Considering the difficulties and limitations of reporting on irregular migration flows by routes and hubs - and bearing in mind that a large proportion of regular migrants lapse into this status after entry through a legal point of entry - this section attempts to provide a broad overview of patterns of movement discernible across geographical areas that do not correspond to strictly defined migratory systems, but represent zones of more or less intense activity.

5.1 Southern Europe – Irregular Access by Sea

Countries in southern Europe were the source of large migratory outflows for almost two centuries during the industrial development phase in Europe and North America. Then, when the economies of these countries progressed to the post-industrial stage at the beginning of the 1970s, they became the main destination of new migrations, first from Africa, then from eastern Europe and Latin America. In the years following the fall of the Berlin Wall, Germany was the major net destination of migrants in Europe (almost 70% of the total) as it experienced the arrival of *Aussiedler*[14] as well as asylum seekers. Since 1998, Spain has become the leading net immigration country in the EU, accounting for 35 per cent in 2003, followed by Italy with 28 per cent, while Germany ranks fourth, after the United Kingdom (European Commission, 2005). Portugal's conversion to being a net destination of migrants occurred as recently as 1998.

As irregular migration is a component of migration flows, it is hardly surprising that Europe has also become a major destination of irregular migration. The major entry points are in the south and southeast of the continent. North Africa, for a long time an important region of origin, is now also a main region of transit. The short distance to the mainland or to islands that are constituent parts of European countries and the increasingly organized smuggling industry override the potential dangers of a journey at sea. Based on apprehension data, the UN Office on Drugs and Crime (2006) estimates that at least 200,000 irregular migrants enter Europe from Africa annually. However, although most prominent in terms of media exposure and numbers of tragedies, irregular migration from Africa is not the most important source of irregular migrants, as many irregular migrants enter over eastern land borders with a valid visa and subsequently, owing to intervening circumstances, such as overstaying and working without authorization, shift into irregular status (see Section 5.6 below).

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[13] "Information obtained from regularization programmes and other sources suggests that 10 to 15 per cent of migrants are irregular" (ILO, 2004: 11, para. 37, citing Hatton and Williamson (2002)).

[14] Persons of German ancestry mainly from central and eastern Europe and the former Soviet Union.

The two main destinations for irregular migration in southern Europe are Spain and Italy, where the phenomenon has been resistant to both regularization programmes and reinforced interdiction efforts at sea.[15]

On the basis of the difference between the number of foreigners registered on the census lists and the number of residence permits issued, it was estimated that there were over one million unauthorized migrants in Spain in 2003 (SOPEMI, 2004). Two years later, nearly 700,000 applied under a major regularization programme. The overwhelming majority of irregular migrants in Spain come from Latin America (at 20%, Ecuadorians were the largest group, followed by Colombians (8%) and Bolivians (7%)). Eastern Europeans, especially Romanians (17%), were also present in significant numbers, as were Moroccans (12%). Information derived from the 2005 regularization exercise reveals that 59 per cent of migrants were male and 41 per cent female. Most of the applicants held low-skilled jobs: 32 per cent were domestic workers (83% women), 21 per cent construction workers (95% men), 15 per cent working in agriculture, 10 per cent in catering and 5 per cent in commerce (Karaboytcheva, 2006).

According to the Italian Ministry of Interior, the number of unauthorized arrivals by sea has increased by almost 50 per cent since 2003, reaching a total of 22,016 people in 2006 (Caritas/Migrantes, 2007). The corresponding figures for 2005 show that 96 per cent of the arrivals were male, while a disconcerting 7 per cent were minors (Caritas/Migrantes, 2006). To have a more realistic picture of the dimension of irregular migration in Italy, one can turn to the 2006 amendment to the decree establishing the number of residence permits to be granted to third-country nationals with a work contract in Italy. The

number was limited to 170,000, but 517,000 who were already present and working in Italy, filed an application. The approval of an additional 350,000 residence permits[16] puts the size of the irregular migration contingent living in Italy at that point in time at around 500,000. About 90 per cent of arrivals consist of 10 nationalities, among which migrants from North Africa and the Middle East are the most numerous, underlining that geographic proximity is still one of the main factors influencing the decision to migrate irregularly; Egyptians account for the largest group (45%), followed by Moroccans (15%), Eritreans and Tunisians.

Portugal and Greece rank after Spain and Italy as the two major recipients of irregular migrants in southern Europe. According to government estimates, Portugal would have had 500,000 irregular migrants at the end of 2004, with about 30,000 from Brazil. Results of the regularization process in Greece indicate that the total number of irregular migrants in April 2006 could have reached about 550,000, although fewer than 200,000 applied for regularization around that time, possibly because of the high application fees (EUR 1,176 per person) and the complexity of the application process.

Crossing the Mediterranean has always been, and still is, the main route for migrants to irregularly access southern Europe from Africa. This pattern seems to persist notwithstanding the recently increased controls. However, in response to this reinforcement of surveillance and interdiction activities, alternative routes have been developed. While the traffic was once concentrated in the Gibraltar Strait, through the two enclave cities of Ceuta and Melilla, the route via the Canary Islands has now become the preferred staging post into Spain from various departure points along the West African coastline. However, in the first seven months of 2007, the number of migrants intercepted on or off the Canary Islands dropped by

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[15] It has been reported that EU patrols have substantially reduced arrivals since the beginning of 2007, although the European Commission has also called for improvements in EU cooperation (EU business.com, 2007a, 2007b).

[16] *Gazzetta Ufficiale della Repubblica Italiana* [*Official Journal of the Republic of Italy*], Anno 147, No. 285, 7 December 2006, p. 13.

55 per cent to 5,700 from 13,700 during the same period in 2006. This drop has been attributed inter alia to greater vigilance on the part of countries of departure and surveillance missions conducted by Spain alone or within the framework of the EU border agency FRONTEX (*Migration News Sheet*, September 2007).

Substantial patrolling operations have also been undertaken along the short route which connects the Libyan and Tunisian coasts to the island of Lampedusa, the main entry point for irregular migrants heading to Italy from Africa. While traffic along this route decreased by 4.5 per cent in 2006 (*Corriere della Sera*, 5 January 2007), it is very likely that migrants have opted to enter Europe through the alternative Canary route. In addition, patrolling operations have not been really effective in limiting the presence and power of organized gangs, who still handle the whole operation and charge between EUR 1,000 to 2,000 per person for the sea crossing from Libya to Italy (Moscarelli, 2008).

In both routes towards Spain and Italy, countless migrants perish along the way. If the numbers of irregular migrants can only be estimated, the number of migrants dying en route to their destination is even more uncertain. According to the NGO Andalusian Association for Human Rights [*Asociacion Pro Derechos Humanos de Andalucia*], 289 irregular migrants were confirmed dead or lost at sea in 2004, but some estimates suggest that the real number of deaths might have been closer to 500. Yet, approximately 1,200 to 1,700 migrants who left Mauritania in February and March 2006 never reached Spain and might have died. Finally, the then EU Commissioner Franco Frattini's conjecture was that during the summer of 2006 perhaps 3,000 people died while crossing the Mediterranean to reach Europe (Palidda and Cuttitta, 2007).

5.2 Western Europe – In and Out of Irregularity

Compared to the southern borders of Europe, western European countries appear less exposed to the large-scale entry of irregular migrants, particularly those entering without documents in a clandestine manner. In the past, intermediate central European countries operated as a buffer zone. Since the EU enlargement, to 15 and now to 27 countries, the former buffer role played by central European countries has become rather more complex. They are now the frontline states on the external EU border and are major suppliers of migrant workers to western Europe.

All western European countries are host to a number of irregular migrants, many of whom entered with a regular visa but then overstayed and worked without authorization. Figures on irregular migration are not published regularly, but at the political level there are frequent acknowledgements of both the magnitude and persistence of the problem. In France, the then Minister of Interior, Nicolas Sarkozy, estimated in June 2006 that there were between 200,000 and 400,000 irregular migrants (PICUM, 2006). In April 2005, a report on "*sans-papiers*" in Switzerland revealed that there were some 90,000 persons living in the country without authorization (Swiss Federal Office for Migration, 2005). In the United Kingdom, a report for the Home Office estimated the number of irregular migrants in 2001 at 430,000, suggesting that the actual number could be as low as 310,000 and as high as 570,000 (Woodbridge, 2005).

The participation of irregular migrants in the economy, especially the informal one, is a subject of much conjecture, but it is generally acknowledged that it is high, especially in agriculture and in the construction and service industries.

5.3 North America – The Focus on the U.S.-Mexican Border

Irregular migration is an issue affecting, in particular, the United States, where the number of irregular migrants has continued to increase, irrespective of countervailing legislative measures, beginning with the Immigration Reform and Control Act (IRCA) in 1986 and all control measures thereafter. The consistent demand for labour in the U.S. economy, the still hefty, though now reduced to a 1:6 ratio income differential between the U.S. and Mexico, the long border between the two countries, the increasing trade and industrial relations, the large Mexican community residing in the U.S. (about 12 million, approximately 10% of the Mexican population, perhaps half in an irregular status[17]) with large social networks, are among the determinants of a social phenomenon which remains a major concern of policymakers and public opinion.

Estimates of the number of irregular migrants in the U.S. are for the most part convergent. A report of the U.S. Department of Homeland Security estimated the number of irregular migrants at 11 million as of January 2006, an increase of 500,000 compared to January the previous year, while a report by the Pew Hispanic Center (Passel, 2006) put the estimate at between 11.5 and 12 million as of March 2006, two-thirds of whom would have been in the country for ten years or less. A breakdown by nationality indicates that six million are from Mexico, 470,000 from El Salvador, 370,000 from Guatemala, 280,000 from India, 230,000 from China, 210,000 from South Korea, 210,000 from the Philippines, 180,000 from Honduras, 170,000 from Brazil and 160,000 from Viet Nam. In terms of occupations, 7.2 million, almost five per cent of all workers in the U.S., were employed, with a significant presence in some occupations, such as farm work (24%), cleaning (17%), construction (14%) and food preparation (12%).

As to the mode of entry, the Pew Hispanic Center estimated that up to half of irregular migrants might have entered the country legally and overstayed their visa, while the rest entered by evading border inspection in many ways (hiding in vehicles, trekking through the desert, wading across the Rio Grande). Perhaps between 250,000 and 350,000 annually overstay their visa, a tiny fraction of the 179 million non-immigrant admissions, but a significant contribution to the stock of irregular migrants. A specific group of overstayers consists of holders of a Border Crossing Card (Mexicans and Canadians), who are authorized to stay for a maximum of 30 days within 25 miles of the border (75 miles at the border with Arizona) but fail to observe these conditions.

Mexico is not only the major country of origin of irregular migration to the U.S. (over 450,000 a year), but also a transit country for irregular migration from Central and South America. This flow has become more pronounced since the 1990s. At the same time, under pressure from the U.S., Mexico has increased the number of apprehensions and deportations of irregular migrants. In 2004, 215,695 Central Americans, half of them arrested in the border region of Chiapas, were deported. According to the Mexican Government's National Migration Institute (*Instituto Nacional de Migración*), deportations increased to 240,269 in 2005, to decrease again to 167,437 in the first 10 months of 2006. The decline could be a sign of a more general decline in migration from Central to North America, but some experts point instead to the development of alternative routes and the use of more effective methods to evade detection. The Central American region and the Caribbean are not only points of origin of irregular migration, but also transit areas, even for people coming from other continents, for example, the Chinese.

The 5,500 mile border between the U.S. and Canada (a third of which is with Alaska) is subject to increasing levels of border security. The U.S. is adding Border Patrol agents, and Canada plans to provide its agents with arms. The number of irregular migrants in Canada was estimated at approximately 200,000

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[17] When not indicated otherwise, figures concerning irregular migration to North America are taken from the Internet quarterly *Migration News*: http://migration.ucdavis.edu/mn/index.php.

in 2006, employed particularly in construction and other blue-collar jobs. The government is not considering granting them amnesty as demanded by some employers. However, employer demands for more workers are being met to a certain degree through the recent expansion of Canada's temporary migrant worker programme (see Chapters 3 and 11).

5.4 Central America and the Caribbean – Mainly Labour Movements

Significant irregular migration flows also occur within the Central American sub-region.[18] Approximately half of the 500,000 migrant workers in Costa Rica have irregular status. Many of these irregular migrants come from neighbouring countries, particularly Nicaragua (somewhere between 65,000 to 100,000)[19] and are concentrated mainly in agriculture[20] but also in other forms of lower-skilled employment, such as construction, tourism and domestic work.

In the case of Haitian migration, the enhanced U.S. policies to protect its coastal areas and territorial waters from incursions over the past decade have reduced the number of attempts by irregular migrants to reach the State of Florida, with the result that the migration route has switched towards other Caribbean islands, especially the Bahamas and the Dominican Republic. Estimates of the number of Haitian migrants in the Dominican Republic vary from 500,000 to 1.5 million. However, reliable sources suggest there are between 500,000 and 700,000 Haitians living in the Dominican Republic, the majority of whom do not have valid visas or work permits (Achieng, 2006).[21] An estimated 40,000 to 50,000 Haitians or Haitian descendants reside in the Bahamas, most of whom work in low-paid, lower-

skilled jobs in agriculture/landscaping, construction, domestic service and informal trading (Fernández-Alfaro and Pascua, 2006). Smuggling rings take advantage of the demand for labour by bringing in irregular migrants from Haiti.

5.5 South America – Fluctuating Policies and Fluctuating Flows

Migration in South America has traditionally been organized around two sub-systems: one involving the countries of the Andean region with Venezuela as the major destination; the other concerning the countries of the south, with Argentina as the main destination.

Migration in these two regions, as on the continent as a whole, has changed considerably in recent times. Both the Andean region and the countries of the south have become characterized by intensive out-migration, particularly from Ecuador and Peru, but also from traditional countries of destination like Argentina and Brazil. Increasingly, these migrants head towards North America and Europe as intra-regional movements have declined, especially in the years of economic crisis in Argentina. During the crisis, perhaps as many as 300,000 migrants left Argentina, by far the largest immigration country in South America with 1.5 million immigrants in 2001. This movement has already subsided, and Argentina once again attracts low-skilled foreign workers, particularly from Paraguay and Bolivia, who arrive to find seasonal employment and feed the informal economy.

Regularization mechanisms have certainly been one of the major policy strategies pursued by South American countries in an effort to tackle the phenomenon of irregular migration. Overall, changes in migration trends and policies have resulted in a drop in the numbers of irregular migrants in the southern part of South America. Chile, Bolivia and Peru regularized about 700,000 migrants in 2004 (O'Neil et al., 2005) within the Common Market of the South (MERCOSUR) cooperation

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[18] Some of these movements are also described in Chapter 3 on low and semi-skilled workers.

[19] Most of this migration responds nevertheless to the demand for seasonal jobs (IOM, 2001).

[20] According to the Costa Rican Ministry of Labour and Social Security, in 2002-03 there were 50,400 seasonal migrants working in agriculture, of whom 40,900 (or 81%) were undocumented.

[21] Only some five per cent of these Haitian migrants are said to have identification (Achieng, 2006).

framework. Following its migration policy reform of 2003, Argentina suspended the repatriation of Peruvian citizens in 2004 and, beginning in July 2004, immigrants coming from non-MERCOSUR countries were given 180 days to regularize their status (Jachimowicz, 2006). These opportunities for regularizations did not attract a large response (although about 200,000 migrants regularized their status), mostly because the benefits only partially offset the costs of regular status, including payment of social security contributions. The regularization launched in Argentina in April 2006, called "*Patria Grande*", is having more success and, in November 2006, the Minister of Interior estimated that 332,000 people were eligible for regularization, 80 per cent of them from Paraguay and Bolivia, and the remainder from Brazil, Peru and Uruguay. Textbox 8.3 presents a fuller account of some of the recent regularization programmes in this region as well as other countries in Latin America.

Textbox 8.3

Regularization Programmes: The Latin-American Case

The issue of migrant regularization is of importance for both the migrants concerned and their host societies.

While countries of destination can rely for guidance on general international instruments addressing the fundamental rights of migrants, their specific attitudes and approaches to regularization will be influenced by a wide range of factors, such as their available human and material resources, their perceived need for foreign talent and their capacity for the integration of newcomers.

Regularization processes grant legal status to non-authorized immigrants in countries of destination on the basis of certain criteria and vary considerably in both format and content. They may, for instance, be established unilaterally by a country of destination or may be part of a bilateral agreement between a country of origin and a country of destination. They can be ongoing or limited in time, individual or collective.

The Latin American region has a long tradition of implementing regularization programmes, some of which are referred to below:

Argentina

In December 2005, the Argentine Government launched the National Programme for the Regularization of Migrants "*Patria Grande*", which seeks to facilitate the insertion and integration of the migrant population through the granting of residence status. The programme is in keeping with the government's ideal of South American integration and intended to eradicate exploitation of irregular migrants by the business sector.

In its first phase, the programme was aimed at migrants from outside the MERCOSUR, the Common Market of the South consisting of Argentina, Brazil, Paraguay and Uruguay. According to the Interior Ministry, a total of 13,000 people, mainly from Asia and eastern Europe, were granted residence during this phase. The second phase, which started on the 17 April 2006, has facilitated the regularization of 552,909 migrants from MERCOSUR and associated countries, including Bolivia, Colombia, Ecuador and Peru (Ministry of the Interior, Argentina, 2008).

In this regard, a new settlement criterion is to be implemented, based on the possession of the nationality of one of the countries of the region and the principle of good faith, as a guiding principle for further regularization programmes.

Ecuador

In Ecuador, a decree has been issued to coordinate administrative processes enabling the regularization of undocumented Peruvians in the southern part of the country.

Through dialogue, Ecuador seeks to create legal options to introduce a regularization process for third-country nationals present in Ecuador and to establish a database for authorities to know how many foreigners are living in Ecuador, where they are living and their occupations.

Mexico

Mexico implemented a large regularization programme which benefited 15,000 migrants in the period 2002-2006, most of whom were from countries in Central America (National Institute of Migration, 2007).

Venezuela

The "*Mision Identidad*" (Identity Mission) implemented by Venezuela provided documentation to migrants who had been living in the country for many years and who did not possess identity cards, thereby formally incorporating them into the country's national development plans. The government regularized over 415,000 migrants during 1998-2006 (Ministry of Foreign Relations, Venezuela, 2006).

Source*: José-Angel Oropeza, IOM Bogotá.*

5.6 Africa

Africa is a vast continent characterized by many different migratory sub-systems besides two clearly defined poles of attraction. On the one hand, North Africa attracts people heading for Europe as their final destination (but who increasingly diversify their points of departure in West and East Africa) and, on the other, there is South Africa, which receives migrants from a large catchment area in the southern part of the continent. The Sahara desert used to serve as a separation boundary, but it has increasingly become a transit area, often a deadly one.

(a) North Africa – the African gate to Europe: from transit to settlement

The presence of North African migrants in Europe, particularly in southern Europe, is, at least in part, the result of irregular movements eventually normalized through regularization processes. This experience has generated the knowledge and logistics to sustain well established routes for migrants from East and West Africa. The most utilized one originates from the Gulf of Guinea (Benin, Cameroon, Ghana, Nigeria, Togo), crosses Mali and Niger, and leads north, through Algeria, where it bifurcates east towards Libya and west towards Morocco. Agadez in Niger, Gao and Kidal in Mali, and Tamanrasset in Algeria are transit nodes. A different route cuts southwest towards Senegal and Mauritania to cross over to the Canary Islands. The route that originates from East Africa cuts across Sudan, with Selima as the nodal point, and enters Libya at Kufra, the major port of entry, where migrants stay a short time before reaching the coast. Tripoli and Benghazi are the main departure points, with Lampedusa as the preferred destination.

Finally, it is worth noting the partial transformation the Maghreb countries are undergoing. They are now both transit and destination countries for sub-Saharan migrants. The countless tragedies that have occurred during the passage across the Mediterranean have certainly played a role in prompting some potential irregular migrants to delay their departure and in discouraging others from undertaking the crossing altogether. Some studies concerning Morocco have estimated the average time a migrant will stay between entry and embarkation for Europe at approximately 15 months (Collyer, 2006). The total number of such migrants has not been very high (between 7,000 and 13,000), but their condition as

irregular migrants puts them under severe stress, as Morocco is under pressure from European countries to act to control irregular migration from its shores. The same can be said of Libya, where migrants break their journey to collect money for the crossing, and where they also end up if their attempts to proceed fail. In Libya, an economy for transit migration has flourished, both in Kufra, where people of many nationalities have settled to provide information to arriving new migrants, and the coastal cities where they prepare for departure (Hamood, 2006).

(b) Sub-Saharan Africa – diversity of movements

Sub-Saharan irregular migration is characterized by significant cross-border movements (see also Chapter 7) as well as flows to Europe and South Africa.

As opposed to migrants from North Africa, sub-Saharan communities are much less numerous in Europe and tend to gather by nationality. Irregular migrants from Senegal are found mostly in France and Italy, Nigerians are more numerous in the U.K. and Ireland. In the U.K., there are also irregular migrants from Zimbabwe and South Africa, while irregular migrants from Cape Verde, Angola and Guinea are found mainly in Portugal.

South Africa is the most prominent, although certainly not the only African destination of irregular sub-Saharan migrants (see also Chapter 3). Categories of irregular migrants include, among others, retrenched miners who remain in the country, tourists and students who work without permits, overstayers and migrants who entered evading border controls. A study estimated their numbers at anywhere between 390,000 and 470,000 (Crush and Williams, 2005).

5.7 East Asia – The Lure of Strong Economies

A region with diversified migration policies, East Asia experiences irregular migration mostly in the

form of overstayers or persons engaging in work without proper documentation. In the Republic of Korea (South Korea), the phenomenon was connected in a very specific way to the presence of foreign trainees, employed in the textile, rubber and plastic industries (Ja-young, 2006), who turned into irregular workers in response to the ample employment opportunities provided by medium and small-sized companies but also to move away from stringent working conditions in their designated workplaces (UN Human Rights Council, 2007). The adoption of the Employment Permit System (EPS) in 2004, which was subsequently expanded to replace the industrial trainee system in January 2007, offered the opportunity to many irregular migrants to obtain regular status.[22] However, irregular migration – mainly in the form of overstaying – continues to be significant, but the number seems to be stabilizing: by mid-2006, about 190,000 individuals – half of all the migrant workers – lived and worked irregularly in South Korea (OECD, 2007). Similarly, in Japan, irregular migrants are mostly overstayers, and the Ministry of Justice estimated that at the beginning of 2005 they numbered approximately 207,000, while another estimated 30,000 persons were smuggled in by boat. Taiwan Province of China, is reported to be experiencing some irregular migration in the form of regular migrant workers who become clandestine residents because of problems with employers or as a result of lay-offs.

A new trend in East Asian irregular migration is the decrease of some intra-regional flows, while other less traditional destinations are becoming more attractive. On the one hand, "irregular migration" from mainland China to Hong Kong SAR and Taiwan Province of China has decreased, particularly because of the rapid development of the inland provinces (Hong Kong SAR is planning to attract skilled

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[22] In 2003, the number of irregular migrant workers registered by the Ministry of Labour exceeded 227,000, and 80 per cent of them were afforded regular status under the Employment Permit System (UN Human Rights Council, 2007).

workers from mainland China under its Quality Migrant Admission Scheme). On the other hand, it is estimated that up to 200,000 irregular migrants from China are taking advantage of work opportunities created by the declining population in the Russian Far East (Akaha, 2004).

5.8 Southeast Asia – Cross-border Irregular Migration

Southeast Asia is a region of origin, transit and destination of migrants, where the most prevalent mode of entry is over land borders (see Chapter 7). Irregular migration in this region, however, takes many forms as illustrated in Portrait 8.1.

Portrait 8.1

Sailing to Nowhere – A Cambodian Migrant's Tale

Nang, aged 25, is a Cambodian fisherman from Banteay Meanchey province. He has very little formal education and, following the advice of some friends, decided to leave Cambodia in early 2004 to work in neighbouring Thailand to support his family.

He was recruited by a Cambodian broker (*mekhal*) who came to his village and promised him a job in the construction industry in Thailand paying up to THB 4,500 (USD 128) per month. The broker's fee, payable in advance, was THB 3,000 (USD 85).

Nang borrowed the money for the broker's fee from relatives, and he was then taken to the Malay district in Banteay Meanchey, where the broker helped him cross the border into Thailand unlawfully for an additional fee of THB 200 (USD 6).

Once in Thailand, he was taken to Patnam in Samut Prakan province, where he was kept in a guesthouse for several days before being told that there was no job in construction and that he would have to work on a fishing boat.

When he complained that he had been promised a job in construction, the broker threatened him that he could easily find himself in the custody of the Thai police as an irregular migrant. In fact, Nang believes that the broker sold him to the captain of the fishing boat for THB 5,000 (USD 150).

According to Nang, the conditions onboard his boat, which sailed towards Indonesian waters and remained there for six months, were extremely harsh. The crew had to work day and night for three days before having a day to rest, and was continually harassed and threatened by the captain.

Nang was never allowed to leave the boat, and even if the captain had allowed him ashore, he would have not gone for fear of being arrested by local police as an irregular migrant.

Eventually the boat docked in Ranong on the Thai-Myanmar border, where the Cambodian crew was replaced by a crew from Myanmar prior to moving on into that country's waters. Nang was paid a total of THB 2,000 (USD 57) for six months of work.

With no travel documents and unable to afford transport back to Cambodia, let alone the sum of THB 6,000 (USD 171) demanded by a broker to help him return home, Nang realized that it was only a matter of time before he would be picked up by the Thai police as an irregular migrant.

On the advice of other Cambodian fishermen stranded in Ranong, he signed up with another Thai fishing boat and was given forged papers identifying him as Thai.

In August 2004, while fishing illegally in Indian waters, the boat was intercepted by the Indian navy and escorted to Port Blair in the Andaman and Nicobar islands.

Before they arrived, Nang and the other Cambodian crew members were threatened by the crew that unless they stuck by their story that they were Thai, they would never be allowed to return home.

The entire crew was jailed, but after six weeks the Thai owner of the vessel arrived to stand bail and obtain their release. The Thai crew immediately left India, leaving Nang and the other Cambodians to fend for themselves.

Nang was then taken to the Port Blair Immigration Police Centre and held there for three months. When the case was finally heard in court, he pleaded guilty to entering India unlawfully and was sent to an internment camp, where he remained for two years.

In March 2007, working with the Cambodian and Indian governments, IOM was able to at last repatriate Nang from Port Blair to his home province of Banteay Meanchey.

Source: IOM Bangkok.

Both Malaysia and Thailand have large numbers of irregular migrants. In July 2006, some 1.8 million regular foreign workers, 65 per cent from Indonesia, were known to be employed in Malaysia, particularly in manufacturing, construction, service and plantation industries, though actual numbers are thought to be much higher, and the Malaysian Interior Ministry estimates that at least a further 600,000 irregular migrants were present, notwithstanding periodic repatriations (Hugo, 2007).

In Thailand in 2004, approximately 1.28 million migrants from Myanmar, Cambodia and Laos registered with the Ministry of Interior. Registration is a process by which such migrants are still considered to be present without authorization but which enables them to stay in the country and to apply to the Ministry of Labour for a work permit, which, if granted, can be renewed on an annual basis. Out of those irregular migrants who registered in 2004, nearly 850,000 received work permits. In the subsequent registration process conducted in 2006, a further 220,892 irregular migrants registered with the Ministry of Interior, and 208,262 of these obtained work permits.[23]

Although figures for irregular migration are not available for Singapore, the government is particularly watchful over the domestic services sector, and has introduced numerous regulations to ensure that workers respect their conditions of entry and employers abide by the terms of work contracts (Yeoh, 2007).

Irregular migration is also of concern in the Philippines, an important country of origin, where illegal recruiters make use of various schemes, including internet advertising, to lure workers to work abroad, including deployment to prohibited destinations such as Iraq,[24] or impose working conditions inconsistent with the minimum conditions laid out in the standard employment contract, in violation of the regulatory framework established by the government.

5.9 South Asia – The Close Line Between Trafficking in Human Beings and Labour Migration

While irregular migration in South Asia is mostly discussed in connection with human trafficking cases (Textbox 8.4), irregular labour migration is also a focus of attention. This is particularly the case from Bangladesh to India, where the phenomenon has been going on for more than a century and does not seem to be decreasing (Joseph, 2006). On the contrary, the flows of migrants irregularly crossing the border have intensified lately, prompting the installation of a fence at the border to stem entries

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[23] Information provided by the Ministry of Labour to IOM Bangkok.

[24] The Philippines, along with Bangladesh, India and Nepal, expressly outlaws travel to Iraq for its nationals, while in Sri Lanka employment agencies are prohibited from offering jobs in Iraq (Brothers, 2007).

into the State of Assam. Bangladeshis in India have now begun to move away from the border into more prosperous areas in northern and northwestern India as well as into cities such as Delhi and Mumbai (Joseph, 2006; Ramachandran, 2005). Once at destination, these migrants are mainly employed in daily work wage labour, or as seasonal agricultural workers, construction or domestic workers. However, some of them become part of settled communities and acquire land or engage in business.

Reliable statistics about the number of Bangladeshis irregularly living and working in India are very difficult to obtain, but one source, drawing on both official and unofficial estimates, reports a figure as high as 10 million (Joseph, 2006). Deportation data collected by the different states provide additional information on trends, but they can be contradictory. For instance, statistics provided by the Delhi authorities state that a total of 2,957 migrants were deported between 1995 and 2002, with the number increasing to 5,028 in 2003. However, another source claims that from 2001 to 2004 the Delhi police sent back some 12,200 individuals to Bangladesh (Ramachandran, 2005).

Irregular migration from Bangladesh does not affect India only but also farther destinations such as the Gulf States. Research conducted on 200 Bangladeshi returnees from the Gulf (Siddiqui, 2006) found that, while 80 per cent migrated with valid documents, 70 per cent of them fell into irregularity at some stage of their migration process. While some of the migrants became irregular simply by switching to better paid jobs without authorization, the study identified unscrupulous recruiters, intermediaries and travel agents in the country of origin, as well as some employers, recruiters and members of law enforcement agencies in the country of destination as contributors to the problem (Siddiqui, 2006). Irregular migrants from Bangladesh, India and Pakistan have also begun to make their way to Europe, either by flying to West African capitals

(sometimes via the Gulf States) and taking the common Saharan route to Morocco, or by entering North Africa through Egypt and moving on to Libya and Tunisia. From these three Maghreb countries they then attempt the sea crossing to Italy and Malta (de Haas, 2007).

Sri Lanka is another country affected by irregular migration, although the government has recently introduced several measures, such as bilateral discussion with countries of destination and pre-departure orientation for potential migrants to promote their regular migration. Among the destinations of irregular migrants from Sri Lanka are Canada, Italy, Japan, and South Korea. A study carried out on 200 irregular migrants sheds some light on the many different and circuitous routes used by irregular migrants to reach Italy. For example, sometimes they were taken to Karachi by small and very unseaworthy boats and from there to central or eastern European countries such as Bulgaria, Hungary, Romania or the Russian Federation. The last leg of the journey was undertaken by land to Italy. The study also found that a majority of the study sample did not have any vocational training and would engage in low-skilled jobs (Siddiqui, 2006).

Irregular movements for work in South Asia also include flows from Afghanistan, Bangladesh and Myanmar to Pakistan. Many irregular Afghani migrants, for instance, manage to enter and work in Pakistan with the help of networks established during the conflict period.

Textbox 8.4

Out-of-reach and Out-of-danger: Keeping Girls Safe from Traffickers in Nepal

Every year an estimated 12,000 Nepalese women and girls are trafficked into India. The Asian Development Bank estimates that 100,000 to 200,000 Nepalese women and girls are held against their will in Indian brothels, with roughly 25 per cent under the age of 18 years. Traffickers typically lure impoverished girls with promises of jobs in urban areas or abroad. Some families knowingly send their daughters to brothels because they consider them a burden. Many of the women and girls are illiterate and are not even aware that they have been taken across the border. The Government of Nepal has identified 26 districts from which women and girls have disappeared.

In response, the Reproductive Health Initiative for Youth in Asia (RHIYA), a partnership of the European Union and the United Nations Population Fund (UNFPA) working in collaboration with NGOs, is focusing on 19 "high-risk" impoverished districts. The programme educates parents, community leaders, district health officials and young people about the dangers of trafficking. It also provides girls and young women with training and empowerment opportunities. Trafficking survivors are reintegrated into their communities through efforts designed to reduce stigmatization and are referred to social and legal services for additional assistance.

The initiative is proving effective. In the district of Prasauni VDC, a RHIYA peer educator was able to rescue three adolescent girls the very same day they were scheduled to depart. She had learned that the young men who had promised the girls work were, in fact, traffickers. After the peer educator raised the alarm, villagers caught the traffickers and handed them over to the police. They soon admitted their guilt. In Rupandehi District, a young woman was asked by her brother-in-law to accompany him on a one-day shopping trip to Gorakhpur, just across the border. But when she arrived at the crossing, her brother-in-law introduced her to two other girls and asked her to accompany them into India, claiming that he would join them later after taking care of some personal business. She became alarmed, recalling the RHIYA educational sessions on trafficking, and realized that her brother-in-law must be a trafficker. She immediately sought help from the border NGO Maaiti Nepal, and all the girls were returned safely to their homes.

Source: UNFPA (2006: 50).

5.10 Middle East

Irregular movement for work is also an issue in the labour markets of Gulf Cooperation Council (GCC) States. As restrictions on work permits are progressively tightened, more migrant workers are prepared to enter without authorization or to stay beyond the expiration of their permits. In Kuwait, for instance, the Department of Immigration in the Ministry of Internal Affairs estimates the number of irregular migrants at up to 60,000 (UN DESA 2006, citing Shah, 2005). Two mechanisms working in favour of irregular migration are to be found in the employment sponsorship system, on the one hand, and the annual pilgrimage to Mecca (the *Hajj*), on the other.[25] Another striking characteristic of the region, which to a certain extent nurtures irregular flows, is the high dependence on foreign workers (remittances sent home from the Gulf States in 2005 represent nearly 9% of GDP). According to United Nations figures, 12.8 million foreigners lived and worked in the GCC States in 2005. The proportion of non-nationals within the local population is as high as 62.1 per cent for Kuwait and 71.4 per cent for the United Arab Emirates (UAE) (UN DESA, 2006). The Gulf States are committed to reducing the number of irregular contract workers: for instance, in Saudi Arabia and the UAE by making the sponsorship system more flexible and allowing workers to change employer before the traditional one-year period,

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[25] Approximately 700,000 persons are deported from Saudi Arabia annually. Many come for the *Hajj* and then stay and work in the country (Shah, 2005).

and in Saudi Arabia by discouraging nationals from harbouring overstayers by imposing a maximum fee of SAR 5,000 (i.e. USD 1,335) and imprisonment of up to two years. However, the effectiveness of these measures has yet to be determined. Other important patterns of irregular movements in the region include arrivals from Somalia, Ethiopia and other African countries in Yemen, and irregular Afghan workers (perhaps 800,000) in Iran, where the authorities have announced their intention to proceed with repatriations.

5.11 Summary Points

Following this broad, though cursory, overview of irregular migration in various regions some summary points may be offered:

- Irregular migration is present in all major regions; therefore, it is of general interest to the international community.
- The magnitude of irregular migrant populations differs significantly across the various regions. Irregular migration seems to be a function of the overall volume of migration in a given region, the proximity of places of origin and destination, the permeability of borders and the strength of migration networks.
- The existence of work opportunities for lower-wage, low-skilled migrant workers is an important incentive for irregular migrants.
- Although irregular migration is a complex phenomenon and resistant to analysis, it is a global industry with connections to both legitimate migration agencies and to criminal networks.
- The choice of regular or irregular migration channels depends on a variety of factors: availability of regular channels; time necessary for the migration process to be completed; bureaucratic difficulties in the process; excessive conditions and requirements; preference for immediate profit over long-term benefits; and lack of or difficult access to available alternatives.

- Although irregular crossings attract the highest attention, most irregular migration occurs through the lawful entry of persons who then drift into irregularity by violating the terms of their admission through overstaying and/or working without authorization to do so. It may, therefore, be argued that the possibility of finding work is the ultimate determinant of irregular migration.

6. Policies

Policies to address irregular migration have coalesced around a number of well-established policy objectives: the fight against organized smuggling in migrants; control of external borders to reduce irregular entries; inspection of labour sites to reduce irregular employment; and cooperation towards development to ease migration pressure from countries of origin; and repatriation and return programmes, and agreements between countries of destination, origin and transit. Another policy option, the regularization of migrants to lower the number of irregular migrants present in the country, does not attract general consensus. While some countries have implemented it repeatedly, others have remained sceptical.

6.1 Efforts against Organized Smuggling

There is international consensus on the need to combat the organized crime of smuggling in migrants and this is one of the few areas where a multilateral approach to migration management is pursued. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families specifically calls for such cooperation (Article 68). The 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air has attracted 114 ratifications. There are numerous declarations and statements of governments committing or re-committing themselves to action (among the most recent ones are the 11 July 2006 Rabat Plan of Action, adopted by the Euro-African Ministerial

Conference on Migration and Development,[26] and the 13 January 2007 Association of Southeast Asian Nations (ASEAN) Declaration on the Protection and Promotion of the Rights of Migrant Workers).[27] Many Regional Consultative Processes have the topic as a standing item on their agenda.[28] However, the constant reiteration of the need for common efforts against organized smuggling is in itself an indication of how difficult it is to translate intentions into practice.

6.2 Control of Borders

In recent years, and particularly after September 11, 2001, much attention was given to the link between migration and security and the control of borders. At times, this has resulted in the reinforcement of border controls as best exemplified perhaps by the U.S. decision to build a 700-mile long fence along the U.S.-Mexican border, under the terms of the 2006 Secure Fence Act. The construction of a wall at the border between Thailand and Malaysia, the fence between Bangladesh and India, and the fences around Ceuta and Melilla reflect the pressures governments are facing from people wishing to move irregularly in search of better life opportunities.

Increasing use is also being made of high technology, including movement and heat sensor devices, sophisticated radar systems and automated identification systems incorporating biometric components (Redpath, 2007).

6.3 Internal Controls and Labour Inspections

All countries of destination are faced with the problem of establishing the identity of irregular migrants. A major challenge is the prevalence of forged documents; hence the ongoing attempts to introduce tamper-proof travel documents through the inclusion of high-technology security features. Another is the fact that irregular migrants are routinely advised by smugglers to conceal or destroy their travel documents to delay identification and make repatriation more difficult.

As employment opportunities play a key role in encouraging irregular migration despite the administrative obstacles, inspections of labour sites constitute an important deterrent, and indeed there are indications that many governments are moving in that direction. In 2006, for instance, the U.K. Border Agency (2008a) carried out over 5,200 operations to detect unauthorized employment and removed more than 22,000 people from the country. At the end of February 2008, new rules have been brought into effect, whereby employers could be fined up to £10,000 for every unauthorized worker they negligently hire or, if they knowingly hire such a worker, an unlimited fine and/or a maximum two years prison sentence (U.K. Border Agency, 2008b). However, there are challenges in conducting such operations in a planned and systematic way over time rather than relying on highly publicized one-off interventions. Human resource limitations and differences in enforcement priorities among the relevant agencies are hurdles that have to be overcome. In addition, such inspections are very difficult in areas of employment where migrants are scattered, for instance in the agricultural sector, or where controls can be carried out only indirectly, as in domestic employment.

6.4 Prevention through Development

The idea that prevention should begin with the stemming of migration pressures at source has been much debated over the years without leading to the development of concrete and sustainable intervention strategies. Put simply, the argument is that prevention of irregular migration should begin

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[26] The text of the Action Plan is available from the website of the Government of Morocco's Ministry of Foreign Affairs and Cooperation at http://www.maec.gov.ma/migration/Doc/PA%20final%20EN.pdf.

[27] See the ASEAN website at http://www.aseansec.org/19264.htm.

[28] E.g. the Regional Ministerial Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, known simply as the Bali Process, is devoted largely to this issue. See http://www.baliprocess.net/.

with socio-economic development in countries of origin, although a reduction in flows in the short term is not to be expected, as theorists of the "migration hump" have articulated (Martin and Taylor, 1996). In more recent times, the linkage between migration and development has taken on renewed significance, but from a different perspective, as demonstrated at the UN General Assembly's High-Level Dialogue on International Migration and Development in September 2006, and the Global Forum on Migration and Development in July 2007.[29] The switch in international thinking is that migration, while not a panacea for economic distress, can itself be a development factor, contributing in the shorter term to the reduction of poverty levels in the longer term, to sustainable growth. The spectacular increase in the recorded levels of remittances transferred to developing countries has played a large part in ensuring broad acceptance of that shift of perception in the international community. Research and international consultations have yielded a wide range of recommended actions, some of which are being implemented, although a comprehensive global effort has yet to be attempted.[30]

6.5 Repatriation and Return Programmes and Agreements

Enforcement measures against irregular migration are often intended to lead to the repatriation of those identified as irregular migrants. Large-scale repatriations have been conducted in specific circumstances, for instance between Thailand and Myanmar or Malaysia and Indonesia. They appear to work best when coupled with offers of legitimate re-entry for the purpose of employment. In industrialized countries of destination, the acceptance rate is generally modest, even when return assistance is provided (see Portrait 8.2). Deportations are also practised, but are expensive to conduct on a large scale. It has been estimated, for instance, that the expulsion of one person from Spain to Romania costs USD 2,300, to Senegal USD 2,500, to Ecuador USD 4,900 and to China USD 8,600 (Caritas/Migrantes, 2005). Consequently, EU interior ministers decided in April 2004 to cooperate on organizing joint flights for the expulsion of third-country nationals to reduce costs.[31]

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[29] For the GFMD, see also Textbox Int. 2.

[30] Chapter 12 offers a fuller discussion of the labour migration and development relationship.

[31] Council Decision of 29 April 2004 on the organization of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders, OJ 2004 L 261/28.

Portrait 8.2

From Kayes to Tripoli and back

Diakite was born in Kayes, Mali, on 1 January 1943. The name Kayes comes from the Soninke word *karre*, meaning a low, humid place prone to floods in the rainy season. Kayes is also referred to as the "pressure cooker of Africa" because of its extreme heat, to which the iron ore found in the surrounding mountains is said to contribute.

Diakite has always been a farmer, working the five hectares of land he inherited from his father. A drought in 2004 made it difficult to eke out enough from the arid soil to live on, and his son decided to search for a better life by heading towards North Africa and later, perhaps, Europe. Then, one year later, Diakite also left to search for his son, who had disappeared. At the time of their last phone call, he had been working as an employee in Ghatt, south-western Libya.

Diakite travelled across his large country by any means he could find; he entered Algeria with the "assistance" of a smuggler, and then Libya. "Unfortunately, I did all this just to find my son's name written on a gravestone in a Ghatt cemetery. I never did find out how and why my son died", Diakite said. When he found himself a stranger and irregular migrant in a new country, without a job or money, he decided to go to Tripoli to find work that would allow him to earn the money needed to get back

home. "Like many others from sub-Saharan Africa, I was sitting on the sidewalk of a street near a big market in Tripoli, with a brush and a tin of paint in front of me to indicate to passers-by the service I could offer for a few dinars. Sometimes I was lucky, and I found work for a few days or weeks decorating Libyan houses. At other times, I would wait in vain sitting under the sun the whole day", relates Diakite. For one year, he managed to survive by doing occasional jobs, but was unable to save enough money to return home. At the beginning of 2007, the Malian Embassy in Tripoli referred him to IOM as a possible candidate to benefit under an Assisted Voluntary Return and Reintegration (AVRR) programme. Diakite was able to return to Kayes, where he will buy a water pump to make his land prosper again. "This water pump will be beneficial to my family and the whole community, and I am glad to be back and able to tell the young people in my town how the dreams of emigrating can turn into nightmares."

Source: IOM Tripoli.

Another crucial aspect of repatriation is the willingness of countries of origin to accept expelled migrants. In December 2005, in response to a Parliamentary question, the Spanish Government announced that between 1 January 2001 and 31 May 2005 a total of 122,238 expulsion orders were not carried out (*Migration News Sheet*, December 2005). Most consulates of sub-Saharan countries refused to recognize the migrants to be returned as their citizens. Consequently, countries of destination have been eager to sign readmission agreements with countries of origin. Italy has signed more than 20 such agreements (IGC, 2002), but not all of them are yet operative. Spain has succeeded in signing agreements with some sub-Saharan countries (Cape Verde, Gambia, Guinea Conakry, Guinea Bissau, Mauritania, Nigeria, Ghana) (Embassy of Spain (London, U.K.), 2007), but others are resisting entering into readmission agreements. However, there are no indications of a close correlation between numbers of agreements signed and numbers of irregular migrants sent home.

Some lessons learnt from return programmes are described in Textbox 8.5 below.

Textbox 8.5

Return Programmes – Lessons Learnt

- Return programmes are best implemented as one important element within a comprehensive approach to migration management.

- To be successful, return interventions must not be a policy afterthought. Return interventions begin at the point of entry through the provision of timely and accurate information about options and consequences, not when weeks or months later a decision on return is eventually taken.

- Counselling by authoritative and credible interlocutors can create an appropriate context for return decisions.

- Protection of the dignity and integrity of the individual is essential.

- Both mandatory and voluntary programmes have their place in a properly designed approach to return, although there is a real challenge in ensuring that they are complementary and mutually supportive.

- Return programmes are best developed in partnership between countries of origin and destination. A prerequisite to this is the establishment of effective communication lines between the two parties, and the creation of mutual confidence.

- Carefully designed reintegration programmes that take account, where appropriate, of the needs of local residents as well as of returnees can contribute significantly to the sustainability of return.

- The range of available options is practically unlimited, ranging from preparation for return to return visits, on-the-job training, setting up of small businesses and community development activities.

Among the most successful return programmes are those that operate on a small scale and are tailored to the particular circumstances of particular returnees and countries of origin.

Source: Nicoletta Giordano, Former Head, Return Migration Management, IOM.

6.6 Regularizations

Beginning in the 1980s, regularizations have become a frequent means of addressing the presence of a large number of irregular migrants, especially those with a stable record of employment and other claims to local integration, for whom any other outcome would be politically or socially unacceptable or too difficult to implement. There are wide differences in both terminology and actual administrative measures: amnesties, regularizations, and registration have all been decreed from time to time (Levinson, 2005). In southern Europe, since the early 1990s, regularization campaigns have been conducted more often than anywhere else in the world (three in Greece, three in Portugal, four in Italy, five in Spain, involving more than three million migrants in total), to the point of being a major instrument of migration management. The last regularizations by Spain and Italy were directed only at migrants in employment with applications submitted on their behalf by their respective employers. While regularizations may represent a highly favourable outcome for irregular migrants (particularly if they do not fall back into irregular status) who can thus accede to legitimate employment and services, they are also criticized for creating the perception that irregular entry and stay is a calculated risk, and one worth taking as it pays off eventually. This reasoning explains the policy stance of countries, such as Germany, which have remained steadily opposed to the idea of regularization programmes.[32]

In the Gulf Cooperation Council (GCC) States and Southeast and East Asia, irregular migrants are not regularized as permanent residents. Rather, they are invited to register for the right to reside and work on a temporary basis (see Sections 5.7 and 5.8 above and Map 7b). The frequency of registrations is even higher than that of regularizations, indicating that this policy is not necessarily more effective in discouraging irregular migration.

In the U.S. there has been a vigorous ongoing debate about the policies that should be introduced to address the problem of the estimated 11 to 12 million irregular migrants present in the country. Since 2004, the government has tried repeatedly to put into place a plan to address the issue of undocumented workers within the context of a comprehensive temporary worker programme that would be accessible to both irregular migrants within the U.S. and applicants from abroad. The issue remains unresolved (Levinson, 2005).

7. Conclusion

Irregular migration is undoubtedly one of the most complex, sensitive and intractable migration management problems confronting the international community. Most of the responses to the problem have been and continue to be implemented essentially at the national level, but there is a clearly discernible evolution towards the development of cooperative approaches on either a bilateral or multilateral basis (for example, see Textbox 8.6).

One form of cooperation has focused increasingly on measures of control between countries of destination

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[32] But see the decision of the German Länder in November 2006 to legalize the situation of migrants with the precarious temporary *Duldung* status (referred to in Chapter 11), which may represent a turning point in the traditional line taken on regularization in Germany.

and transit. Such cooperation typically covers joint interdiction operations and capacity building – including the training of personnel and procurement of equipment. One unintended consequence of this approach is that irregular migrants become more inclined to seek to gain access to informal economies and settle in the country of transit (Collyer, 2006), thus giving rise in the medium to longer term to problems of social exclusion and petty criminality.

Another avenue of cooperation leads to migration and development initiatives, to lower the costs of remittance transfers, create savings schemes for migrants, apply the remittances to sustainable development enterprises and to mobilize the resources of diasporas.

In parallel with this, there is good reason to be optimistic about the part that managed labour migration programmes can play. While there is no evidence that labour migration programmes spell the end of irregular flows, they do offer an important, more manageable and more predictable alternative. And crucially, they provide better protection for the rights and dignity of migrants, which is what all policies should aim to do.

Textbox 8.6

Cooperation on Preventing Unauthorized Employment of Migrant Workers with a view to Promoting Regular Employment

In 2006, IOM Helsinki carried out a project called "Cooperation on preventing illegal employment of labour migrants with a view to promoting legal employment opportunities" (PIELAMI), involving partners from Finland, Latvia and North-West Russia. The project was funded under the European Commission's ARGO programme,[1] with co-funding from the Finnish Ministry of Labour, and largely focused on the service and construction sectors.

The impetus for the project came from IOM Helsinki's interest in exploring the interplay between unauthorized employment of migrant workers and labour market demand.

The project involved three main activities:

1. The drafting of working papers on the scope of unauthorized employment as well as regular employment opportunities for third-country nationals in Finland, Latvia and North-West Russia.[2]

2. A seminar in Helsinki in November 2006 attended by representatives from the Baltic Sea states.

3. A project report including the material and findings of the project (available from http://iom.fi/content/view/159/8/).

The working papers concluded that it was not possible to either generalize or simplify the causes or, indeed, the outcomes of unauthorized employment of migrant workers, as they reflected the very different migration contexts and labour market conditions of each country. Furthermore, different countries use different methods to combat unauthorized employment, often with little coordination between relevant authorities such as the police, tax authorities and migration officials. Officials who participated in the PIELAMI seminar pointed to the need for intensified administrative cooperation and exchange of information not only on methods to prevent unauthorized employment of migrant workers, but also to promote lawful employment opportunities.

Based on the papers and seminar discussions as a source of inspiration, IOM formulated a number of recommendations on the subject, which focused on the questions at issue from various angles. Some of the key recommendations are listed below:

- The encouragement of cooperative action among all stakeholders, including employers' associations and unions.

- Wide dissemination of information about employment opportunities and working conditions abroad.

- The creation of regular channels to enable workers to obtain access to the labour market in countries of destination.

- The protection of the rights of migrant workers, including through the signing and ratifying of relevant international conventions, the setting of minimum wages and the provision of access to justice and health care systems.

- The adoption of measures to combat intolerance, discrimination and xenophobia to facilitate the integration of migrant workers in host societies.

Notes:

[1] Action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (2002-2006).

[2] For North-West Russia, the term "foreign national" was used because in Finland and Latvia "third-country national" refers to a citizen from outside the European Economic Area (EEA).

Source*: IOM Helsinki.*

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