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## Controlling Migration in Southern Europe (Part 2): Gate-keeping Strategies (ARI)

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**Theme:** Do the main gate-keeping policies adopted by Greece, Italy and Spain to control irregular immigration achieve their intended effects?

**Summary:** This ARI follows on the argument that the success of policies combating irregular migration depends on the combination of external fencing activities with the internal fencing and external and internal gate-keeping policies adopted by a country. This paper reviews the main gate-keeping policies adopted by Greece, Italy and Spain with a view to highlighting whether and how they achieve their intended effects. More specifically, the paper highlights the inconsistency between policy measures receiving high visibility and media attention (such as fencing policies and practices) and policies of lateral enforcement (internal and external gate-keeping) which may be low-profile and more effective.

The paper argues that while both sets of policies target domestic audiences, the relative success of lateral enforcement approaches (mostly internal gate-keeping), compared with policies centred on border controls (external and internal fencing), shows that governments might not really always be tackling irregular migration when announcing tougher border controls but might instead be maintaining double standards while appeasing domestic electorates.

### Analysis:

#### *Labour Market Controls and Lateral Enforcement Strategies in Southern Europe*

The media coverage and political discourse on irregular border crossing, especially in southern Europe (but also in northern Europe with regard to the ability of southern European countries to manage the Union's external borders) has become inflated, while less attention is paid to irregular migrants within the country and the role that the shadow economy plays in providing plenty of informal work opportunities for them. In considering internal control policies, however, it is necessary to distinguish here between internal controls at public places (internal fencing) and labour market checks or controls at accessing welfare agencies or requirements for registration at local registrars for access to public services (internal gate-keeping). Indeed, while both are part of the internal control strategies that a country may adopt, they tend to differ in character and scope, as explained below.

In Italy, Spain and Greece, random controls in public places have been implemented to varying degrees with varying frequency so as to tame irregular migration. In Greece,

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these controls were particularly frequent during the 1990s, targeting mostly Albanian immigrants. They were often used as a means to exert pressure on the Albanian government with regard to the latter's treatment of the Greek minority in Albania. Between 1991 and 1995, 250,400 foreigners were expelled, almost all of them (241,000) of Albanian citizenship. Checks were usually enforced in public places, took place under public view and people were loaded on buses and directed to Albania without sometimes having the possibility even to notify their relatives (Triandafyllidou, 2001).

Italy also practiced massive operations of irregular migrant detection and removal targeting central-eastern European and North African migrants during the 1990s, although not at the scale or with the visibility of operations conducted in Greece. Both countries have gradually refrained from such practices as these operations cost a considerable amount of money without being effective in actually keeping migration at bay. Apart from being inhuman and ineffective, these measures also reinforced a common view of migration as a crime and of all migrants as criminals. They were abandoned to a large extent in the mid to late 1990s but have unfortunately resurfaced recently.

During the first six months of 2009, and in particular after the European election in June 2009 and the significant rise in votes won by the extreme right-wing party LAOS, the Greek government started a massive operation for arresting and possibly removing irregular aliens from Greek territory. These measures have particularly targeted public places such as metro stations, squares and crowded neighbourhoods in the city centre, while there have been no measures targeting work sites and sectors where immigrants are known to work, often off-the-book (eg, in construction and in small factories). These measures have been well documented in the press<sup>1</sup> and actually have led to the increase in arrests and effective expulsions noted above.

While it is impossible to obtain official data on the size and cost of these operations for the time being, it is worth noting that of the 28,350 foreigners arrested and effectively expelled during the first half of 2009, only 108 were expelled to Turkey (*Kathimerini*, 19/VII/2009, p. 9). In other words, while these enforcement measures are supposed to be targeting incoming irregular migration from Asia via Turkey, the people who are actually expelled are those entering from other neighbouring countries, such as Albania and Bulgaria.

In addition, news reports confirm that while an amendment was passed to the last immigration law allowing irregular migrants to be held in police detention for up to six to 12 months if they or their country of origin do not cooperate in their identification and expulsion procedure, police detention centres are so overcrowded (*Kathimerini*, 9/IX/2009) that actually irregular migrants cannot be held for more than 10 days –which is even less than they used to be held before the law was amended–.

In Italy too, since early 2009, there has been stronger emphasis on arrests and actual expulsions of irregular aliens entering through Sicily and Lampedusa. Moreover, as Pastore & Trincheri (2008) note, the Berlusconi government has sharply increased the resources used for enforcement in both its previous (2002-06) and its current term in office.

Alongside these developments, Italy and Spain, in contrast to Greece, have given emphasis to internal controls targeting informal work. In Spain, since the regularisation of

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<sup>1</sup> See <http://www.migrantsingreece.org/news.asp?chkEN=1&chkGR=1&categ=2>.

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2005, state authorities appear to have given emphasis to labour inspections as a way to combat irregular migration (Arrango & Finotelli, 2008). Their strategy has been three-pronged: border management has improved, irregular migrants who live in the country have been given the option of legalising their stay and work, and labour market inspections have been intensified.

Labour market controls have been prioritised in Italy since 2005 under both right-wing and left-wing governments. Two operations, named Marco Polo I and II, were organised in July and September 2005 targeting Chinese-owned businesses in several Italian regions (Pastore, 2008). The number of labour inspectors increased by nearly 60% between 2006 and 2008 and the specialised branch of the *Carabinieri* was also reinforced.<sup>2</sup> Additional financial resources were also allocated to labour inspection operations with a law voted in 2007 (Pastore, 2008). It remains unclear, however, to what extent this increase in labour market controls actually results from the government's desire to curb illegal work and the shadow economy, or in fact has more to do with, on the one hand, a desire for smaller Italian enterprises to remain competitive with Chinese businesses in the sector of leather, textiles and clothing in general, and, on the other hand, the general upsurge of xenophobic attitudes and ethnic prejudice in Italy following the murder of a middle-aged Italian woman by a young Rumanian man in 2007 in a working class neighbourhood of Rome.

One cannot but note a sharp contrast between the great amount of resources and media/political emphasis given to internal fencing strategies in Greece (eg, random controls in public places), which serve to strongly criminalise irregular residence, and the lesser emphasis given to internal gate-keeping such as labour inspections, as a way to combat irregular migrant employment rather than mere irregular stay.

This overview of internal enforcement policies (both of gate-keeping and fencing types) in southern European countries shows that while identity checks at public places are practised by all countries in varying degrees, they are not efficient and are more likely to cause harassment of law-abiding citizens and residents as well as discrimination against certain types of residents<sup>3</sup> than to prevent or stop irregular migration. Measures involving internal gate-keeping, notably systematic labour market inspections and data exchange between services are more effective and less likely to harass legal migrants and citizens. The side effects, of course, of lateral enforcement need also to be taken into consideration when implementing a law, notably the fact that business and work-site inspections also involve an important element of discrimination against people who look foreign or have a foreign accent and the fact that cooperation between agencies, especially when it involves welfare agencies, may lead to very low quality of life and even health risks for irregular migrants and their families.

### *Assessing Policies Managing Irregular Migration*

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<sup>2</sup> More specifically, Pastore (2008) notes that the established downward trend in the number of inspectors (down from 2,083 in 2003 to 1,356 in 2007) has been reversed. Figures provided by the Ministry of Labour in January 2008 show a 58.8% increase in labour inspectors under the Ministry of Labour and a 13.5% increase in the *Carabinieri's* specialised branch in comparison to the situation at 30 April 2006. Furthermore, Law 123/2007 has allocated €4,250,000 for hiring extra staff and the same amount of money to reinforce inspection activities.

<sup>3</sup> See also the recent opinion by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, on 23 July 2009 in [http://elayer.blogspot.com/2009/07/blog-post\\_23.html](http://elayer.blogspot.com/2009/07/blog-post_23.html).

This paper argues that while irregular migration through unlawful border crossing attracts the highest media visibility, and thereby lead to the conclusion that more effective border enforcement policies (external fencing) are necessary for tackling irregular migration, a more careful examination indicates that such policies are not effective if not integrated into a policy regime –that is, into a set of policies that tackle irregular migration both within the country and at the border–. External fencing may be dramatic and lends itself to media news reports assessing the efficiency or inefficiency of a given government on the issue, but it is largely pointless if it is not coupled with a range of fencing and gate-keeping strategies, both within and outside the country’s borders. It is of course important to be aware of the negative side-effects of internal gate-keeping and fencing policies –notably of data exchange, service cooperation, and labour market inspections– and the extent to which they might increase the vulnerability of irregular migrants.

Greece, Italy and Spain face important challenges as regards irregular migration inflows since their coasts are external borders of the EU. The three are exposed to irregular migration paths that lead from Asia, the Middle East and Africa, because of their southern coasts and their islands in the Mediterranean; Greece is additionally exposed to a second path that leads from former Communist countries through the northern Greek land border (mainly Albania but also FYROM and Bulgaria). Efforts to combat illegal entries through fencing strategies, notably border controls and the enforcement of internal controls, have fluctuated over the years.

While controls both at borders and within these countries have intensified in the last four to five years, the expulsions executed have not increased in the same way. Thus overall effectiveness rates of people detected, expulsion orders issued and expulsions executed have decreased through the years (see Triandafyllidou, 2010). Indeed, while wide media visibility is given to police operations in public places (squares, train stations and specific neighbourhoods), the actual effectiveness of such measures is highly questionable. People who are arrested are usually released after short periods because of lack of space in police detention centres. Expulsion orders cannot be executed, either for lack of the necessary legal documents (eg, identity documents of the migrant arrested) or for lack of cooperation with the transit or source country, or simply because of lack of financial and operational means for executing an expulsion.

Thus, all three countries (Spain, Italy and Greece) have increasingly paid more attention to external gate-keeping strategies, notably cooperation with neighbouring countries, in the effort to manage their borders. Greece has signed readmission agreements with Albania and Bulgaria, as well as a Protocol of Re-admission with Turkey, while there are local cooperation agreements on the Greek-Macedonian (FYROM) border. Spain has signed re-admission and mutual cooperation agreements with Morocco, Mauritania and a range of West African countries, while Italy has done so with Libya and Tunisia. Though cooperation between Greece and Turkey and the implementation of the related Protocol of Readmission is far from satisfactory, Italy’s and Spain’s cooperation with their neighbouring transit and source countries has been much more effective.

The case of Spain and the recent decrease in irregular migration pressures at the Canary Islands suggests that a global diplomatic approach for cooperation and assistance to source and transit countries is more effective than the intensification of border controls alone. In other words, external fencing needs to be coupled with external gate-keeping in order for either to be effective.

Greece and Italy have managed to decrease migration pressures and irregular entries from the Balkans, through the development of an integrated migration control regime that brought together both fencing and gate-keeping strategies, much of which included cooperation with source countries (Albania in particular). However, Greece and Italy have not yet been able to manage irregular migration from sub-Saharan Africa and Asia through their sea borders as Spain has done. Since they have mainly focused on external and internal fencing strategies (controls at borders and in public places within the country) as opposed to external or internal gate-keeping strategies (labour market controls, in particular), their overall success in regulating irregular migration inflows has been very modest. Indeed, external and internal gate-keeping policies usually pass unnoticed by the media and are not mentioned by politicians but appear to be much more effective and probably more humane.

In the three southern European countries discussed, the intensified if not particularly effective border controls have been coupled with relatively weak systems of labour market inspections and with a lack of coordination between police and other agencies, as well as lack of organised and credible datasets that would help state authorities identify and locate irregular migrants. While in Spain and Italy there is tendency in recent years towards addressing this gap, all three countries are marked by a relative weakness of lateral enforcement measures complemented by a political culture that is generally tolerant of informal employment and of irregular stay make border management (regardless of whether checks and arrests take place at the border or within the country) particularly ineffective. At the same time, the harsh border controls contribute to the criminalisation of irregular migration while not actually reducing the phenomenon.

Overall, while internal controls are of limited effectiveness, less visible and less public policies such as labour market checks and the linking of public services to identity and migration status checks are much more effective. Similarly, border control enforcement is costly, ineffective and raises issues about human rights, while cooperation with source and transit countries and diplomatic measures to promote this cooperation are more effective and less visible. Of course, they might also be costly if they include promises for development aid and other forms of assistance to transit and source countries.

**Conclusion:** All policies combating irregular migration need to be carefully considered in relation to, on the one hand, their effectiveness in discouraging and managing irregular migration, and, on the other hand, their side-effects as regards the lack of respect for irregular migrants' human rights and the ethnic discrimination and profiling of suspected irregular entrants/residents, which have the overall effect of significantly worsening the living and working conditions of irregular migrants without making them leave. However, this paper shows that any measures combating irregular migration need to be integrated into a policy regime that includes both fencing and gate-keeping strategies, within and outside a country, coupled with guarantees for fair treatment and respect for human rights of the person. Ad hoc measures with high media visibility such as harsher border enforcement and random checks in public places cost a lot in resources, lead to the criminalisation of migration and have ultimately very little impact on the overall irregular migration situation.

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