POLITICAL DISCOURSES ON IRREGULAR MIGRATION IN THE EU
CLANDESTINO Research Project
Counting the Uncountable: Data and Trends across Europe

Comparative Policy Brief - Political Discourses

CLANDESTINO PROJECT OVERVIEW

The project aims

The CLANDESTINO research project was designed to support policy makers in developing and implementing appropriate policies regarding undocumented migration. **The project aims** were to (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) analyse these data comparatively, (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) propose a new method for evaluating and classifying data/ estimates on undocumented migration in the EU.

The countries studied

The project covered twelve EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is **a database** (http://irregular-migration.hwwi.net/) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

Definitions

For this project, **irregular or undocumented *residents*** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their status. **Irregular *entrants*** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more information see: http://clandestino.eliamep.gr/ category/irregular-migration-ethics-in-research/

Trafficking & Asylum Seeking

The CLANDESTINO project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. But in some countries it touches upon asylum seeking and asylum processing issues as they are related to irregular migration issues.

POLITICAL DISCOURSES ON IRREGULAR MIGRATION IN THE EU

Key Points on Political Discourses of Irregular Migration

- The discourse of irregular migration is highly politicised. Changes as regards the notion of irregular migration and its implications on control measures and mechanisms have been driven partially by the discursive role of 'numbers'. Figures tend to be downplayed or exaggerated. The number of irregular immigrants entering and staying in the European Union is largely unknown.
- Common European themes addressing the scope of irregular migration include: 1. number games, 2. threat and criminalization, 3. marginalisation and vulnerability.
- The combination of numbers with a sense of 'threat' contributes to the justification and mobilisation of a commonly accepted restrictionist policy paradigm that has developed during the past decade across the EU.
- The crisis of increasing numbers and an increasing sense of threat is resolved (in discourse) by the demonstration of 'effective governance'. Effective governance focuses on numbers (of arrests, deportations, sums spent, border guards hired). It shifts the debate on irregular migration into the sphere of criminal activity such as human smuggling and human trafficking. This policy shift has increasingly stigmatised as well as criminalised the population group of irregular migrants.
- The third main theme, notably 'marginalization and vulnerability' [of irregular migrants] became more prominent over time. The need for protection and respect of human and basic social rights' standards in national and EU policies became a focus of interests among political stakeholders.

Background

Size of the irregular migration population in the EU

Irregular immigration (flows) and irregular immigrant populations (stocks) rank high on the list of policy concerns in Europe. For years it was commonly assumed that 4 to 8 million irregular immigrants reside and/or work in the EU, and that up to 500,000 immigrants arrive irregularly each year. After a detailed country review, the CLANDESTINO project estimated that 1.9 to 3.8 million irregular immigrants reside in the 27 EU member states in early 2008. (for more details see http://clandestino.eliamep.gr; http://irregular-migration.hwwi.net).

The quality of data

Quantitative data on irregular migration is often scarce or of dubious quality. Thus, policy and media debates are characterised by guesses, speculations, and assumptions. In part this is due to the very nature of an unregistered population (irregular migrants) that remains hidden and is difficult to quantify. But also the discourse is highly politicised and figures tend to be downplayed or exaggerated depending on the intention and standpoint of those making such assertions. Thus, how many irregular immigrants enter and stay in the EU, its individual member states, cities, towns and rural areas remains in the dark and the size of this social problem is largely unknown and misrepresented in media and policy debates.

National policies

- Numbers of irregular migrants arriving or staying in the EU, whether reliable or not, raise public concern over 'floods of illegal immigrants', unfair competition over jobs or illegitimate claims on public services. Policy responses at the national level vary: some governments prefer to turn a blind eye, others step-up removals and still others prefer to adopt large-scale regularisation programmes to face the situation.
- An array of national legislation and enforcement measures were created in EU member states in the past decades, which developed to a restrictionist regime of migration management. The Immigration Law 2005 in Germany, the 'Bossi-Fini Law' 2002 in Italy, or various legislation in 2002, 2004, 2006 and 2007 in the UK, are only few examples.

EU policies

- Fighting irregular migration has been a central part of EU's common immigration policy since the 1999 Tampere European Council meeting. Most recent EU policies include the Directive for common standards and procedures in Member States for returning illegally staying third-country nationals (adopted by the European Parliament and the European Council in 2008) and the Directive on sanctions for employers who hire irregular migrants (adopted by the European Parliament and the European Council in May 2009).
- Frontex operations in the Mediterranean have been intensified and there is an increasing effort of the EU to sign readmission agreements with countries of origin and transit (e.g. Afghanistan, Pakistan, Iraq, Somalia).
- The Stockholm program gears its focus towards improved 'management of irregular migration' including the combat of 'illegal employment', smuggling of human beings, return policies, while prioritizing voluntary return as well as examining common standards for legalising irregular migrants who cannot be removed.

Political Discourse on Irregular Migration in Europe: Themes

Methodological Note

This Policy Brief does not provide a full-fledged analysis of media or policy discourses on irregular migration policies in the EU. It rather aims to reflect on the role of numbers (data or estimates) in the media and policy discourse in the 12 EU Member States studied by the CLANDESTINO project. The analysis presented here draws from the CLANDESTINO national reports which were asked explicitly to look at media discourses and policy documents that use 'figures' to discuss irregular migration and propose policy measures to deal with it. It also draws from 12 field-trip reports in the countries studied, which documented the reactions of NGOs and policy makers to the CLANDESTINO findings in each country. Three discursive themes have been identified by the meta-analysis of these materials. These refer to the very use of numbers, notably 'number games', to the linking of numbers with a sense of threat that undocumented migrants pose to the society in which they live, or with a sense of vulnerability of irregular migrants. All primary materials analysed here can be found at http://clandestino.eliamep.gr

'Number games'

- The term 'Number games' is coined to note the significance and role of numbers in media and policy discourses. State authorities, governments (and occasionally other stakeholders such as NGOs, think tanks etc.) use and interpret figures depending on their own strategic interests.
- 'Number games' are characterised by a simple logic: Numbers represent 'factual truth.' Hence, they provide a solid basis for policy development.
- As regards irregular migration policy, it logically follows (according to the discursive 'number games') that higher numbers of irregular migrants in a country justify the government's adoption and implementation of stricter legislation and tougher enforcement. Lower numbers, by contrast, suggest that 'pressure' is decreasing and hence migration control measures can also tentatively relax. The most illustrative example is the UK where emerging 'higher figures' often create panic-like reactions in media and policy discourses.
- 'Number games' on irregular migration are characterised by an absence of scientific estimates. Nonetheless, the repeated citation of 'guesstimates' (unreliable estimates based on a person's presumably informed guess) leads often to its conversion to a valid number cited in official policy documents (for more details on the quality of estimates in EU discourses, please, see the CLANDESTINO policy brief on 'size of irregular migration': http://clandestino.eliamep.gr; http://irregular-migration.hwwi.net).

- Closely related to an alleged 'official number' of irregular migrants is the contested issue of regularization programs (offering a legal status to irregular migrants). In the UK for instance, new numbers emerge in the discourse and these numbers are often used by political actors (state authorities and political stakeholders) with the intention to support or oppose the idea of implementing a regularizations programme. Thus the policy process of regularisation programmes and the emergence of 'numbers' mutually influence each other.

- Raw numbers or estimates are generally refuted by stakeholders in civil society (e.g. NGOs working with migrants). Most NGOs have a highly suspicious attitude towards numbers and policy measures based on such figures. At the same time, NGOs underline the need for scientific estimates which note the size of the irregular migrant population (or the number of entries into the country) so as to have a clearer picture of the reality on the ground, the needs of these people, the need for capacity building to face the problem. In addition, some NGOs suggest that collecting data and producing numbers enhances the visibility of irregular migrants and the related humanitarian issues, thus raising public awareness as to the plight of these people.

'Threat'

- The theme of threat has been identified already a decade ago by Didier Bigo as an emerging feature of European migration policy. Issues of immigration policy have been moved gradually into the policy domain of national or European security; they have been 'securitised' as Bigo argues.

- Threat refers to three domains: threat to national security (irregular migrants infringe the law, violate the sovereignty of the state, cross the border unlawfully and overall disrupt public order); threat to the national welfare system (irregular migrants steal 'our' jobs, do not pay taxes nor welfare contributions, 'they' erode 'our' welfare system); threat to the 'national culture' (they 'colonise' 'our' society and erode our customs and traditions without even respecting the basic requirements of legal entry or stay in 'our' country).

- In practice, the policy domain of irregular migration increasingly has been intertwined with criminal activities such as human smuggling or 'trafficking'. This policy shift has contributed to the stigmatisation and criminalisation of irregular migration in general. For instance in France, this shift amounts progressively to an 'institutionalisation of threat'. The enforcement sector underwent substantial changes and new technologies allowed ever more sophisticated systems of migration control and surveillance. Another example is the media discourse in Slovakia, which frequently flags up the issue of high criminality rates among irregular migrants; or warnings that irregular migrants could spread infectious diseases. In Hungary, the issue of national security overtly coins past and current policy discourses on irregular migration.

Vulnerability

- As both media and NGOs frequently note irregular migrants face the greatest risks of poverty and social exclusion. They have restricted access to basic social services (e.g. health care, education, housing) and are a particularly vulnerable group.

- NGOs point to the 'modern form of slavery', which became a label that is attributed to irregular migrants. This label refers to the exploitive situations in which a large share of irregular migrants finds themselves. For instance exploitive employment conditions occur due to an asymmetric power relation between the employee (irregular migrant) and the employer. They are also exploited and discriminated when renting a place because they are undocumented.

- Humanitarian organisations emphasise the impact of the financial crisis as an additional caveat. In most Southern European countries such as Greece and Italy, irregular migrants remain a substantial group in the countries' workforce upon which the economies rely (sectors such as construction, tourism, agriculture and domestic services). Evidences confirm that the financial crisis has worsened living conditions of irregular migrants, which made them even more vulnerable to exploitive employers.
- Authorities are in need to prove their success and disprove their failure of governance. References to numbers (our so called 'number games') and related inferences about the 'threat' that comes from irregular migration (rather than the vulnerability of irregular migrants) tend to dominate the discourse in the 12 EU countries studied in CLANDESTINO.

Policy recommendations

- The notion of 'illegality' remains elusive in legal frameworks and discourses alike. New legal categories that define the notion of 'illegality' will help to reduce this elusiveness. Such new categories could clarify where migratory 'illegality' begins and where it ends.
- The European Commission together with national policy makers should work towards a revision of databases that relate to irregular migration with the aim of producing more reliable estimates. Sensitive quantification would increase public awareness and visibility. 'Number games' will get depoliticised.
- Most stakeholders from the civil sector (NGOs etc.) underline the significance of counting but also pay attention to the features of each category of irregular migrants that is counted. The number of minors or women, families, sick people among the irregular migrants represent very important data which would provide a good basis for making decisions about regularisation programmes, health care access or education access.
- Any such personal data on irregular migrants though are sensitive, as they refer to a particularly vulnerable population. They should be guarded to prevent misuse by unauthorised agents.
- The theme of 'marginalisation and vulnerability' points to the protection and reinforcement of international human and social rights standards within the EU. As an example, the EU member states could promote the ratification of all relevant international instruments and conventions of the UN, ILO, and Council of Europe.