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DIIS Brief

European Strategies for Reducing 'Unwanted' Immigration

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Abstract
Much of the current immigration to Europe is 'unwanted' in the sense that receiving countries would prefer to be without it. Some of this immigration is 'unavoidable', limited by states' incapacity to implement their rules. The migrants in question are people who arrive in Europe, usually through the services of human smugglers, and are impossible to return even if their requests for residence are rejected. A second, and much larger, part of the 'unwanted' immigration is 'reluctantly accepted' by European governments. This includes migrants who are granted asylum or other forms of protection, and migrants who are admitted for family reasons. Political pressure to reduce the number of immigrants in these groups has intensified considerably. A critical point which justifies the label 'unwanted' is that support for admitting these migrant groups is largely based on political motivation to uphold the supporting principles rather than a positive evaluation of the immigration flows they generate. This brief discusses the strategies used by states to reduce 'unwanted' immigration.

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EUROPE IS grappling with a variety of migration-related challenges that seem to raise questions about national sovereignty. The numbers of undocumented entries as well as general immigration levels remain high despite restrictionist rhetoric.[1] This brief discusses the strategies used by states to reduce 'unwanted' immigration. Two initial caveats are in order. First, the analysis is carried out at a relatively high level of abstraction that sharpens theoretical points at the cost of attention to nuance. There are critical differences between European states that are not mentioned here, and the treatment of European states as singular actors obscures important conflicts of interest within state apparatuses. Second, my choice of words is meant to highlight contrasting perspectives, not to condone specific political positions regarding migration. 'Unwanted' migration' for instance, is an analytical term with reference to the stance of states, not a normative label. In the conclusion I return to a discussion of the political context of migration research.

'Unwanted' immigration and limitations on sovereignty

From the point of view of European states, it is possible to draw a broad distinction between 'wanted' and 'unwanted' immigration from the rest of the world. The 'wanted' migrants are those that are perceived to be strengthening European economies by meeting specific shortages of labour. This applies to both ends of the skills spectre. With respect to some high-skilled migrants, European countries are actively competing with each other and with other industrialized countries to attract professionals. Low-skilled migrants, may either be admitted through quota schemes, or tolerated without specific legal provisions.

The 'unwanted' migrants are those that European countries — in the stylized sense of mainstream political entities — would rather be without. Importantly, they fall in two distinct categories: the 'unavoidable' and the 'reluctantly accepted'. The 'unavoidable' migrants are the smallest group: people who arrive in Europe, usually through the services of human smugglers, and are impossible to return even if their requests for residence are rejected. A substantial proportion of African immigrants in Southern Europe belong to this category. A second, and much larger, group of 'unwanted' migrants are 'reluctantly accepted' by European governments to remain in Europe. They include asylum seekers who are granted asylum or other forms of protection, and migrants who are admitted for family reunification or family formation. Over the past few years, political pressure to reduce the number of immigrants in these groups has intensified considerably. A critical point which justifies the label 'unwanted' is that political support for admitting these migrant groups is largely based on political motivation to uphold the supporting principles rather than a positive evaluation of the immigration flows they generate.

The distinctions made in the preceding paragraphs produce an analytical taxonomy that is presented in Figure 1. These categories are evidently blurred. For instance, undocumented migrants who are impossible to return to their countries of origin are often absorbed by the informal sectors of European labour markets. Even if they are initially 'unwanted', they may satisfy a demand for labour. The value of the categorization, despite the inherent simplifications, is that it facilitates a better understanding of the multiplicity of European strategies for reducing 'unwanted' immigration.

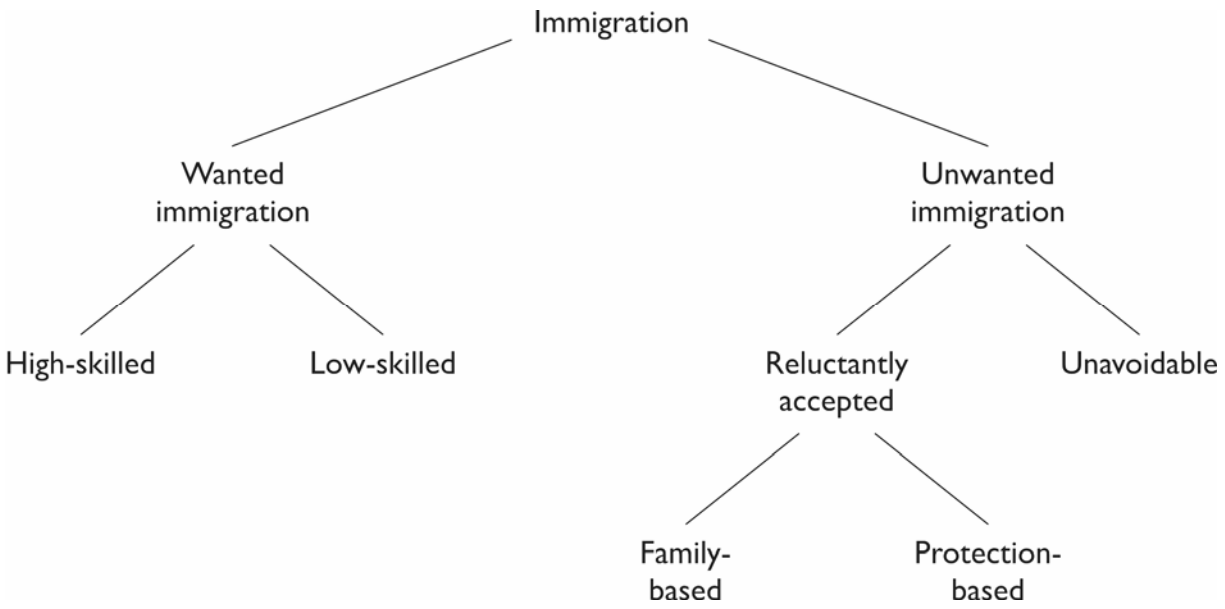

Figure 1. An analytical taxonomy of immigration from the perspective of receiving states.

In a thought-provoking essay entitled 'Why liberal states accept unwanted immigration' Christian Joppke (1998) made an observation that reflects the above distinction between two forms of 'unwanted' migration. The limitations to implementing the restrictionist control rhetoric, he argued, lie in two aspects of sovereignty: namely, the formal authority to make rules, and the empirical capacity to implement them. The large numbers of 'reluctantly accepted', 'unwanted' immigrants are mainly a result of the inability of states to set the rules of immigration with the sole purpose of implementing restrictionist ambitions. Explicitly revoking the right to asylum or to family reunification for permanent residents would be very drastic steps in legal and political terms. There is growing pressure in this direction, but the core principles governing migration for family reasons or protection from persecution have been virtually untouchable throughout several decades of increasingly restrictive immigration policies in Europe.

The other area of sovereignty that Joppke pointed to was the empirical capacity of states to implement rules. It is the limitations on this capacity that is accountable for the 'unwanted'

immigrants that are ‘unavoidable’ rather than ‘reluctantly accepted’. First, it has proven almost impossible to physically prevent migrants from entering Europe, even if it has been made much more difficult. Second, the implementation of asylum policies is encumbered by the extreme difficulty and high cost of examining claims. Third, European states have frequently been unable to return migrants who have been issued with expulsion orders. This limitation is not a physical one, but an administrative and political one. Since power to control migration largely lies at the receiving-country side, the destination countries of Europe find themselves in a vulnerable position vis-à-vis countries of origin in the context of forced returns — when the roles of sending and receiving country are reversed.

Table 1 displays the ways in which ‘unavoidable’ immigration and ‘reluctantly accepted’ immigration are upheld by the two types of sovereignty limitations: the limited capacity to formulate rules, and the limited capacity to implement rules. The table also shows selected response strategies of states. These are the ways in which states attempt to reduce ‘unwanted’ immigration in the face of these limitations. I will comment on them in turn.

Table 1. Sovereignty limitations and response strategies.

	Sovereignty limitations		
	Capacity to formulate rules	*Capacity to implement rules*	*Selected response strategies*
‘unavoidable’ immigration’		Prevention of entry; effective processing; return after expulsion.	Direct capacity-increasing measures; preventive measures.
‘reluctantly accepted’ immigration’	Core rights to family life and protection from persecution.		‘Hard’ and ‘soft’ eligibility restrictions.

Strategies for reducing ‘unavoidable’ immigration

Strategies to reduce ‘unavoidable’ immigration have often addressed the sovereignty limitations directly and sought to bolster the capacity of states to implement rules. This has particularly been the case with prevention of entry and return after expulsions. Along Europe’s only land borders with Africa, in Ceuta and Melilla, enormous efforts have been made to physically prevent migrants from entering. Each perimeter is less than ten kilometres in length, and the European Union has funded heavy fortification of the borders. The determination of prospective migrants (primarily Sub-Saharan African migrants in transit) to enter, and the

resolve of Spanish authorities to keep them out, has resulted in a gradually escalating stand-off over more than a decade. When fence heights were increased from three to six metres, for instance, migrants successfully shifted from a strategy of climbing the fences — with protective cover against the barbed wire — to a strategy of concerted rocking of the fences until they came down. The latest countermove by the Spanish authorities is a plan for installing sensors connected to automatic tear gas dispensers.

Preventing entry at the maritime borders has been a much greater challenge. In fact, the difficulty of preventing entry from international waters has forced a reorientation of priorities to preventing *successful* entries. When it is not possible to prevent avert arrivals at the shores, the alternative is to ensure that migrants are detected and apprehended, and that their cases are processed. Spain has been at the vanguard of this process, as the principal recipient of boat migrants from non-European countries.[2] Since the late 1990s, Spain has invested heavily in maritime border control, and developed a system which is currently presented as a model for the rest of the European Union. The Spanish policy centres on the so-called Integrated System of External Vigilance (SIVE). This is a technologically advanced structure for detecting and intercepting small vessels carrying migrants, operated by the Guardia Civil. The high cost has been justified especially with reference to Spain's obligations vis-à-vis Europe. The SIVE was vehemently opposed by humanitarian NGOs, the Church and many local politicians in the areas affected. The opponents argued that it was a repressive measure and that the money would be better spent on development assistance to the countries of origin. In addition to the argument of European responsibility, the government argued that the SIVE had an important humanitarian element because the migrants detected could be rescued from drowning, and that the system would also be used in the fight against drug smuggling. I have discussed the results of the SIVE in detail elsewhere (Carling 2007). The system is based on the principles of early detection and central command. Detection devices (radars, infrared cameras and video cameras) along the coast can identify a small vessel 10 km from the shore and estimate the number of people on board at a distance of 5 km. Information about the vessel, its position and course is then transmitted to a central command, from where interception units (boats, helicopters and cars) are coordinated. SIVE has been successful in reducing the opportunities for undetected entry, but the overall migration control strategy is a chain that is no stronger than its weakest link. In this case, the weak links have been the government's ability to process migrants on a case-by-case basis and repatriate those who do not qualify for protection. First, it has proven difficult to establish migrants' nationality and identity within the maximum detention period of 40 days. Second, as noted above, removing the rejected migrants from European territory depends on the goodwill of countries of origin or transit. Such goodwill is typically entangled in the larger context of bilateral relations, including questions of development aid and foreign policy.

The second strategy for reducing ‘unavoidable’ immigration is prevention, that is, to try to obstruct or discourage attempts at entering Europe before they happen. Such measures have included pressure on transit countries to introduce visa requirements for nationals of countries of origin.

Strategies for reducing ‘reluctantly accepted’ immigration

Preventative measures have also been essential to reducing the number of immigrants that are reluctantly accepted for protection in Europe. As noted earlier, states have limited sovereignty in limiting the number of persons granted protection as long as the core underlying rights to protection are upheld. These rights may be narrowed, either formally or through restrictive practice. However, pushing the limits of the rights to protection can easily generate international or domestic criticism. For receiving states, processing and rejecting a large number of claims thus has a substantial political cost, in addition to the financial burden it involves. Reducing the number of claims made in the first place, by contrast, lowers both the political burden of rejections and the financial cost of processing claims. The problem with such an approach, of course, is that people in genuine need of protection remain without a chance to have their claims examined.

The decline in the number of asylum claims made in Europe over the past years must be interpreted in this perspective: as the outcome of successful attempts at preventing potential asylum seekers from reaching Europe and presenting their claims, and not necessarily as a sign that there are fewer people in need of protection. This has been achieved partly through the introduction of visa requirements for a larger number of nationalities, and partly through efforts to prevent undocumented entry.

The latter has increasingly taken the form of a fight against human smuggling. The barriers to reaching Europe are now such that the vast majority of undocumented entrants (with or without the intention to apply for asylum) depend on the professional services of human smugglers. The fight against human smuggling is often justified in terms of protecting migrants against ruthless smugglers who exploit poor people in a vulnerable situation and expose them to great danger. It is true that there are many examples of migrants who have been cheated, abandoned, or even killed by smugglers. It is essential, however, to remember that it is not the smuggling itself that is inherently exploitative. On the contrary, it is common that migrants pay an agreed price and achieve what they wanted: to reach European territory. Whether or not the migrants are exploited, depends on whether or not the smugglers abuse their power in the situation. In a similar vein, employing undocumented immigrants give ample opportunities for exploitation by employers, but it does not make employment itself exploitative. In both cases

— human smuggling and employment of illegal immigrants — the ‘victim’ of the activity as such is the state. The migrants *may* also be victims, but that depends on the context and does not follow automatically from the activity.

When human smuggling is represented as an inherently exploitative activity, this provides justification for counter-smuggling measures. One discursive resource for representing human smuggling in this light is the (intentional or unintentional) conflation of human smuggling and trafficking in persons. The latter *is*, by definition, an exploitative activity in which the migrant is a victim. A second discursive resource is the emphasis on human smuggling as part of large-scale organized crime. In Spain, for instance, the human smugglers in Morocco are consistently referred to as ‘the mafias’. Some smugglers are, indeed, part of large-scale networks that are also involved in other types of crime, such as trafficking in drugs. Others are small-scale networks that are mobilized on an *ad hoc*-basis, or individual fishermen who have turned to smuggling as a source of income. I have discussed the relationship between human smuggling, trafficking in persons, and organized crime elsewhere (Carling 2006).

It is very often the same smugglers who facilitate the entry of those in genuine need of protection, and those who intend to stay and work illegally in Europe. Consequently, counter-smuggling measures affect both groups of migrants. The fight against smuggling can thus be justified rhetorically with reference to reducing illegal immigration and, as explained above, in terms of protecting vulnerable migrants from exploitation. These uncontroversial objectives, however, can obscure the consequent reduction of ‘reluctantly accepted’ immigration because fewer people in need of protection are able to reach Europe and present their claims (see Crépeau 2003).

The other form of ‘reluctantly accepted’ immigration — based on the rights to family life — is numerically more important to Europe as a whole. A very large proportion of immigrants from developing countries are admitted under provisions for family reunification or family formation. The former occurs when family members are reunited after a period of separation (e.g. wife and children joining a husband who initially migrated alone). Family-formation migration, by contrast, occurs when a person migrates in order to marry and live with somebody who is already residing in Europe.

The challenges of reducing family-based and protection-based ‘reluctantly accepted’ immigration have one thing in common: the most desirable way to reduce immigration is to lower the number of applications in the first place. While family-based migration cannot be limited by restricting physical access to Europe, a number of restrictions on eligibility have been introduced. ‘Hard’ eligibility restrictions are the absolute limitations on who can join, or be joined by, a family member from abroad, for instance in terms of age limits. ‘Soft’ eligibility

restrictions are policy changes that heighten the barriers to filing an application, such as heightened fees.

The development of family migration policy in the Netherlands illustrates the importance of 'soft' eligibility limitations in a restrictive policy.[3] The problem of 'hard' restrictions is that they squarely exclude some people from being reunited with their family, and thus become politically sensitive. One of the most significant such policy changes in the Netherlands was the 1988 lowering of the age limit for children to be reunited with their parents, from 21 years to 18 years. Since then, family-based immigration has to a great degree been limited by increasing the financial and administrative burden for applicants. In 1992, a requirement was introduced for all foreign documents to be legalized by local authorities and the local Dutch mission (consulate or embassy). The year after, new income and housing requirements were introduced for family reunification and family formation. The 1994 Act for the Prevention of Bogus Marriages required that all marriages with a non-national be supported by a statement from the police on whether or not the marriage appears to be bogus. Through the following twelve years (1994–2006) several new laws and regulations curtailed opportunities for family reunion through a combination of financial means and direct regulations. For instance, the income requirement for a family-formation sponsor (i.e., a Dutch resident who wanted to be joined by his/her fiancée) was almost doubled in real terms from 1994 to 2006. The most far-reaching change, however, was the introduction of the Civic Integration Abroad Act in March 2006. This is a requirement that immigrants from developing countries pass an examination in knowledge of the Dutch language and society *before* being admitted to the Netherlands. The law is extraordinarily important in terms of practical implications for potential immigrants as well as in ideological terms. In practice, it means that prospective immigrants must study Dutch in their country of origin and take an exam at a Dutch embassy (which may be located in another country). In terms of political principles, it is significant that integration and immigration policies converge and that the requirement to integrate becomes directly linked to admission.

There is a key difference between 'hard' and 'soft' eligibility restrictions as means of reducing family migration: the 'soft' limitations on eligibility also constitute a subtle selection mechanism. The families who manage to reunite in the Netherlands despite the heightened barriers are a resourceful group: the immigrating family members are people who have the capacity to study a foreign language and who can travel to a Dutch embassy and take an exam — often in another country, with another language, and where there are no relatives to stay with. The resident family members are people with a good position on the labour market, and between them, they have the capacity to obtain a large number of documents and get them stamped and legalized by the relevant authorities. The Civic Integration Abroad Act was, in fact based on the principle that 'after restrictiveness, selectivity is also necessary in the

immigration policy' and that willingness and ability to integrate should form the basis of this selectivity (Tweede Kamer 2005)

Conclusion

While this brief is guided by the logic of a government perspective, it is valuable to consider the opposite point of view before concluding. The well-worn metaphor of a `Fortress Europe' emphasises the wish to enter on the part of migrants, and the insistence on closure on the part of European authorities. However, the barrier faced by potential migrants is not a uniform, insurmountable wall, but can instead be compared to a dense jungle with various paths, each associated with specific obstacles, costs and risks (Carling 2002). The forms of migration that I labelled 'unavoidable' and 'reluctantly accepted' from the governments' perspective represent different paths from the migrants' perspective. The various strategies employed to reduce 'unwanted' migration constitute heightened obstacles, costs and risks along these paths. It is the interplay between these two perspectives and the strategies they produce which determines how migration policy eventually affects migration flows.

The discussions in this brief have touched upon some serious ethical and political challenges. For instance, I have shown why it is logical from a government point of view to actively fight human smuggling, even if this means that larger numbers of persecuted people remain without a chance to seek protection. Proper ethical analyses of this and the other dilemmas lie beyond the scope of this brief. What is worthwhile, however, is to consider the role of migration researchers in the agitated field of migration politics and policies.

First, migration researchers have a role to play in preparing the ground for political debate. This is not only a matter of describing the situation or putting figures on the table, but also of dissecting arguments and pointing to the effect of specific rhetorical strategies. In this brief, for instance, I have shown how and why human smuggling is often presented in a particularly negative way.

Second, migration researchers sometimes need to take political will as a given, and contribute to developing policies that reach the stated aims in the best possible way. For instance, democratically elected European governments are not prepared to receive large numbers of immigrants from Africa who do not flee persecution but simply want a better future for themselves and their families. Given that there are so many Africans in this situation who nevertheless try to migrate, what are the best policies for limiting migration to that which is politically acceptable in Europe? This is an acute challenge that requires a research-based understanding of migration processes. The migrant fatalities in the Mediterranean and off the

Canary Islands represent the high cost of the current stand-off. The restrictions on family migration also have harrowing effects for those who cannot be with their closest relatives. Can the political aims of restrictivity and selectivity be met with less traumatic outcomes?

Third, it is possible for migration researchers — like all other citizens — to try to influence the dominant political will. This point needs to be separated from the previous one, in the sense that both aims can be pursued independently of one another. I would assume that migration researchers in Europe, myself included, are generally more positive to continued or increased immigration from developing countries than the average European. If I could shift the dominant view to a more positive one, that would be a good deed. But if I could contribute to reducing immigration that is ‘unwanted’ by the European majority in a way that minimizes human suffering, I would also feel that I have done right as a migration researcher.

Notes

[1] Trends in the number of undocumented entries are, by their very nature, difficult to monitor. The number of undocumented migrants intercepted in Spain has increased markedly, and this is a highly visible phenomenon that receives substantial political and media attention. For a discussion of the interpretation of interception figures, see Carling (2007).

[2] During the 1990s and early 2000s, Italy received larger numbers of boat migrants than Spain. Apart from the arrivals from Albania, however, they tended to be concentrated to fewer ships with a much larger number of passengers — often several hundred. These migrants, many of them from Asia, the Middle East and the Horn of Africa, did not have a hope of entering undetected, but counted on being granted protection. The dynamics of smuggling and control was therefore rather different from in Spain.

[3] The information in this section is based on original Dutch policy documents. The analytical points are based on research which has not yet been published. Information about future publications relating to Dutch immigration policy will be posted on www.prio.no/staff/jorgen .

Further Reading

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