IRMA

Η ΔΙΑΚΥΒΕΡΝΗΣΗ ΤΗΣ ΜΗ ΝΟΜΙΜΗΣ ΜΕΤΑΝΑΣΤΕΥΣΗΣ
GOVERNING IRREGULAR MIGRATION

ΘΕΩΡΗΤΙΚΟ ΠΛΑΙΣΙΟ
CONCEPT PAPER

Governing Irregular Migration: States, Migrants and Intermediaries at the Age of Globalisation

Panos Hatziprokopiou
Anna Triandafyllidou

Deliverable 1.1.
Concept Paper

Governing Irregular Migration: States, Migrants and Intermediaries at the Age of Globalisation

Panos Hatziprokopiou, ELIAMEP

Anna Triandafyllidou, European University Institute & ELIAMEP

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TABLE OF CONTENTS

1. Globalisation and Migration

The IRMA project is informed by the wider theoretical framework of globalisation studies which point to the erosion of the sovereignty and independence of the nation state. **Globalisation is a multi-faceted and multi-level phenomenon:** economically it involves the elimination of countries' trade boundaries and the development of global multinational corporations. At the cultural level it signifies to a large extent the spread of a borderless and boundless consumerism. However this also creates opposed movements of return to local cultures and local economies. At the social level, globalisation involves a sense that politics and democracy are increasingly less relevant as global market forces seem to take the lead. At the same time the volatility of the global economy creates a crisis of legitimacy for the neo-liberal policies that advocate stripping away the protections that nation states used to provide to their citizens in the name of an unstoppable global model of development (George and Wilding 2002; Holton 2005, Milliot and Tournois 2010).

Migration is deeply affected by globalisation as the lifestyles, consumer habits, sense of relative deprivation as well as systems of production and politics of developing countries are shaped by the forces of social, political and economic globalisation. People become more aware of the better prospects that potentially await them in developed countries. Information travels faster than before, and means to get connected through IT as well as means of transport are also cheaper and faster. The erosion of national boundaries create also more space and scope for local or transnational actors to be involved in irregular migration whether as local or transnational smuggling networks, or as local NGOs or international organisations.

Globalisation has been the buzzword of the last three decades, so widely used by such a wide range of actors that it often remains too vague and elusive to translate into meaningful content. On the other hand, migration is lately discussed in relation to globalisation; yet, little empirical evidence to date clarifies precisely the relationship between the two (King 1995; Castles 2000; Urzua 2000; Tapinos 2000; Stalker 2000; Papastergiadis 2000; Koser 2007; Castles and Miller 2009; Solimano 2010). It is therefore necessary to begin by offering some conceptual definitions of globalisation and exploring its links with international migration.

This paper provides for the theoretical and conceptual framework within which the empirical research of the IRMA project will develop. The paper starts by reviewing the concept of globalisation, its social, economic and political facets and their development during the last century. It discusses how migration is deeply entrenched with processes of globalisation and how actually the latter shapes the main features of international migration today. The paper continues by discussing the features of irregular migration and the factors that create it: it looks at the causes of irregular migration including not only poverty or war but also the structure of migration control regimes in receiving countries and the global distribution of wealth and power. We discuss critically the securitisation of migration, the blurred distinction between irregular migration and asylum, the related phenomena of migrant smuggling and trafficking in human beings. We also propose an interactive perspective for analysing the irregular migration dynamics that brings together into a single explanatory framework migration policies and states (structural factors), migrants and their families (human agency) and intermediate factors (such as smuggling networks, international or other organisations, ethnic networks). We also introduce the main concepts used in the IRMA project notably that of (irregular) migration systems, internal and external migration control policies, gate keeping and fencing policies, and develop its rationale and research design, in terms of country selection.

1.1. Conceptual definitions of globalisation

Differentiated analytical foci, disciplinary traditions, epistemological presuppositions, or ideological predispositions have led to a variety of approaches (Held and McGrew 2003), and often-competing conceptions of globalisation (Sklair 1999). Some have emphasised primarily its cultural features, e.g. the rise of "global consciousness" (Robertson 1992). Others stressed the social implications of relations linking distant societies, seeing modernity as inherently globalising (Giddens 1991). Still others located its driving forces at the economic superstructure, relating globalisation to the expansion and integration of the capitalist world system on a global scale (e.g. Hopkins and Wallerstein 1996).

Sceptics, on the other hand, have questioned the historical novelty of globalisation at the end of the 20th century, since there had been an earlier such phase when the volume of global economic interconnectedness had been greater (Hirst and Thompson 1996). Sceptics have also criticised the very essence of globalisation, contesting whether it is truly happening and suggesting instead that it is no more than a contemporary form of imperialism (Petras and Veltmayer 2000), or simply an ideological construction serving the neo-liberal creed (Vergopoulos 1999). The latter argument is partly shared even by globalisation enthusiasts who are though critical to the dominant policies shaping economic globalisation at present (Stiglitz 2002). Lastly, some have seen globalisation as part of a wider process of transition towards a new form of networked and decentred social organization, driven by the information revolution (Castells 2010a).

However competing, approaches such as those briefed above may help us towards a working definition of globalisation, viewing it first and foremost as an historical process, or set of processes. The historicity of globalisation may be traced in the origins of modernity, capitalism and European expansion (Wallerstein 1974; Giddens 1991; Robertson 1992). Yet it is the "age of empire" (Hobsbawm 1989) from the late 19th century to the First World War, that is often referred to as prelude to today's globalisation, marked by colonialism, relatively free international circulation of goods, capital, people and resources, and a high degree of financial integration (Hirst and Thompson 1996; 2000)[1].

The War sealed that early form of globalisation with an unprecedented destruction of land, labour and capital, followed by economic nationalism and restrictions over trade and the movement of people, in the turmoil of interwar times. Since the end of the Second World War, there has been a gradual reopening of international economies, strengthening international institutions, and increased though controlled migration (Massey and Taylor 2004b). Nevertheless, these trends largely concerned "the West", under US hegemony, and part of the so-called Third World (following decolonisation) and took place within the context of the Cold War. Rather than coming as "a natural state of affairs", globalisation "was restored by military force and national policy" (Hirst and Thompson 2000: 249). The latter came to play especially in the aftermath of the collapse of the Bretton Woods system and the oil shocks in the 1970s, which unleashed a process of deep economic restructuring (Harvey 2010). Beyond market forces and strategies of large corporations, the new economic paradigm has been fostered by policies promoting further liberalisation, privatisation and deregulation in both the global North and South, which came to reign after the breakdown of the Soviet Union and the incorporation of China into the global market (Stiglitz 2006; Harvey 2010).

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[1] Hirst and Thompson (2000: 248) maintain that "The 50 years between 1950 and 200 are not that remarkable compared with the period 1850 to 1914", arguing that the impact of technological change spearheaded e.g. through international telegraph cables was far greater than that of the contemporary revolution in microelectronics and informatics.

Globalisation is essentially about interconnectedness. More specifically, it "refers to the widening, deepening and speeding up of global interconnectedness", and can be described and understood in terms of four socio-spatial dimensions (Held et al 2003: 67-68):

- extensity, referring to the stretching of social, political and economic activities across borders;

- intensity, the intensification of interconnectedness and of patterns of interaction and flows;

- velocity, the speeding up of global interactions and processes; and

- impact, deepening enmeshment of the local and global in ways that local events may affect distant lands.

Partly at least, interconnectedness is fuelled by the technological advances of the past few decades, especially in fields such as microelectronics and informatics, which shift the dimensions of space and time and shrink social and spatial distances in ways that not only intensify e.g. the speed of financial transactions or the development of corporate networks, but crucially alter the entire spectrum of social relations (Harvey 1990; Castells 2010a).

Following Castles (2000: 271), we could agree that if transnational flows (of capital, goods, services, people, media images, ideas or pollution) are the key-indicators of globalisation, and transnational networks (of corporations, markets, governments, NGOs, crime syndicates, cultural communities) is its key-organising structure, then information and communication technologies are its key-tools.

Globalisation entails numerous political implications, for it brings a series of challenges to the state (as a politico-territorial form of social organisation), which appears to surrender to supranational institutions or private actors, while its borders are transcended by multiple flows and networks. The crisis of the nation-state relates to its failure to deal with key international issues, e.g. the regulation of capital flows, the management global environmental threats, or the guarantee of basic human rights (Strange 1999). Some were rather quick to talk of its eclipse (Ohmae 1995); others insist that it still remains the major actor in the international scene, even if certain aspects of national governance have been weakened (Hirst and Thompson 1995).

Sassen (1996) identified a partial de-nationalisation of national territories and a partial shift of some dimensions of sovereignty, while others remain intact; especially when it comes to immigration, "the national state claims all its old splendor in asserting its sovereign right to control its borders" (*ibid*: 59). While early accounts overstressed the powerful tendency of globalisation to undermine state sovereignty and erode national borders, more recent approaches underlined the (re-)bordering processes advancing hand-in-hand with globalisation forces (Andrijasevic and Walters 2010).

On the other hand, despite political decisions shaping globalisation, the de-facto transfer of the control of national economic policy instruments (monetary policy, interests rates, fiscal policy, etc.) to supranational institutions and the domination of market forces over politics have severe implications for democracy and the legitimacy of governments by popular mandate. At the same time, policies at the national level and beyond are being challenged by transnational social movements (Hard and Negri 2000; Castells 2010b). Moreover, exposure to global forces at a time of generalised cuts in public spending deprive states from their earlier function of providing social protection for their citizens, as well as security against global risks (Beck 1992).

The cultural dimensions of globalisation are complex and multidimensional. Already in the 1960s, McLuhan coined the term "global village' to describe the social implications of transformations in the media from an individualistic print culture to interactive electronic

interdependence. The proliferation of electronic digital media and communication tools not only raises a planetary consciousness (Robertson 1992) and radically transforms the patterns of human interaction and experience of time, space and place (Appadurai 1996; Castells 2010a). It crucially contributes to the instant spread of media images and information across the globe, which not simply brings closer distant places or cultures, but irreversibly distorts distinct cultural forms and conduces to increasing homogenisation under the prevalence and worldwide diffusion of "western" lifestyles and a global culture of consumerism.

Yet, while globalisation accelerates cultural homogenisation, it at the same time produces heterogeneity (Appadurai 1996), whether as a reaction to global forces or as a product of the global cultural flows. In respect to the former, one may refer to the identity-related conflicts at the turn of the millennium, such as racism, nationalisms, and religious fundamentalisms (Hobsbawm 1992; Castells 2010b). In respect to the latter, the complex interrelationships between the flows of people, technology, finance, images, and ideas render "culture" a fluid, fragmented, de-territorialised and synchronic category (Appadurai 1996).

Arguably, globalisation's key driving forces lie in the economic domain. As earlier mentioned, globalisation entails multiple processes of economic restructuring, involving structural, technological, organisational and spatial rearrangements of production and exchange, and a reconfiguration of the relationship between capital and labour. Global restructuring is spearheaded by the dominance of financial capital, the shift from productive to increasingly speculative investments, the rise of information as the main source of productivity, the growth and global reach of Multinational and Transnational corporations, and the breakdown and decentralisation of the production process though practices of subcontracting and outsourcing.

Global restructuring has given way to a new international division of labour and new geographies of development, as the demise of Fordism in the North went hand in hand with industrialisation in the global South. The combined effects of socio-economic change in developing and developed countries respectively, briefed in the next two paragraphs, set the ground for the macro-structural causes explaining international migration in the age of globalisation.

Despite the rise of Newly Industrialised Countries and the emergence of new major economic players, the rules of the game are still mostly set by northern governments and international agencies such as the International Monetary Fund (IMF) and the World Bank (Sassen 1998; Stiglitz 2006; Castles and Delgado Wise 2007). Despite promises for increased prosperity, the forces of globalisation and the politics shaping it appear to induce inequalities both between and within countries. Capital investment to developing countries may "had increased six-fold between 1990-1996" (Stiglitz 2006: 7), but the share of the world income they receive dropped from 32 to 19 per cent between 1970-2000" (Castles and Delgado Wise 2007: 5). Besides the undisputed benefits in some of the world's new industrial centres, accelerated trade unsettles local economies and replaces domestic production with cheap export industries. Combined with the effects of structural adjustment programs invariably applying uniform recipes of privatisations and cuts in government budgets, hegemonic development patterns often lead to job destruction (Taran and Geronimi 2003: 3) and spread of informal economic arrangements as a means of survival (Portes et al. 1989)[2].

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[2] Of course, this is only but schematic account of the issues facing the global South, commonly referred to as questions of "development". Space does not allow for detailed analysis e.g. of the distorting effects of export-oriented industrialisation or speculation over land on environmental sustainability and local livelihoods, or of the impact of structural adjustment, financial deregulation and speculative investment on Latin America's dept problem since the 1980s, or on the global food crisis of 2008.

Far from being a "Third World" phenomenon, as typically perceived in the past, the informal sector has also grown in advanced economies, as a necessary feature of late capitalism associated with the demands for flexibility, adaptability and competitiveness[3] (Portes et al. 1989; Williams and Winterbank 1998). While informationalisation and the "new economy" generate a demand for highly skilled workforce, socio-economic and demographic change stimulates a demand for low-skilled labour, which has led to growing labour market segmentation.

The deregulation of labour markets, alongside cost-cutting strategies such as outsourcing and subcontracting, give way to a growth of precarious forms of employment (Rodgers and Rodgers 1989), and an expansion of informal economic activities. Informalisation is primarily associated with the strategies of small firms in labour-intensive sectors such as agriculture, food-processing, construction, or manufacturing, as well as with the growth of demand for personal services such as domestic and care work (Castells and Portes 1989; Williams and Winterbank 1998; Taran and Geronimi 2003).

Labour market segmentation does not entail, of course, clear-cut separating lines between formal and informal sectors but rather a complex web of activities and practices part of which may be registered while others are not. Sassen's (2001) analysis of global cities explains how the formal and informal sectors are intrinsically connected, as the expansion of middle and upper-middle classes generates a demand for consumer goods and services, coupled in turn by further demand for cheap goods and services by the lower social strata. Informalisation thus emerges as "a structural feature of contemporary globalisation" (Peterson 2009: 244) and relates to the need for cheap and flexible labour.

1.2. Migration in the age of globalisation

Migration is part and parcel of the dynamics of globalisation, one of its most visible faces, key dimensions, and major driving forces. Processes of globalisation have changed significantly the patterns of international migration, but they are also affected by the multidimensional migration trends. As Castles and Miller (2009) evocatively have titled their often-quoted book, we live in "the age of migration", characterised by globalisation, acceleration, differentiation, feminisation, politicisation and a proliferation of migration transition (*ibid*.: 11-12).

Yet, migration is "global" par excellence: ever since early humans embarked from Africa to colonise the world, 50-60,000 years ago, the history of humanity is a history of migrations. If the origins of globalisation are to be traced in the beginnings of capitalism and modernity, as we have seen, then the development of a world labour market since the 16th century or so is a history of global migration, as L. Potts (1990) has shown, explaining how European expansion, colonialism and industrialisation involved mass population movements of colonizers and slaves, indentured labourers and convicts, new world settlers and industrial workers. Even more so, the short-lived globalisation phase of the half century before the First World War has been an age of mass migration (Hatton and Williamson 1998), the scale and volume of which were comparatively greater to those of today (Hatton and Williamson 1998; Hirst and Thompson 1996). Between 1850 and 1914, about 55 million Europeans are estimated to have left their homes for the New World (Hatton and Williamson 1998: 3). Yet

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[3] Castells and Portes (1989: 27-29) explained increasing informalisation in the advent of economic restructuring as a combined product of: undermining organised labour's control over the work process; reaction against state regulation of the economy; international competition, especially affecting labour intensive industries; worsening living conditions of people making them kin to engage in informal economic arrangements. Among its effects they observed (ibid.: 29-32): de-centralising of economic organisation; flexible networked production; reducing labour costs; access to unprotected, undeclared work; heterogeneity of work situations and social conditions.

one should bear in mind that these were largely transatlantic migrations, predominantly of Europeans moving chiefly to the United States. Colonial migrations and guest-worker schemes following the Second World War diversified the map of global migrations and transformed (northern) Europe into a region of destination.

The migratory movements of today are affecting virtually every part of the globe. This is primarily what Castles and Miller (2009) called the *globalisation of migration*. The geographical span of global migration trends is evolving into an ever-complex map where previous patterns described as "settler", "colonial", or "guest worker" migrations give rise to new forms of legal and irregular migration, co-ethnic and diaspora movements as well as phenomena like the feminization of migration (Triandafyllidou and Gropas 2013; Lutz 2012).

Although the major direction in international migration remains largely South-to-North and East to West, there continue North-to-North while South-to-South ones are on the increase[4]. The *differentiation* of migration thus refers to the multiplicity of types and forms of migration and the diversity of migratory channels and routes, partly resulting from evolving and fragmented migratory policies. In addition, the *migration transition* no more follows explicit linear patterns as in the past, and several countries or entire regions emerge at the same time as sending, receiving and transit ones.

Moreover, in all major regions one may observe an *acceleration* of migratory flows. In the past half century, the numbers of international migrants[5] have surged: from about 77 million in 1960 to 155.5 in 2000, 195.2 in 2005 and nearly 214 in 2010 (UNDP 2009, Table A in Appendix). Their proportional increase however, have not been that spectacular: from 2.6% in 1960 to 3% in 2010, international migrants still make up a tiny share of the global population (*ibid*). Compared to the growth in flows of capital, goods and services during the last three decades, available statistics do not point to a substantial relative growth of migratory flows (Tapinos and Delaunay 2000).

Considering the factors triggering population movements, embedded in the processes earlier briefed and further discussed bellow, people's "immobility" appears to be more striking than global mobility patterns at present (Koser 2007; Bommes and Sciortino 2011b: 215). This "immobility" is of course explainable in at least four ways. Firstly, it is now well established that the poor are the least mobile, often unable to undertake the costs involved in the migratory process. Second, conventional migration theories assume a world of free movement, whilst mobility is constrained by border and immigration controls. Thirdly, rather than "immobility" per se, the vast majority of movements on a global scale takes place within, rather than between, countries (exemplified by the estimated 100-200 million people who in the past couple of decades have moved internally within China alone; Skeldon 2010: 147). Fourthly, global estimations may fail to capture unrecorded movements, such as irregular migration or internally or internationally displaced populations in the South. Turning then back to the UN figures, the fact that they have more than doubled in the last three decades or so is rather indicative of the increasing volume of the phenomenon: international migration has indeed followed global population growth and yet in slightly accelerated pace.

While, in abstract terms, the root causes of migration remain essentially same as ever, i.e. economic need, security and better quality of life prospects (including a future for one's offspring), there has been diversification, blurring and overlap of the specific factors fuelling migration on a global scale. Migration theories of the past overstressed static push-pull

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[4] According to the UN's 2009 Human Development Report, while nearly half of world migrants reside in OECD countries, one out of five lives in countries of medium or low human development (UNDP 2009). In addition, the bulk of the world's forced migrants are concentrated in the South, either internally displaced or seeking temporary refuge in neighbouring countries (van Hear et al. 2009).

[5] The UN defines "international migrants" as people residing for at least a year outside their country of birth.

factors, and neoclassical economics focused on wage differentials and other developmental disparities – both largely remaining the case. Nevertheless, rather than rationally acting individuals deciding on their own upon cost-benefit calculations, the new economics of labour migration shifted the level of analysis towards the micro and meso levels, highlighting the importance of family networks in migration decisions, as well as the migratory process at large (Stark 1991).

Moreover, contrary to older assumptions, in Ravenstein's tradition (1889), that demographic pressures as such trigger migration, recent scholarship suggests that this is not the case (Zlotnik 2004), but migration rather depends on the ability of economies to absorb a rapidly growing labour force (Baldwin-Edwards 2008: 1454), bringing thus development into the discussion. Historical-structural analyses have additionally taught us how migration processes are embedded in an integrating though unequal world-system whereby "development" and "underdevelopment" are interconnected.

Migration and development are thus intrinsically connected, and their relationship has long been recognised[6], yet it is not a straightforward one (Raghuram 2009; Skeldon 2010; de Haas 2012). As Raghuram (2009) has recently wondered, it is not clear whether migration is cause or an effect of development, and vice versa. In contrast to earlier beliefs that migration is a failure of development (or a product of underdevelopment), there is lately growing consensus that migration arises as a product of development or as people's response to changing developmental conditions, yet the situation is rather complex (Castles and Delgado Wise 2007; Solimano 2010; Skeldon 2010; de Haas 2012). While in some countries "migration has set in motion a development dynamic", in others it "has drained local economies of labour, talent and capital" (Massey and Taylor 2004a: 3).

De Haas (2012) offers a critique of what he calls "the migration-development pendulum", referring to the historical shifts in views about the migration-development nexus, themselves reflecting shifts in dominant understandings of development or views about migration (Raghuram 2009)[7]. At the turn of the millennium, the pendulum shifted back to optimism again, and migration has been rediscovered anew as a tool for development and the reduction of inequalities (Raghuram 2009; de Haas 2012). The recurring themes in this debate stress the developmental potential of remittances, the benefits of circularity and the circulation of the highly skilled, the mobilisation of migrant diasporas, the skills, ideas and resources migrants transfer home (termed as "social remittances"), as a kind of "development from bellow" (Castles and Delgado-Wise 2007; Raghuram 2009; Skeldon 2010; de Haas 2012).

Much of this neo-optimism is essentially centred on the former, since remittances have grown spectacularly over the past three decades or so and their total volume has long overcome that of development aid[8], providing thus one of the most powerful explanations for

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[6] Skeldon (2010: 146) and reminds us pioneering migration scholar Ravenstein's (1889) last three "laws of migration", in which migration is explicitly related to "development": notably, migration tends to increase with the development of industry and commerce, facilitated by improvements in transport (law 10); the primary direction of migration is rural-to-urban (law 11); and its underlying causes are economic in character (law12).

[7] Accordingly, from the optimism of post-war decades opting to develop the Third World according to Rostow's stages-theory and the modernisation paradigm, the pendulum moved to pessimistic views following the dependency theorists' critical approach, as well as the actual experiences of limited benefits or even harm, e.g. as in the case of brain drain, between the 1970s and 1990s (de Haas 2012; see also Raghuram 2009).

[8] From about 24 $ billion sent by migrants to lower- and middle-income countries in 1990, the amount of recorded remittances doubled to 59 $ billion in 2000 and swelled to 243 $ billion in 2008 (even though a good part of this growth should be attributed to better measurements) – while the real amount (including money sent through informal channels, cash-in-hand payments, etc) is estimated at least twice as high Official development assistance provided to low- and middle-income countries, on the other hand was 55 $ billion in 1990 but had remained 53 $ billion and grew to 126 $ billion in 2008. (de Haas 2009: 8-9, reporting on official World Bank statistics).

the root causes of migration. Still, the assessment on their impact for development has not yet reached consensus as a positive one. Evidence shows that their positive effects mostly concern medium, rather than low-income countries (de Haas 2012), while their impact on local communities may stimulate socio-economic inequalities by contributing relative deprivation of non-migrant families to those having migrants abroad (Massey and Taylor 2004a).

Raghuram (2009: 107) locates the origins of the debate in the developmentalist tradition, albeit refashioned by neoliberal ideologies not simply promoting the interests of developed countries (Castles and Delgado-Wise 2007), but essentially shifting attention away from severe structural constraints and the intervening role of the state (De Haas 2012). Hegemonic views uncritically refer to certain forms of migration and development as "normatively privileged" (Raghuram 2009: 108), as if there is a single linear "good" vision of development (read growth), or if migration could really be managed or concerns only the highly skilled. The renewed interest on the migration-development nexus thus also reflects concerns of the North over migration, e.g. in relation to security, immigration controls, questions of integration (Castles and Delgado-Wise 2007), hence the selectivity of "managed migration" approaches (Raghuram 2009).

Yet, If we live in an age of migration, this is "because of rising, although unequal, levels of development around the world"; thus any "attempts to slow migration by promoting development are almost certain to fail" (Skeldon 2010: 156, 157). Migration is neither a panacea for development, as the neoliberal "mantra" goes (Castles and Delgado-Wise 2007: 7), but nor is it to blame for structural constraints, as critical-structuralist perspectives used to argue (de Haas 2012), e.g. in respect to developing countries' loss of their youngest, fittest and most talented on whose education they had invested. Rather, empirical evidence points to rather mixed and certainly strongly context-dependent development impacts of migration (ibid.; Raghuram 2009; Skeldon 2010). In order for the developmental potential of migration to be unleashed, destination countries should rather create legal channels for both high and low skilled migrations, combined with integration policies favouring social mobility (e.g. Skeldon 2010; de Haas 2012).

Beyond increasing numbers, diversifying composition, shifting geographical span, new forms and directions, and changing global development patterns, migration in the age of globalisation is more than ever not just about people "on the move", but crucially about the links people establish across borders, their interrelationships with other types of flows and networks, and the multiple dynamics these generate. More recent studies have placed international migration in the context of globalisation, and emphasise institutional dimensions and the meso level of intermediate actors and social networks linking areas of origin and destination in evolving migratory systems and transnational spaces (Massey et al 1993; Amassari and Black 2001; Koser 2007; Castles and Miller 2009). Notwithstanding the legacy of "traditional" theories, **the rise of international migration in the last decades is linked to growing inequalities, but also to the growing interdependence and interconnectedness, economic or otherwise, that forces of globalisation propel** (King 1995; Stalker 2000; Koser 2007; Castles and Miller 2009; Solimano 2010).

These may be based upon the complex economic underpinnings of contemporary migration, as exemplified for instance in its relationship with accelerated and liberalised international trade (e.g. Solimano 2010, ch. 3.2) or in the deeply intertwined mobility of labour and capital, usually moving in the opposite directions (Sassen 1990). People, however, do not take emigration decisions in a vacuum, neither respond mechanically to shifting conditions at home or changes in demand at destinations. The dramatic rise in global inequalities takes place at a time of deepening long-distance ties and of improved infrastructure for mobility and information.

Even if information may reach them in an often-distorted way, **people are increasingly aware of potentially better prospects elsewhere** through images transmitted by global media and the internet, but also by those already departed, their stories and visible benefits to relatives left behind e.g. from remittances and western-style consumption. Homogenising lifestyles and consumer habits, diffuse more than ever a sense of *relative deprivation* in comparison to "Western" living standards and the possibilities for personal development in the North (Koser 2007; Castles and Miller 2009), thus rendering spatial mobility a generalised means for social mobility (Bommes and Sciortino 2011b: 214). Cheap payphone cards, Skype and other ICT tools help them keep in touch while abroad, essentially transforming the figure of the migrant from an uprooted person to a connected one (Diminescu 2008). Established transnational social networks and diaspora communities abroad not only affect migration decisions, but may also assist with movement itself and provide support or employment in destination (Cohen 2008; Vertovec 2009).

In addition, advances in transportation have made travel more affordable bringing distant lands in the reach of more and more people. What is more, accelerated global mobility has given rise to an entire "industry" of migration involving individuals, institutions, humanitarian organisations, legitimate private companies and transnational criminal networks. The wide range of intermediate actors includes "labour recruiters, immigration lawyers, travel agents, brokers, housing providers, remittances agencies, immigration and customs officials,… institutions such as the International Organization for Migration (IOM),… and NGOs that provide assistance and shelter to migrants and refugees" (Koser 2007: 38). The commercial side of the industry is "a system of institutionalised networks with complex profit and loss accounts" (Salt and Stein 1997: 467), and smuggling and trafficking are the obvious illegitimate side of this business (Koser 2010: 189). As we are going to see later on, the growth of human smuggling is partly attributed to the restrictions on movement, and partly fed by the technological and organisational infrastructure of globalisation.

The last in Castles and Miller's (2009: 13) list of key features of contemporary international migration is its *politicisation*. Since the 1980s, migration has moved from the backdoor to centre stage of the political agenda internationally. But while it is praised for its developmental potential and alleged capacity to mitigate global inequalities, it at the same is blamed as a threat to international security and national integrity (Duvell 2003; Raghuram 2009).

Questions of migration policy, management and control are moving beyond national and local institutional frameworks and bilateral agreements, towards regional and multilateral cooperation between receiving, transit and sending countries. "There is increasing realization that migration policy issues require enhanced global governance" (Castles and Miller 2009: 12). One could talk of the globalisation of migration preoccupations, in the sense that migration is central political issue of not only developed-country polities but also in the developing world (Pécoud and Guchteneire 2005: 5).

The era of globalisation is marked by the contradiction between the increasingly unhindered mobility of capital and goods, but also information, ideas and resources, on the one hand, and the increasingly restricted mobility of people. Migration may challenge borders but remains regulated by them (Pécoud and Guchteneire 2005), and borders signify the spatial territory, political community and sovereign authority of nation-states. Immigration laws are closely linked to national sovereign power and immigration control emerges as the new "last bastion of sovereignty" (Dauvergne 2008). In the words of Dauvergne (2004: 595):

> *"as nations have seen their powers to control the flows of money or ideas... slip away, they seek to assert themselves as nations through migration controls and policies which … exemplify their sovereign control and capacity".*

But if international migration is overwhelmingly high in the agenda, there is an international moral panic about irregular migration. It is there we turn our attention in the following section.

2. Contradictions and dynamics of irregular migration

Irregular migration[9] is largely considered a phenomenon of the late 20th and early 21st centuries, though concerns about it seem to grow faster than the phenomenon itself (Dauverge 2004: 599). At the turn of the millennium, irregular migration and its implications, such as human smuggling or informal employment, emerge as inherent features and challenges of globalisation (Duvell 2003; Papademetriou 2005; Bacon 2008; Dauvergne 2008; Bommes and Sciortino 2011a; b). And yet the history of immigration controls, especially in the US, reveals the incidence of undocumented migration as early as at the turn of the 20th century. As Ettinger (2009: 152) notes:

> *"Undocumented immigration in the late 1910s and 1920s, including the immigration of European, Asian, and Mexican migrants, arose from the intersection of labor market demand, the desire for family reunification, and erection of the 'artificial barriers' of immigration laws."*

Moreover, the distinction between "legal" and "illegal" migration was generalised "to stigmatize and regulate mainly Mexican migrant workers in the United States for much of the 20th century", and applied, for instance, systematic expulsions of about half a million Mexicans and Chicanos during the Great Depression (De Genova 2002: 422-3; see also Ettinger 2009). The introduction of the Bracero programme in the US (a series of "guest worker" agreements with Mexico initially to satisfy labour demand during wartime, latter recruiting workers mostly in agriculture), is generally thought to have curbed irregular migration for the period it lasted, i.e. between 1942-1964. Still, "Between 1942 and 1952, 800,000 Mexicans entered the United States as braceros, while an estimated 2,000,000 entered without documents" (Ettinger 2009: 169). Nevertheless, undocumented migration surged after the closure of the programme, and by the late 1970s, irregular migration (mostly from Mexico) was already high on the agenda of US politics (Portes 1978; 1979). Similarly, neither in Europe irregular migration is entirely new, but has been "an endemic feature of post-war European Labour mobility" (Bommes and Sciortino 2011b: 214).

The causes of irregular migration broadly lie in the intersections between people's search for life prospects, labour market demand, and restrictive immigration controls. If these were the case a century ago, then what is new about irregular migration, and how it relates to globalisation?

Certainly, there is a degree of continuity in immigration controls; however, considering the acceleration and global span of the transnational migration flows of today explored in the previous section, it appears that, alongside generalised population movements, globalisation forces produce "an ever-increasing set of restrictions to the very same human mobility they trigger" (Bommes and Sciortino 2011b: 214).

The rise of concerns over migration in general and irregular migration in particular, may reflect neo-Malthusian worries, racist fears and emotional reactions (Duvell 2011a: 246), and encapsulates a series of tensions, contradictions, inequalities and asymmetries that lie at the heart of the relationship between globalisation, migration and the state (Soysal 1995;

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[9] Also referred to as "illegal", "undocumented", "clandestine", "unauthorised", etc. Although all such terminology may be problematic as far as it assumes normative meanings, we mostly employ interchangeably the terms "irregular" and "undocumented". De Genova (2002: 421) criticises the implied teleology of immigration categories and statuses, which are "posited always from the standpoint of the migrant-receiving nation-state, in terms of outsiders coming in, presumably to stay". For a discussion of terms see (among others): Duvell (2006; 2011a), Triandafyllidou (2010).

Sassen 1996; 2000; Massey and Taylor 2004a; Pécoud and Guchteneire 2005; Duvell 2006; Sales 2007; Bacon 2008; Dauvergne 2008; Solimano 2010):

- between the right to leave one's own country and the right to entry and stay in another;

- between international human rights principles and national sovereignty;

- between accelerated global population flows and ever-shrinking legal migration channels;

- between the mobility of people and nation state borders

- between states and markets, or politics and economics;

- between global developmental inequalities and socio-economic inequalities within countries;

- between labour supply and demand on a global scale;

- between the mobility of trade and capital versus that of labour;

- between the poorer and the wealthier segments of the world population;

- between the unproblematic mobility of some versus the unwanted mobility of many others.

Not only the significance of undocumented migration has grown in the last three decades or so; its volume has considerably increased. Papademetriou (2005) asserts that it was "the fastest rising single form of migration" during 1995-2005, quoting estimates bringing the share of the undocumented to 15-20% of the global immigrant population, while Duvell (2006) mentions an estimated 22-44 million irregular migrants globally in 2002. Irregular migration is not encountered in developed countries only, but also in low income ones, the majority however reside in the US (Papademetriou 2005; Duvell 2006). Around 11 million immigrants were thought to live without documents in the United States in 2008, making up a share of 3.6% of the total population and about 30% of the foreign born (Papademetriou 2005; Duvell 2011a: 247).

In Europe, guesses bringing the stock of irregular immigrants up to 8 million in the 1990s and early 2000s have been challenged by recent academic research[10], which suggested that numbers may have actually been lower and decreased from an estimated 3.1-5.3 million in 2002 (in the EU-12) to 1.9-3.8 in 2008 (in the EU-27), making up a share of only 0.4-0.7% of the Union's population and just over 10% of the foreign nationals residing in the EU at the time (Duvell 2011a: 247; 2001b: 277).

Reasons for this decrease of the irregular migrant population in the European Union in the 2000s include large regularisations in the southeastern European countries, EU enlargement and the "automatic" conversion of previously irregular migrants to EU citizens legally present in the EU territory (particularly the case for Poles, Romanians, Bulgarians, of Latvians for instance), as well as improved enforcement and increased apprehensions. Irregular migrants are however unevenly distributed among EU member states, with the bulk being concentrated in Mediterranean member states, while numbers have lately increased in Central and Eastern Europe countries (Sassen 2000; Baldwin-Edwards 2008; Maroukis et al. 2011).

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[1] The EU-FP7 funded CLANDESTINO project on "Undocumented migration. Data and trends across Europe" (2008-9) provided an inventory of data and estimates of irregular immigrant stocks across EU-27 and went more into depth investigating in detail 12 member-states.

Rather than an exception or social pathology, undocumented migration at the turn of the twentieth century emerges as a structural feature of modern society (Duvell 2003; 2006; Baldwin-Edwards 2008; Bommes and Sciortino 2011a; b). The study of irregular migration, and any attempt to theorise it as a contemporary phenomenon, may approach it as a problem of political economy (Jahn and Straubhaar 1998; DeGenova 2002; Baldwin-Edwards 2008; Bommes and Sciortino 2011a; b). In its political dimension, undocumented migration is a product of immigration controls and immigration law in receiving nation states. In its economic dimension, it is propelled by an increased demand for specific types of work and for low-cost, flexible and unprotected labour. At the background of the two are the persistent, perhaps intensified, structural, political and other factors that generate global migrations, which we have already discussed. In between them lies the enormous growth of a migration infrastructure, including the smuggling and trafficking markets, which we will examine in the following section. In the next few paragraphs we explore the economic and political dimensions.

2.1. Irregular migration as a structural feature in late capitalism

Irregular status and is by definition an act of exclusion, though as such it may "create specific conditions for inclusion in other social spheres" (Bommes and Sciortino 2011b: 220). A primary sphere of inclusion is the labour market; yet lacking the necessary documents and thus being inexistent for the system, in most cases irregular migrants accept any work at any wage, with no social protection and no union representation. If international migrants form the mobile part of a global proletariat (Hard and Negri 2000; Duvell 2003), then irregular immigrants may be seen as its most exploited segment, in Robin Cohen's (1987) term "the new helots". Rather than an outcome of their status per se, suggesting, in economic terms, that demand meets supply, it most likely is the other way round. Nearly three decades ago, Portes explained the structural embeddedness of irregular migration in late capitalism, proposing that its causes "are ultimately found in the use and control of labor in different areas of the international economy" (1978: 472; see also Portes 1979).

Portes had observed this in the specific case of Mexican migration the United States, arguing that 'illegal' migration should not be seen as a problem, but rather as a solution to a problem (1978: 470), namely the mismatch between economic demand and immigration policy. Baldwin-Edwards (2008) asserts that this is now the case across the developed world and largely in Europe. This may suggest that there is a demand not for irregular migrants as such, but for the type of work they offer and under the specific conditions and wages this is provided (Anderson and Ruhs 2012: 24).

At times of economic booms, in particular, this might even be implicitly inherent in restrictive immigration policy agendas, even if never explicitly acknowledged until an amnesty or regularisation programme takes place. Reflecting on the UK case, Anderson (2007) underlines the contradiction between the high control exercised upon migrant workers and the hyper-flexible labour they provide, and wonders whether immigration controls are truly a tap regulating entry, or actually a mould constructing certain types of workers. Thus the reliance on migrant labour may well be a policy choice (Anderson and Ruhs 2012).

The toleration of undocumented migration does not then solely reflect a state's incapacity to assert full control over movement, neither ineffective labour market regulation, but also that sometimes "official declared policies may be different from actual intentions" (Pécoud and Guchteneire 2005: 5). Such intentions may be based even on conscious cost-benefit estimations, for instance assuming that capital-owners and skilled workers will gain more than what unskilled workers may loose (e.g. in terms of dropping wages), or considering the positive externalities of informal employment, such as productivity gains, small business

survival, employment growth, etc. (Jahn and Straubhaar 1998: 28). As, in the last few decades, official immigration programmes in developed countries target primarily skilled (most often highly skilled) immigrants, formally recognising that side of demand, it is the part of the demand concerning unskilled or low skilled work that remains unacknowledged (Casey 2009: 23-4). Of course the issue of "skills" is questionable, since demand for "low skills", may equate demand for workers who are compliant, easy to discipline and cooperative (Anderson and Ruhs 2012: 25).

Irregular migrants are typically encountered in areas, sectors or businesses characterised by both a demand for cheap and flexible labour and a tendency to escape regulations or controls: multiethnic cities and rural areas, construction, tourism and personal services, small enterprises and households (Duvell 2006). Large metropolises, for instance, do not only provide anonymity but crucially offer a multiplicity of job opportunities in burgeoning informal sectors (Sassen 2001). The growth of immigrant businesses adds to this demand by effectively mobilising ethnic networks and attracting immigrant workers, often irregular, who crucially contribute to the survival of such firms (Jones et al. 2004). In Southern European countries, largely dependent on seasonal activities (construction, tourism, agriculture), their extensive underground economies have had considerable pull effects on irregular migration movements of the past couple of decades (Reyneri 2003).

Also, in Europe, irregular migration is part and parcel of welfare regimes (Bommes and Sciortino 2011a: 16), not simply because the universal welfare state may be a magnet for immigrants, but crucially in respect to the welfare-related part of demand immigrant labour responds to. More specifically, the ageing of European populations entails both social as well as fiscal implications, while the incorporation of women to the labour force in earlier decades and the subsequent changes in gender relations and the domestic division of labour create a vacuum of previously unpaid female labour in the domestic sphere. Coupled with budget cuts under austerity policies in recent years, such transformations result in serious welfare deficits, which generate a demand for workers in reproductive activities such as those involving a variety of household and caretaking tasks; by definition difficult to be regulated, such activities often fall beyond the scope of formal economic arrangements.

It is rather not coincidental that immigration policies have turned more and more restrictive since the mid-1970s, when unemployment started growing and economic restructuring resulted in increasing informalisation, flexibilisation of work and segmentation of labour markets, as we have already seen. Early enough, Piorre (1979) had observed that labour market segmentation in advanced economies was the key variable to understand how immigrant employment was sustained despite high and growing rates of unemployment. Thirty years on, irregular migration and informal work are both related to the fragmentation of global labour markets (Solimano 2010). As Baldwin-Edwards (2008: 1452) has put it: "migrants now fill marginal niches in highly segmented labour markets", and it is precisely this economic marginalisation that results "in a socio-political perception that immigrants are no longer needed – despite persistent demand for their services".

The argument then framed by Guiraudon and Joppke (2001: 17), that "The turn to zero-immigration policies transformed demand-into-supply-side driven immigration, with a higher proportion of irregular immigration", needs to be refined by reinstituting the role of demand, even in the absence of explicitly expressed employers' interests and relevant labour migration policy.

Indeed, beyond state policies, one needs to take also into account the behaviour of employers (Jahn and Straubhaar 1998: 29), for whom "irregular migration reduces 'transaction costs' of hiring (foreign) labor by avoiding the paperwork associated with visas, formal contracts, legal permits, and social benefits" (Solimano 2010: 17). Laissez-faire practices, especially in respect to labour market regulation and labour inspections, provide

employers with access to a reserve army of unprotected, flexible and cheap workers (Solimano 2010).

As Duvell (2006: 196) has observed, "migrants seem to satisfy ideally the demands of flexibility, adaptability and life-long learning", while irregular status and informal employment then become an "'attractive' instrument for maintaining competitiveness" (Taran and Geronimi 2003: 6). As with migrant labour in general, the demand for irregular immigrant work reflects structural needs in advanced economies (Portes 1978; Jahn and Straubhaar 1998; Baldwin-Edwards 2008; Bommes and Sciortino 2010a; b), and its relationship to informal employment is an important factor in the growth of pre-existing informal sectors and the stimulation of irregular migrant flows (Baldwin-Edwards 2008: 1455).

2.2. Irregular migration, Asylum and Immigration Controls

At the same time, of course, irregular status and irregular migration are explained as products of the law. De Genova (2002: 422) defines irregularity as "a juridical status (like citizenship) entailing a social relation to the State". Yet "the scope and impact of legal status cannot be derived directly from the normative description of such a relationship", but depends on a variety of factors, including the state's capacity to detect undocumented migrants, as well as its self-constraint in repressing irregular migration (Bommes and Sciortino 2011b: 218, 217). This may not be as straightforward in western liberal democracies, e.g. due to public opinion or human rights law, as compared, for example to Gulf States (Massey 1999); yet neither the latter have been able to apply full immigration control and avoid irregular migration (Baldwin-Edwards 2008: 1456).

The legal categories defining migrants in destination countries are rather complex, fluid, and often overlapping. **Irregularity is not an "end-state", neither an "on-off" condition** (Bommes and Sciortino 2011b: 219). It rather entails an entire spectrum of categories involving various combinations of residence status and work arrangements and their compliance to national laws (Ruhs and Anderson 2010).

The dynamic character of legal status may refer to the reversal of irregularity, e.g. as a result of extensive regularisation schemes or amnesties; it is best exemplified by what has been termed "befallen illegality" to describe situations such as those observed in Southern Europe, whereby migrants who have managed to sort out their status may shift back to irregularity when they face difficulties in renewing their permits, e.g. due to inability to prove formal employment (Triandafyllidou 2010: 8; see also Baldwin-Edwards 2008). The fluidity of legal status thus depends not simply on individual circumstances or strategies, neither solely on conditions of entry, but crucially on changes in immigration policy and employment-related developments.

Empirical evidence from EU countries suggests **a variety of pathways into irregularity, among which irregular entry is just one**, accounting for only 10%-20% of irregular migrants in the EU (Duvell 2011a; b; also Papademetriou 2005; Baldwin-Edwards 2008):

- Legal entry on a visa and overstaying after expiration;

- Legal entry and possibly stay using fraudulent documents;

- Legal entry and stay on a visa but breaching its terms;

- Legal entry and stay but working informally;

- Bureaucratic failure in processing residence and work permit applications/renewals resulting in withdrawal or loss of former status;

- Irregularity by birth, i.e. being born to undocumented parents;
- Refused asylum seekers who are not removed or are irremovable;
- Clandestine entry,

Hence, irregularity is a legal and political construct and as such it may be politically deconstructed (Duvell 2006; 2011b). It entails a "hierarchy of statuses" (Vasta 2008) deriving more from immigration legislation, rather from the sole act of crossing a border without documents or authorisation. Irregularity may thus "describe the migration flow (..) but only with regard to its interaction with state's actions, which may deeply affect the course and structure of a migratory process" (Bommes and Sciortino 2011b: 216).

Nevertheless, irregularity as both clandestine entry and undocumented residence is regarded as "an affront to sovereignty because it is evidence that a nation is not in control of its borders" (Dauvergne 2004: 598). Therefore, cracking down on irregular migration becomes, among other things, a matter of legitimacy of the state apparatus: "In the face of diminished capacity in economic policy and trade realms, in military matters and corporate management, cracking down on illegal migration represents a strong assertion of sovereign control" (ibid.: 600).

Cracking down, however, appears to initiate a vicious circle: it only generates the incidence of irregular migration, increasing the risks and costs undertaken by migrants and their dependence on smuggling networks, which turn to more sophisticated methods to avoid controls, and providing reasons for even more restrictions.

In addition, **irregular migration routes and smuggling activities in particular blur further the distinction between different categories of migrants** (Van Liempt 2007: 14). In their attempt to flee towards safety, refugees may undertake irregular moves and resort to smugglers, while migrants with primarily economic motives may resort to asylum routes in the hope of gaining legal stay (Koser 2010: 183; see also van Hear et al. 2009). In "both legal approaches and public imagination", the lines between economic migrants and refugees are increasingly blurred (Dauvergne 2004: 601). Although international agencies, such as such as the UNHCR or the EU High Level Working Group on Asylum and Migration, have acknowledged the "migration-asylum nexus" (van Hear et al. 2009: 8), **the interrelationship between forced, semi-forced and voluntary migration challenges conventional assumptions in policy-making**. Van Hear (2009: 10) points out that "mixed migration" is primarily associated with the agendas in (western) destination countries, reflecting concerns over irregular migration and border controls as well as unfounded asylum claims and the return of asylum seekers whose claims have been rejected. In short, despite legal or rhetorical distinctions between those "deserving" the right to entry and the "undeserving" ones, in practice boundaries are blurred, partly as a result of immigration restrictions themselves.

Apart from situations where "refugees and other migrants move alongside each other making use of the same routes and means of transport and engaging in the services of the same smugglers", having close links in transit countries and similar experiences in destination ones, "mixed migration" may also refer to the changing character of movement along the way (van Hear et al.: 9-10, 12)[11]. It thus features at all stages of the migration

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[11] E.g. Koser (2008) reports on the intermingling of irregular migratory routes and smuggling to the West of Afghans and Pakistanis, the former generally eligible for asylum in the EU, the latter considered as driven by economic motives. Van Hear et al. (2009) offer a similar example of how refugees may use established routes for both migration and trade, using the example of Afghans who often embark their journey to Europe from refugee camps in Pakistan, while those of them who found refuge in Iraq become labour migrants.

process: the root causes leading people out of their countries may be mixed, as well as people's motivations to move, while motivations may change over time.

Furthermore, it is not always clear whether the root causes of movement, or the primary motivations of a migrant, are in fact either "forced" or "voluntary". Smuggling and trafficking, until the early 2000s used interchangeably as synonyms, are now distinguished since the former involves consent and hence is considered voluntary, whilst the latter is forced by definition (Koser 2010). Also, the term "economic refugees" has been employed to describe migrants escaping poverty, lack of opportunities, devastated livelihoods, and so on, rather than fleeing wars or persecution (e.g. Maharaj 2001). Even more difficult has become to distinguish whether a person forced to leave a homeland due to climatic change or environmental devastation is a "migrant" or "refugee" (e.g. Brown 2007: 7-8; Martin 2010). Reality does not always fit tightly to clear-cut legal constructs and rigid migratory regimes; those excluded may often be the most needy ones, and immigration restrictions render them irregular.

2.2.1 The Securitisation of Migration

Since at least the early 1990s migration has been redefined as a global threat, one among others in contemporary 'risk society' (Beck 1992). Migration stands as "the Other" vis-à-vis flows that are deemed "good", "beneficial" or "necessary" (e.g. financial transactions, trade, knowledge transfer, the internet, etc), while "the migrant … is often associated with the 'dark ' side of globalisation", baring "all things bad and dangerous" associated with it, such as "disease, drugs, death and destruction" (Muck 2008: 1232). There is a growing tendency to channel diffuse socio-economic and cultural concerns into the migration problem (van Liempt 2007: 23) by exaggerating numbers as if the poor huddled masses of the global South are about to flood the prosperous West. What is more, as Dauvergne (2008:114) has argued, "Fear of migration is no longer predominantly a fear of loss of cultural or linguistic hegemony; it is instead a fear of guns and bombs, of anthrax and sarin", i.e. as a (perceived) threat understood in military terms and therefore easier to justify its normalisation.

Such a portrayal of migration, especially irregular migration, lies at the heart of its explicit association with security issues. In the EU, alongside the abolition of internal controls and liberalisation of intra-union population mobility (with the Schengen and Maastricht treaties) immigration was being "redefined … as a... matter of security… under the same heading as organized crime and terrorism" (Waquant 2005: 41). According to Guiraudon and Joppke (2001: 15):

> *"there is a simple reason for linking migration and security: to the degree that immigration is unwanted, and immigration policy becomes 'control' policy, immigration is likely to be addressed in negative terms, as a 'threat' to the receiving society".*

Closely related are national and local discourses on irregular migrants as a threat to public health (e.g. Greece) or "bogus" asylum seekers abusing the welfare state (e.g. UK). Moreover, irregular migrants at times of economic crisis and rising unemployment may result in real or perceived competition for scarce jobs, which lies at the heart of widespread xenophobic and racist responses targeting also regular immigrants. Once such issues attract media attention, they may "undermine public confidence in the effectiveness of the state" and result to "calls for stricter controls and tighter immigration policy" (Koser 2010: 190).

On the other hand, while increasingly (irregular) migration is being discussed as a security issue, the human security of the migrants themselves remains at stake (Koser 2010). Since 1988, over 11,000 people known to have lost their lives in their attempt to enter the EU have

been recorded by NGOs. Nearly 8,500 drowned at sea, and the number of fatalities has been surging in the 2000s[12]. In the United States, over 5,000 are thought to have died in their attempt to cross the US-Mexico border between 1994-2009 (Jimenez 2009: 17). According to Koshravi (2007: 324), the main aspect of contemporary border politics is that it exposes "border transgressors to death rather than using its power to kill" (following Agamben 1998).

Additionally, there has been an exponential growth of the imprisoned immigrant population in Europe, with shares exceeding by far those of migrants in the total population, and with a significant proportion facing offences related to unlawful entry and residence (Wacquant 2005: 34-35). Being irregular involves exposure to multiple kinds of vulnerability: exploitation in the labour market and discrimination from public services and sometimes even physical abuse. Clandestine entry and irregular status have thus come centre-stage of racialisation processes in developed countries, explicitly or implicitly equating illegality to exploited unskilled labour and poor desperate people from third-world countries (Casey 2009). Yet moralistic portrayals of the irregular migrant as a victim, as well as those picturing him/her as villain, obscure the crucial role of the state in constructions of categories of people who are vulnerable to exploitation and abuse (Anderson 2008).

2.3. Irregularity between social structure and human agency

Migrants, of course, do not "respond" in a functional way to developmental pressures or inequalities "pushing" them out of their countries, neither do they head to "satisfy" labour demands in host societies. **Macro-level structural conditions may set the ground for migration, but the subjective who, when, why and how of migration remains a matter of individuals, households, and wider social network decisions, practices and strategies**.

The study of irregular migration redefines anew one of the oldest problems in the social sciences, that of the relationship between human agency and social structure. The way structure is mediated through the individual is not simply a question of weighting opportunities and constraints, but a complex interplay of adapting subjectivities, proactive practices, coping strategies, identity negotiations, interpersonal interactions, and multiple ways to mobilise social and cultural capital. Vasta (2008: 7) explains how "immigrant agency operates through the construction of social, economic, political practices and conditions in everyday life. Networks can be emergent structures, operating as constructive and productive processes". There is both local accommodation and resistance to authority structures as well as to global conditions, as the literature on immigrant transnationalism has suggested (e.g. see Smith and Guarnizo 1998).

The **human agency** of migrants is exercised at a first place by engaging in spatial mobility as a means for social mobility (Bommes and Sciortino 2011), and this is often a collective family decision since the very beginning (Start 1991). But how do people engage in situations that may put their lives in a limbo, often for a long time and with ambivalent outcomes? How do they take decisions that involve enormous costs and risks beyond their control? How do they take the step to become "illegal" and let the world around them change forever (e.g. Koshravi 2007: 322), and how do they negotiate this?

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[12] See http://owni.eu/2011/03/04/app-fortress-europe-a-deadly-exodus (Data from the website UNITED for intercultural action)

There are no simple answers to these questions. Of course one may say that "people take the risks in order to flee intolerable circumstances" (Papademetriou 2005), "because they are desperate to escape poverty and repression, because policy changes leave them with little option, or because they are actively recruited by the migration industry" (Koser 2010: 189). **Further, the question of information is central in the process**: about the costs and dangers involved in irregular travel, about the risks of being smuggled across a border, or about conditions in destination lands. But, as Koser (2010) points out, none of this provides an explanation of why and how one decides to migrate in an irregular manner.

And yet, in most cases, migrants do not subsume themselves passively to the exploitation of unscrupulous smugglers. This is not to ignore the very reality of numerous human tragedies and dramas involved in the world of smuggling, trafficking, and irregular border crossings, but rather to draw the perspective of the migrant and link what happens in between the "before" and "after" of migration, in a dynamic analysis beyond legal criminal discourses or victimisation talk (Van Liempt 2007).

In the smuggling process itself, migrants do exercise varying degrees of autonomy and interact with their smugglers in a variety of ways, often including relations of trust (Kyle and Liang 2001: 217; van Liempt 2007; Khosravi 2007; Koser 2008; 2010). Moreover, the story told by Khosravi (2007: 331) on his own experience of observing the behaviour of young western tourists and of recalling Hollywood movies in order to suppress his nervousness and "act normal" during border inspections and identity checks, suggests that "illegal" travellers not only mobilise their networks as social capital, but also make creative use of their cultural capital.

Immigrants do not stoically endure their conditions of exclusion once in their destination, or accept resignedly employers' abuse in the labour market. There is plenty of evidence of survival strategies and coping practices irregular migrants develop in order to cover up their status, or even use it in their advantage (Engbersen 2001). Engbersen (2001) describes a range of such strategies: from operating strategically in the public space and resisting the state's gaze is by becoming invisible (see also Vasta 2008: 7), to marrying citizens or legal residents, most often from within settled ethnic communities, or manipulating identity and nationality, e.g. by buying, renting and selling passports and other (forged or genuine) documents (also Vasta 2008).

None of these strategies is straightforward, and in most cases they involve the mobilisation of social capital from ethnic community networks, which may provide support on a wide range of motives, from altruistic to instrumental ones (Engbersen 2001; see also Portes 1995). Lastly, in their encounters with the labour market, migrants also manipulate their status apart from being constrained by it (Anderson 2008). Also, "irregular migration can provide tangible economic benefits to the immigrant, in a sort of spot job market, that offers jobs and salaries that can be several times higher (in comparable purchasing power) to those paid in the home country" (Solimano 2010: 17). The exponential growth of global remittances earlier mentioned (e.g. de Haas 2012), is a self-speaking proof in that respect.

2.4. A Critical Perspective on Immigration Controls

Immigration policy has emerged as the nation state's "last bastion of sovereignty", yet increasing restrictions and tightening controls appear to prove inadequate to stop the global flows of people and often result in unintended consequences (Pécoud and Guchteneire 2005; Skeldon 2010) if not in total failure (Castles 2004), if one judges from the perspective of surging undocumented migration and growth of smuggling markets. Certainly, this alleged gap between immigration policy goals and outcomes should not be exaggerated in a

simplistic way, since "political rhetoric often creates public expectations that cannot be met", while neither immigration policy goals nor their outcomes are "monolithic and straightforward to identify" (Guiraudon and Joppke (2001: 11).

Liberal democracies are constrained by liberal norms and the rule of law, they are subject to international human rights legislation and accountable to citizens (Soysal 1994; Sassen 1996; Dauverge 2008; Guiraudon and Joppke 2001) which means that control is to some extent controlled (Pécoud and Guchteneire 2005: 5). Moreover, state policies may not always be coherent in their different policy domains, e.g. there may be conflict between economic or labour market policies and security ones (ibid.). As we have seen, irregular migration responds to an often unacknowledged demand for cheap and flexible labour, and therefore may be partly tolerated.

Yet, if at the turn of millennium migration has emerged as the spectre haunting the world (Hard and Negri 2000), then certainly irregular migration has in the last three decades or so become the tip of the iceberg, encapsulating the public's worst fears about globalisation and the states' last resort of gaining legitimacy through actively (and visibly) engaging in attempts to control it, against their otherwise limited capacity of stopping the multiple kinds of capital, trade and information flows that transcend them. Irregular migration is in itself an evidence of hardening exclusion strategies in a world of inequalities, thus a proof of the betrayal of the inclusive promise of (neo)liberalism (Waquant 2005).

The history of immigration controls suggests that these have been closely linked to the history of nation-state development and consolidation. The international regulation of migration is largely a 20th century invention, which means that the Westfalian system of nation states, sovereignty and international law "managed for three centuries without comprehensive migration regulation" (Dauvergne 2004: 589). This is not to say that there were not earlier forms of authority's control over its territory and populations; documents equivalent to today's passports and visas have existed since medieval times, but these have been historically largely on a local scale, e.g. managed by churches, landlords or private actors and targeted specific groups such as Jews and Gypsies (Torpey 2000). Even in the golden period migration, racially discriminating laws had attempted to control immigration of specific unwanted groups to the New World, such as the 1882 Chinese Exclusion Act in the US and similar legislation in Australia and Canada in the early 20th century (Ettinger 2009), while the British 1905 Aliens Act was specifically targeting East European Jews. Ettinger (2009) tells the story of the origins of immigration controls in the US, the immigration nation *par excellence*, in the course of the half century before the Great Depression.

Nevertheless, **generalised state monopoly over the legitimate means of movement is relatively recent, and the contemporary immigration controls in the form we know them have risen alongside the rise of the nation state**, playing on their own merit a decisive role in nation-building processes, by asserting sovereignty through control over the national territory, and by defining the parameters of membership into the imagined community of the nation (Torpey 2000; Cassey 2009). Passports in particular emerged as an international standard for identification in the context of the First World War (ibid.: 20), and their "invention" has been crucial in defining the concept and content of citizenship, thus delineating rights and obligations relating to property, liberty, taxes, welfare, and giving the state the exclusive right to authorize and regulate the movement of people (Torpey 2000). In the course of the 20th century, "migration and the nation have become deeply intertwined" (Dauvergne 2004: 592). Dauverne (2004: 593-4) applies an interesting reading of Hirst and Thompson's (1996) scepticism about globalisation, suggesting that the ongoing evolvement of the relationship between nation-state and migration in the age of globalisation may imply that the character of sovereignty is extending from control over territory to control over people's mobility, i.e. "**controlling the movement of people *as the means of* controlling territory**".

Until fairly recently, emigration was in some cases more difficult than immigration, considering the restrictions on all kinds of mobility, including internal, in the countries of the former communist world (Pécoud and Guchteneire 2005: 1), while the fall of the Iron Curtain was hailed as initiating a new era of unhindered population mobility in the age of globalisation. Still states are now more able to control migration than ever before (Pécoud and Guchteneire 2005).

The typical means of (external) migration control applied by contemporary nation-states are found in the passport and visa systems, physical border controls, and the newly emerging apparatus of "remote control". Apart from the passport system as such, visa restrictions form the crucial "devices by which nation states control entry over their territories" (van Liempt 2007: 25). Physical border controls focus both on the fencing and patrolling borders[13]. It is not just the application of border controls as such, but also their visibility as a "militarized spectacle" addressed both externally (e.g. as a form of deterrence towards migrants or smugglers, or as proving conformity to other states e.g. as by Southern member-states towards the EU) and internally (the citizenry and public opinion, as a means of asserting legitimacy by showing that something is being done, or to speculate in view of electoral campaigns) (Guiraudon and Joppke 2001; De Genova 2002; Pécoud and Gushteneire 2005; Anderson 2008). Remote control refers to policies aimed at deterring immigration close to the point of origin (Guiraudon and Joppke 2001; Zolberg 2003), preventive protection and the "right to remain" (UNHCR), or the externalisation of control beyond national borders as in the cases of Italy and Libya, or Australia and the Pacific islands (van Liempt 2007: 27-29).

Recent trends in immigration control should include **processes of de-nationalisation and privatisation,** as suggested for instance by steps towards the Europeanization of asylum and immigration policy, the deployment of FRONTEX as a European wide agency patrolling the EU's external borders alongside national agents, the delegation of certain control tools to various private actors such as international carriers and security agencies (Guiraudon 2001), as well as the involvement of longstanding international organisations (the IOM, UNHCR) or humanitarian agencies (Andrijasevic & Walters 2010). The externalisation of control from the national sphere does not provide proof of the retreat of the state under globalisation; as Guiraudon and Joppke (2001: 15) remind us, states "may give up some of their authority only to increase their capacity to control movement". What is more, in the words of Andrijasevic and Walters (2010: 978), there emerges "an entire specialist domain wherein the design, policing, administration, and legal and technical operation of borders has become a field of knowledge in its own right, coupled with a set of administrative measures aimed at reshaping the control of borders". One may talk of a trend towards "the globalisation of immigration control" (Duvell 2003) and the consolidation of "a global hierarchy of mobility and new arrangements of labour that correspond to the broad outline with the image of flexible capitalism" (Andrijasevic & Walters 2010: 982).

Even within the frame, however, excessive controls produce a range of unintended effects and unanticipated consequences (Engbersen 2001; Duvell 2006; van Liempt 2007). On the part of the migrants, these include increased risks and dangers, but also costs, vulnerability to human rights abuses and exploitation, retreat to informal and sometimes criminal networks, but also a higher propensity of permanent settlement, as well as assistance and support by ethnic communities. On the part of smuggling networks, one may observe their professionalisation and further marketisation, perhaps also higher intermingling with organised crime. On the part of states, increasing costs of border control and exacerbating moral panic about migration with improbable outcomes at a time of generalised crisis.

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[13] Fencing and patrolling strategies are exemplified in the militarization of the US-Mexico border, while in the EU include the fence around the Spanish territories of Ceuta and Melilla in Morocco, the recently announced Greek fence to be built along the river Evros, its physical border with Turkey, as well as the operations of FRONTEX in guarding the EU's external frontiers.

3. Entangled Phenomena: Irregular Migration, Asyum-Seeking, Migrant Smuggling and Trafficking

3.1. *Human Smuggling and Trafficking in Human Beings: Similarities, Differences and Interconnections*

Indeed probably what is novel in the last decade with regard to human smuggling is the professionalization and global nature of the related networks and criminal organizations. As Kyle and Koslowski argued about a decade ago (2001a: 5) the smuggling of migrants into countries where they are not allowed to enter is not new, what is new is the global spread and development of the phenomenon. Ten years later, in 2011, there has been a development of the human smuggling and trafficking networks in terms of the breadth and size of their criminal activities and 'business' turnover, and a growth in the concern of governments and international organizations in combating these two related phenomena. Indeed the smuggling of migrants in general as well as into Europe in particular has been a priority concern for the United Nations Office on Drugs and Crime (UNODC) and its special anti-smuggling and anti-trafficking training programmes. Also trafficking in human beings, an issue closely related to human smuggling, has become a priority concern[14] for international organizations like the International Organisation for Migration (IOM). [15]

In the early scholarly works on migrant smuggling and to some extent to this day the terms smuggling and trafficking are used almost interchangeably. Salt and Stein (1997) in their seminal article: *Migration as a Business: the Case of Trafficking*, exemplify this kind of confusion. Salt and Stein (1997: 467) define trafficking as "an intermediary part of the global migration business facilitating movement of people between origin and destination countries."

Salt and Stein, just like later Kyle and Koslowski (2001b) and the contributors in their volume, do not trace a clear line between trafficking in persons and migrant smuggling. The same is true for instance for Tamura's (2007) very interesting analysis of the impact of policies combating irregular migration at the border on migrants' exploitation by smugglers. He also looks at smuggling and trafficking as phenomena so closely interlinked that it is hard to talk about smuggled migrants without crossing the line into the area of trafficking. Below we attempt to disentangle the two phenomena while acknowledging the close links that exist between them and in particular how hard it is methodologically to distinguish between smuggling and trafficking practices.

An official definition of the smuggling of migrants has been adopted in 2000 by the United Nations. This was part of the United Nations Convention[16] against Transnational Organized

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[14] For the UNODC see http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html?ref=menuside and for IOM see: http://www.iom.int/jahia/Jahia/pid/748).

[15] Sections 3.1 and 3.2 borrow heavily on Triandafyllidou, A. and Maroukis, T. (2012), Chapter 1.

[16] The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. For more information see: http://www.unodc.org/unodc/en/treaties/CTOC/index.html , last accessed 10 July 2011.

Crime, which was accompanied by a Smuggling of Migrants Protocol. According to this Protocol, the smuggling of migrants is 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 which the person is not a national or a permanent resident."*** (Article 3, Smuggling of Migrants Protocol).

Article 6 of the same Protocol requires states to criminalize both smuggling of migrants and enabling of a person to remain in a country illegally, as well as aggravating circumstances that endanger lives or safety, or entail inhuman or degrading treatment of migrants. The Convention and the Protocol note that almost every country in the world is either a country of origin or a transit or destination country for smuggled migrants by profit-seeking agents. The Protocol draws attention to the fact that migrant smuggling is a transnational crime and that smuggled migrants are often subjected to life-threatening risks and exploitation while the smugglers make huge profits by people's hope for a better life.

The United Nations Protocol adopts the term 'the smuggling of migrants' rather than human smuggling, but in this work (and more widely in the relevant literature) we use the terms 'migrant smuggling' and 'human smuggling' as synonymous.

Trafficking in human beings and human smuggling / smuggling of migrants are two inter-related but still distinct phenomena. According to the UN Convention against Transnational Organized Crime and the related Protocol to Prevent, Suppress and Punish Trafficking in Persons (Article 3), trafficking in persons is defined as:

the 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

Compared to the smuggling of migrants, human trafficking differs less in the acts committed by traffickers (according to the UN definition these include recruitment, transportation, transfer, harbouring or receipt of persons, all acts that are also involved in the smuggling of migrants) but more on the means and purpose of these acts.

Thus, while smuggling may be seen more as a free agreement and exchange between the smuggler – who provides the services – and the prospective migrant – who is the customer that needs the services - , trafficking involves threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim. In addition the purpose is not simply the profit, but also the exploitation such as sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

Here we shall discuss in some more depth the links between human smuggling and irregular migration and asylum seeking with a view also to providing operational definitions of who is an irregular migrant or an asylum seeker as again such terms may tend to become blurred when looking at real individual cases during fieldwork.

3.2. Distinguishing Irregular Migration and Asylum-Seeking

Human smuggling as a social phenomenon and as an illicit type of business is closely connected both to the question of irregular migration and to that of asylum seeking. Asylum

seekers and irregular migrants who cross a border illegally with the help of human smuggling networks share the fact that they enter their transit or destination country unauthorized. However, as also discussed above, neither all asylum seekers nor all irregular migrants cross a border illegally. They may arrive to a country with appropriate documents and then apply for asylum (as regards asylum seekers) or (in the case of irregular migrants) they may enter a country legally (with a tourist visa for example) and may stay longer or violate their conditions of entry and stay (e.g. engage into employment without authorization).

Figure 1: Irregular Migration, Migrant Smuggling and Asylum Seeking
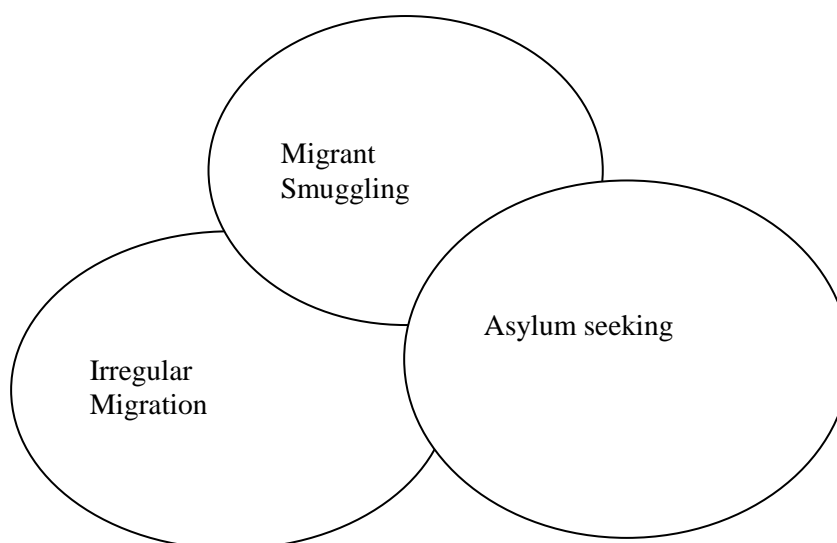
At the same time, the fact of being smuggled into a country does not make one necessarily an undocumented migrant, as a person who is smuggled into a country may be fleeing persecution and be entitled to asylum. Thus we may consider human smuggling, irregular migration and asylum seeking as three overlapping circles.

In the EU context, international migration means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least twelve months, having previously been usually resident in another Member State or a third country. According to the European Migration Network's Glossary on Migration and Asylum, (2010), irregular migration is the movement of a person to a new place of residence or transit using irregular or illegal means, without valid documents or carrying false documents. However in the relevant social science literature, there are a variety of terms and expressions used for persons who engage into some form of 'illegal' migration. Thus people who enter a country unauthorized, overstay their entry visa, live in a country without the appropriate residence permit, and/or break immigration rules in some other way that makes them liable to expulsion are called: irregular / illegal /undocumented / unauthorized / clandestine migrants, or also 'sans papiers' (French), 'clandestini' (Italian), 'clandestinos' (Spanish), λαθρομετανάστες (lathrometanastes) (Greek).

The term *"illegal migration"* refers, in the broadest sense, to an act of migration that is carried out against legal provisions of entry and residence. The European Union, for example, uses the term "illegal migration" in this sense (Jandl and Kraler, 2006). Sciortino however notes that the term illegal is value-laden and tends to associate this type of migration with criminal or otherwise "illicit" behaviour and should therefore be avoided (Sciortino, 2004, p.17).

Indeed human rights and migrant NGOs have used the slogan "No human being is illegal" to denounce that the criminalizing effects of using the term 'illegal migrant'. As Vogel et al., (2008) argue the term "illegal migration" designates the act of entering a country in contravention to the law and is confined to illegal border crossing (but not overstaying the terms of visas or residence), referring only to a *flow* and not to a stock of persons.

In recent years, there is a preference in the research and international organization expert circles to talk about "irregular migration" to denote a form of migration that is "not regular", "unlawful" or not according to the rules (without necessarily being "illegal", "illicit" or "criminal" in the legal sense). An "irregular migrant" is therefore a migrant who, at some point in his/her migration, has contravened the rules of entry or residence. The term 'undocumented' migrant is also used widely and while it, strictly speaking, refers to a person without the required (and appropriate) residence or ID documents, it is used rather generically to talk about people who do not have a legal migration status. Pinkerton et al., (2004: 1) note that the term 'undocumented' is even more neutral than 'irregular' as it simply describes the fact of not having the required papers in order, and does not refer to breaking the law.

Kraler and Vogel, (2008: 7) also comment on the term "Unauthorized migrant" which refers to people who enter or stay in a country without legal authorization. This term however does not include technically speaking those foreigners who do not need explicit authorization to enter and live in a country (e.g. if there are free movement rights like within the EU). Hence in this case we need to interpret "unauthorized" as "not authorized according to the law".

In the IRMA project we adopt the definition provided by the CLANDESTINO research project (Kraler and Vogel 2008: 7):

> *Irregular or undocumented residents are defined as residents without any legal residence 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 activities.*

> *Irregular entrants are persons who cross an international border without the required valid documents, either uninspected over land or sea, or over ports of entry.*

The activities of smuggling networks involve the facilitation of both irregular entry and stay (in transit or destination countries). They include different types of illegal services such as smuggling somebody through an unguarded part of the border, outside a border crossing point, in land or at sea. They involve procuring somebody with false papers (e.g. a fake passport or visa) to enter or transit through a country. The smuggler harbours the smuggled persons while in transit in specific places.

People using the services of human smugglers may however be not only irregular migrants but also asylum seekers. The term 'asylum seekers' encompasses several categories of people and is used often rather generically especially in the media. According to the European Migration Network Glossary (2010), asylum is

> *A form of protection given by a State on its territory based on the principle of **non-refoulement** and internationally or nationally recognised **refugee** rights. It is granted to a person who is unable to seek protection in his/her country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion*

In an EU context, there are also two related terms that refer to people in need of international protection and that are often not distinguished from asylum in common parlance or even for policy purposes are seen as being included in the broader framework of asylum policy. These terms are *subsidiary protection* which refers to the protection given to a third country national or a stateless person who does not qualify as a refugee but in respect of

whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country (see European Migration Network Glossary, (2010).

In addition in the EU context the term *temporary protection* is used to refer to a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons. (European Migration Network Glossary 2010)

People who are seeking asylum and who would qualify as refugees or as people in need of international protection are often fleeing their country of origin with fake passports (in order to evade persecution) and lack the necessary documents (e.g. a visa) to enter their first safe destination country. In addition they may use the services of human smugglers in their effort to escape from their country of origin. Upon arrival, **it can be quite problematic to distinguish between asylum seekers and irregular migrants** (the main distinction between the two being that the former are fleeing persecution and are in need of protection while the latter are moving mainly for economic reasons). Actually the reason is not only the unauthorized entry of either into the destination country's territory but also the general blurring of the distinction between asylum seekers and economic migrants today. People fleeing for instance from Bangladesh or Pakistan or India mainly for economic reasons may have been pushed to emigrate also for political reasons (because they belong to a lower caste or they supported the 'wrong' party or originate from the 'wrong' clan of families). The empirical and theoretical research developed in the IRMA project takes into account the fluidity of these categories when considering individual cases and nationality groups.

3.3.   The Nature of Migrant Smuggling in the 21st Century

Research in the field of human smuggling has "documented the creativity of the irregular migration infrastructure and its relationship to larger migratory systems", (Bommes and Sciortino 2011b: 221), established it as a new "intermediate structure" (van Liempt 2007) and has dispelled the myths of mafia-controlled criminality equating smuggling with human trafficking (Khosravi 2007; Koser 2008). Moreover, in contrast to earlier criminological studies viewing smugglers as the only active actors in the process (Ruggiero 1997), but also in original accounts of smuggling as a business (Salt and Stein 1997), the agency of migrants is now well established, as well as their multiple interactions with those providing the service, and, crucially, the importance of trust between migrants smugglers as well as within the smuggling schemes (Kyle and Liang 2001: 217; van Liempt 2007; Koser 2008; 2010).

Critical approaches have additionally seen smugglers "as a discrete form of resistance to the dominant mode of globalisation" (Mittelman 2000: 210; quoted by van Liempt 2007: 45). Such a perspective, however, should not blind us from an existing reality where "malfeasance, coercion, and violence are sued to trick, traffic and trade people into contemporary forms of slavery" (Kyle and Liang 2001: 200), while migrants "remain economically dependent on the smugglers, sometimes financially cheated on the way, or forced to carry drugs or smuggled goods, risking their lives and individual freedom

(Doomernik and Kyle 2004: 268). In fact, together with (the separate phenomenon of) human trafficking, smuggling is the illegitimate part of a wide transnational migration industry generating enormous profits (Koser 2010: 5), estimated at between 10-15 billion US dollars worth in 2000 "second only to drugs and arms smuggling" (Taran and Geronimi 2003: 7-8)

Doomernik and Kyle (2004: 266, 268) have defined migrant smuggling as "the global business of commodified irregular migration services" and smugglers as "migration merchants assisting migrants to cross an international border". As such, human smuggling may be seen as a trasnational service industry linking the providers (smugglers) with their clients (migrants) (Bilger et ak 2006). In that sense, "Smuggling is multifaceted and it is a complex market of highly differentiated services, involving "various actors … who conduct" sequential operations at different levels" (Koshravi 2007: 323).

Smuggling networks should then be seen as an entire spectrum ranging from altruistic assistance to criminal syndicates, with many variations in-between, including fully legal enterprises at some part of the process (e.g. travel agencies, air carriers, etc) even though smuggling as such is a de facto illegal activity (Kyle and Liang 2001; Doomernik and Kyle 2004: 269; van Liempt 2007). Criticism of the business model may be been criticised chiefly for failing to place the phenomenon in the broader social context of migration (Koser 2010: 5-6; see also (Van Liempt 2007), by underestimating the motivations, experiences and rights of the migrants themselves, as well as the role of social networks in the migratory process and in smuggling operations.

Smuggling routes vary and may shift over time. In the first half of the past decade, Koser (2008: 10-11) had identified three main routes of Afghans and Pakistanis to the West, entailing different levels of organisation and costs: direct flights to destination (costing as high as USD$ 17-20,000 to north America, USD$13-14,000 to the UK, and USD$ 9-10,000 to continental Europe); flight to a country where a visa can be obtained and onward flight to the final destination with the help of local smuggler's agents (USD$ 6-12,000); flight to a transit country, then complete the journey overland (USD$ 4,000).

Costs may affect critically the final destination of migrants, thus choice in that respect is restricted on their resources, and in some cases on their ability to negotiate lower prices, which is may happen if competition is intense (Koser 2008: 11). In his eloquent ethnographic autobiography, Khosravi (2007) admits how he, being short of money, ended up in Sweden, while one of his companions who could afford paying more made it to Canada. In Koser's study (2008: 12), although notably the migrants' families were not among the poorest strata in their localities, the money came from a combination of own savings, selling possessions (property, land, jewellery), or loans from a variety of sources (friends and relatives, money-launders, banks).

Having not established whether smuggling is purely demand-driven or may create its own demand, Kyle and Liang (2001: 202) have argued that the price mechanism lies beyond supply and demand but depends on the exchange itself: for instance the value placed to the future benefit of a current sacrifice. Koser's (2008: 17-8) findings point to the outcomes for the families of those who made it, returning to the root causes of migration earlier discussed: on average, the annual volume of remittances would pay for about half the 'investment' in the first year of work abroad, while remittances came to be an important resource for the families, in many cases doubling the household income.

Lastly, Doomernik and Kyle (2004) explain **the growth of the human smuggling** as an outcome of the increasing difficulties in border-crossing and entry in countries of destination and transit, **as a result of border enforcement and immigration controls**. In that sense smuggling is a product of state policies. Increased investment in combating smuggling coupled with the criminalisation of irregular migration and undocumented migrants has only resulted in "encouraging ever more illegal migration" and growing involvement of organised crime (Doomernik and Kyle 2004: 270, 271). While agreeing on the growth of smuggling as a result of tightening controls, however, Van Liempt (2007: 14) has questioned conventional assumptions alleging a relationship between smuggling and growth of migration rates; instead of creating migration as such, smuggling burrs the distinction between different categories of migrants, as we have already mentioned. Immigrants, on their part, resorting to the illegitimate side of these services may not perceive this form of travel as a act of crime "even though they are well aware that the process is not legal. (Doomernik and Kyle 2004: 268)

4. Migrants, Migration Systems and Policies

The study of irregular migration, particularly in Europe, is under-theorised, partly because of an inevitable lack of data, and partly due to the intellectual structure of the field, shaped arbitrarily by either policy considerations or militant framework of humanitarian concerns (Bommes and Sciortino 2011a: 13). In respect to the former, and notwithstanding the value of working with quantitative data, we should acknowledge the problems with data and estimations on irregular migration (Koser 2010: 181-2): the purpose of data collection, the kind of data collected, their collection methods and purposes, as well as the ways they are being used. In respect to the latter, there has been a rather overwhelming focus of both political discourse as well as academic research on irregular border trespassing and on smuggling and trafficking activities (Bommes and Sciortino 2011b: 221; Koser 2010: 182-3). Caution is therefore required against confusion and misleading perceptions since not all immigrants enter through crossing borders illegally, as already suggested (van Liempt 2007; Triandafyllidou and Ambrosini 2011; Duvell 2011a; b).

In recognising fully the dynamics of irregular migration today, we need to take into account a certain level of stability and structure within them. This measure of stability and structure is implicitly or explicitly acknowledged and theorised by several migration theories (network theory, institutional theory, world systems theory, cumulative causation approach, see Massey et al. 1993), not least of course by the very theory of migration systems. We shall adopt the **migration systems approach mainly as a framework for our empirical research on Greece and different countries of origin of irregular migrants**.

4.1. Immigrant networks, intermediate actors and irregular migration systems

We define **a migration system** as a set of sending and receiving countries that experience similar in- and out-flows and share some common socio-economic and political features. We agree with Massey et al (1993: 454) that

> *"countries within a system need not be geographically close since flows reflect political and economic relationships rather than physical ones. Although proximity*

> *obviously facilitates the formation of exchange relationships, it does not guarantee them nor does distance preclude them."*

and

> *"As political and economic conditions change, systems evolve so that stability does not imply a fixed structure. Countries may join or drop out of a system in response to social change, economic fluctuations, or political upheaval".*

Migration systems are not established solely by the fact of movement as such, but rather by a "cumulative causation" effect of past migrations (Massey et al. 1993): "Settled migrants' presence generates chain migration, evolving into transnational communities which facilitate further migration" (Doomernik and Kyle 2004: 266).

In our approach, we apply the **network theory perspective** to the extent that we shall inquire about the formal and informal networks through which migrants obtain information about their destination country, the situation there, and the migration pathways available to them and through which they get in touch with relevant actors that help them realise their plans. Social networks, and their potential for generating social capital, may analytically reveal the meso level linking micro and macro perspectives, structure and agency.

Transnational social networks form part of wider intermediate structures in a migration system, that is, the actual links between countries of origin and destination. Such links may comprise of three sets of elements (van Amersfoort 1998; in van Liempt 2007: 37): technical means (e.g. transport connections), resources (information and money to utilise transport), and political-legal regulations (e.g. passports and visas). Various kinds of brokers and institutions - including smugglers - arranging migration routes and border crossings emerge as new intermediate structures, as "structural complements to migrant networks, indicating that interpersonal ties are not the only means to penetrate international borders: (van Liempt 2007: 38).

Migration systems may thus result and be sustained beyond transnational migrant networks, since all kinds of "interdependence between receiving, transit and sending countries encourages more immigration", and "all transnational contacts have at least some migration consequences" (Papademetriou 2005). To the extent that irregularity is central aspect of both the patterns of movement and its structural determinants within an existing or emerging migration system, we may talk of **irregular migration systems**.

As Bommes and Sciortino (2011a: 15-16) have written

> *"Irregular migration systems do not comprise undifferentiated, huddled masses. But are instead distinguished by a variety of backgrounds, some already established in countries of origin (even if transformed by migration) some created in the process of adaptation to the receiving context".*

To this we would add the role of migrant networks and intermediate structures. Bommes and Sciortino (2011a: 15) refer specifically to the development of irregular migration systems in post-1989 Europe, which have had a strong influence on both the economic transformation of post-socialist countries and on the changes in demand for labour in agriculture, construction and domestic services in western European economies. They argue that these have been determined by the relationship between irregular migration, the informal economy

and state strategies, and mediated though a myriad of social networks and other types of links established between east and west Europe.

The archetypical example of an irregular migration system may be found in the US-Mexico case. From a world systems perspective, Portes (1978) looked at merely structural economic interconnections between the US and Mexican economies. The demand side in the US relates to scarcity of labour in advanced capitalist economies, especially in respect to small firms relying on labour intensive strategies and unable to relocate abroad or to increase productivity by introducing technological advances. It is this type of employers usually resorting to squeezing labour costs by employing domestically the cheap and unprotected work offered by irregular immigrants. Given that the latter's legal status excludes them from social protection, thus saving also labour reproduction costs, Portes argued that restricting legal migration channels and tolerating irregular migration has actually been a coordinated strategy despite efforts to reduce the 'illegal' flow.

The supply side, on the other hand, relates to migratory pressures originating not in stagnant rural economies but in labour-abundant ones that undergo processes of economic restructuring tailored to the needs of the capitalist core (export-oriented industries). Restructuring produces a vast network of informal activities catering for the needs of new industrial workers, as well as deepening inequalities despite aggregate economic growth, while urbanisation trends and rising consumption prospects create pressures to the state. It is in the latter's interests, Portes asserted, to encourage labour migration, not only to strengthen their fiscal position benefiting from the flow of remittances, but also to alleviate growing social tensions. In a subsequent study, Portes (1979) extended his analysis beyond the nation-state, accounting for competing class interests on a transnational scale. In this frame, he interpreted irregular labour migration "as a process of network-building through which individuals adapt to the uneven spatial distribution of economic advantage" (Portes 1978: 478). In the specific US-Mexico migratory system, although the very structural conditions are being reproduced in similar ways thirty years on, with "economic restructuring… ostensibly related to sustained outflows of undocumented migrants", further migration is being propelled by the human bonds established by earlier migrants' networks (Sanderson and Utz 2009).

4.2. An Interactive Approach to the Migration Process

Migration systems maintain a relative autonomy, though they are influenced by immigration policies, as well as intermediate actors, while in turn migrants adapt to the situations they are faced with. Our approach is based on **an interactive understanding of the migration process**. This approach has already been used in past research, in which Anna Triandafyllidou was involved as coordinator or core member of the research team [17], and

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[17] Research Project 'Does implementation matter? Informal administration practices and shifting immigrant strategies in four member-states' (IAPASIS) (2000-2003) funded by the European Commission DG RTD, Fifth Framework Programme, contract no. HPSE-CT-1999-00001, co-ordinated by Anna Triandafyllidou and Bo Stråth, at the European University Institute in Florence, http://www.iue.it/RSCAS/Research/IAPASIS/Index.shtml. It concentrated on two immigrant groups, Poles as a comparative control group and a nationally relevant group, notably Albanians in Greece and Italy, Poles and Bosnians in Germany, Indians in the U.K. The project looked for the links between the immigrant survival strategies, the specific policies adopted by the receiving countries in question and most importantly the ways these were implemented at the day to day level. The MIGSYS project studied whether and how the implementation of specific policies affects the plans and actions of individual migrants (and their families). Comparisons were made between different reception countries/immigrant groups (Poles in

which contributed to a better understanding of immigrant adaptation and survival strategies (see Duvell 2006; Jordan et al. 2003; Kosic and Triandafyllidou 2003; Triandafyllidou, 2006; Triandafyllidou and Kosic 2004; Triandafyllidou 2008).

Section 2.3 provided some preliminary insights on how migrants negotiate their pathways through established migration regimes, how they may interact with intermediate actors such as smugglers, and how they develop survival strategies to cope with the situations they are faced with as undocumented persons in destination countries. On the other hand, **immigration control policies interact with intermediate actors**, who adapt to changing legislation and border enforcement measures in various ways, e.g. by developing more sophisticated methods, raising prices, or altering their geographic and transportation itineraries.

We shall therefore build upon recent **research regarding the activities of human smuggling networks** and how these are entangled with the support and activities of informal migrant networks (UNODC 2011; Triandafyllidou and Maroukis 2011; *International Migration* Special Issue 2006 44/4). **We shall investigate which receiving state policies and how may shape the migrant's decision to turn to an organised smugglers' network** (as opposed to seeking lawful entry, entering with a visa and overstaying or using some other channel of irregular chain migration). We shall consider that **state policies may have unintended opposite effects**, e.g. severe and effective border controls may lead to the increasing expansion and professionalisation of human smuggling rather than deter migrants from entering a given destination. Or, **the impact of such policies may be selectiv**e, encouraging some to turn to smugglers, others to seek lawful entry and others still to abandon the migration process all together.

4.3.   A Typology of Migration Control Policies

Our study of the impact of migration control policies is based on two sets of distinctions (see also Vogel 2000; Triandafyllidou and Ambrosini 2011). The first distinction is to be made between **external and internal immigration policies**: external immigration policies are those directed at potential immigrants outside the regulating state and at the border, while internal immigration policies are those which concern immigrants who are already inside the nation's borders. Secondly, irregular migration control policies can be distinguished on the basis of whether they follow **a 'fencing' or a 'gate-keeping' strategy**: gate-keeping strategies aim at restricting practical legal access to a nation and its institutions, while fencing measures actively target illegal migrants in order to arrest and then expel them. Typically, gate-keeping involves paper controls of people who seek to enter a country or who come voluntarily forward, while fencing involves detecting persons in hiding and trying to deter/stop those who seek to enter without appropriate authorisation.

(Contd.)

Germany and Greece; Ukrainians in Italy, Hungary and Poland; Moroccans in France, Spain and Belgium; Turks in the UK and the Netherlands, Mexicans in Canada and the US) in terms of migration systems (East-West Europe, North Africa-Europe, Middle East-Europe, and Central-North America). The project was a pilot study. It was concluded in 2007 and led to the publication of a Special Issue: Triandafyllidou, A. (guest editor) The Governance of International Migration in Europe and North America: Do Migration Policies Meet the Migrants?, Journal of Immigrant and Refugee Studies, 6, 3, fall/winter 2008. However IAPASIS was limited in scope and geographical coverage while MIGSYS was only a pilot study looking at a range of migration policies.

The above distinction will help us investigate empirically the content of policies, how they are implemented and which policies are more effective for which type of migrants, under what conditions as well as how fencing and gatekeeping, internal and external control policies interact with one another and create desired synergies or indeed undesired outcomes (see also Triandafyllidou and Ambrosini 2011).

5. The IRMA Project: Governing Irregular Migration at a Time of Globalisation

Southern and Eastern European member states in particular concentrate large numbers of irregular immigrants not simply due to their geographic position as the EU's external borders (although this has been a decisive factor), but crucially because of their inadequate policy responses and highly bureaucratic administrations, as well as due to labour market structures, with high demand for cheap and flexible work, tolerance of widespread firm activities and, crucially, large informal sectors (Sassen 2000; King 2000; Baldwin-Edwards 2008; Triandafyllidou and Maroukis 2008; Triandafyllidou and Ambrosini 2011; Maroukis et al 2011).

Particularly Greece's transition to mass immigration at the early 1990s involved predominantly clandestine movements, mostly originating from neighbouring Balkan countries. Partly owning to the unpreparedness, as well as insufficiency, of the state machinery to respond to rather sudden developments following the collapse of regimes in Albania, Bulgaria and Romania, partly to an unwillingness to acknowledge its de facto transformation into a destination country, combined with a silent toleration of hundreds of thousands undocumented migrants available to work for low wages in agriculture, construction, tourism, small manufactures, cleaning and domestic care. With shifting channels and routes of migration, and adjustments of smuggling operations to policy developments, Greece has witnessed flows increasing in the second half of the 2000s, transcending both its maritime borders (Triandafyllidou and Maroukis 2008) and its eastern land border with Turkey, and around 2009-2010 came to receive the majority (estimated at more than 80%) of migratory flows into the EU.

The IRMA project asks **two fundamental policy research questions:**

- How do migration control policies affect the plans and actions of prospective (and actual) irregular migrants?
- Hence: why some policies are more successful than others?

In seeking to answer these questions, we assume that migrants (and their households) are independent social agents. In formulating and executing their plans, migrants interact with state actors and policies (of the destination and/or transit countries) as well as with non-state, local or transnational actors (NGOs, international organisations, smuggling networks, employers). In order to answer the above two research questions we need to learn more about **four empirical research questions:**

(a) **how migrants make and change their plans and strategies** for migrating despite legal restrictions at destination countries,

(b) **which are the actors** (national, local or transnational, state or non-state) that affect their decision making and actions,

(c) **how do these actors affect the decision making of potential migrants**, the making and changing of their plans and actions. Special importance is given to the role of

giving/sharing/receiving information, as information about migration opportunities is crucial in shaping expectations and in organising the trip and arrival strategies of irregular migrants.

(d) **why specific actors are more effective than state policies** in shaping migrants plans and decisions.

In investigating the above four questions and in answering the two more general policy related concerns stated above, the project aims to achieving **a better understanding of the actors and factors that are involved in the governance of international irregular migration.**

5.1. Selected Migration Systems

The empirical research undertaken in this project concentrates empirically on three migration systems within which irregular migration is an important component of overall migration towards Greece.

- **Balkans to EU** migration system: **Albania to Greece**;

- **Eastern Europe to EU** migration system: **Georgia and Ukraine to Greece**;

- **South Asia to EU** migration system: **Pakistan and Afghanistan to Greece**

Table 1. Selected countries of origin in each migration system

Migration systems	Eastern Europe - EU	Balkans - EU	South Asia - EU
Destination country	Greece		
Origin countries	Ukraine, Georgia	Albania	Pakistan, Afghanistan

We have selected these five countries of origin because they are among the most important source countries of both legal but also and mostly irregular migration to Greece. **Albania** offers somehow a control case where the authorities of the source and destination countries cooperate for the management of irregular migration. At the same time, and despite the settlement of the Albanian legal migrant population in Greece, there is a high number of irregular migrant apprehensions at the Greek Albanian border (at around 40,000 apprehensions per year at the Greek Albanian border and also Albanians being the most important nationality at apprehensions within the country, see Triandafyllidou et al. 2013, Migration in Greece. People, Policies and Practices, available at http://irma.eliamep.gr)

Recent studies also show that there is still a significant number of Albanian workers that work without appropriate permits in Greece at temporary or seasonal jobs (Maroukis and Gemi 2011). Thus, Albanian irregular migrants are by definition an important group to study for Greece.

Pakistan and Afghanistan have been selected because citizens from these countries are among the most visible irregular migrants in the centre of Athens and have been at the centre of the so-called irregular migration 'crisis' in Greece. These two countries are particularly important for studying the dynamics of globalisation and how transnational actors interfere with migrants' plans and state policies to shape irregular migration and condition the success or failure of state policies. Pakistan and Afghanistan have had no prior historical, political, cultural or economic links with Greece, although a small and tightly knit Pakistani community has been established in Greece for about 30 years (Tonchev 2007,

Triandafyllidou and Maroukis 2011; Lazarescu and Broersma 2010). Pakistani and Afghani immigration to Greece offers a good example of the globalisation of migration routes and the emergence of new migration destinations (see also King 2000, Knights 2000).

We have also selected as important source countries **Georgia and Ukraine** with a view to studying the irregular migration dynamics and the role of policies in the Eastern Europe to Greece migration system. Georgia is an important source country for Greece and Greece is among the top destinations for Georgians. Georgian irregular migration has continued unabated in recent years and Georgians have also tried the asylum seeking pathway with a view to achieving at least temporarily some sort of legal migration status (through the temporary pink cards as asylum seekers). By contrast, Greece is a secondary destination for Ukrainians and actually the Ukrainian community has been decreasing in size in recent years. Nonetheless, given the fact that Ukrainians are an overall particularly mobile nation, studying their case can be enlightening for comparative purposes (why do they chose Greece? how is their migration organised? What are their motivations? What is the role of policies in their decision making? What is the role of other actors? Why didn't they go to Italy for instance?).

We aim to adopt two levels of comparison:

a) **within each migration** system between the two countries studied (in the case of Ukraine and Georgia and in the case of Pakistan and Afghanistan). We shall compare the networks of irregular migration at play, the factors and actors identified, the policies adopted and implemented and how these policies affect the irregular migrants plans and actions.

b) **Among the three migration systems**, we shall identify and compare the dynamics that characterise irregular migration and its governance in each migration system with a view to arriving at conclusions that could be generalised.

c) At both levels of comparison we shall seek **to make contributions to the scholarly literature** regarding how globalisation forces affect irregular migration as well as **to identify key messages for policy makers**.

6.   Concluding Remarks

This paper has discussed critically the concept of globalisation elucidating its social, economic and political aspects and their development from the early 20th century to this day. We have highlighted the main drivers of globalisation today and the specific features that make it different from earlier globalisation phases in human history. We have noted the interconnectedness of contemporary economics and politics, and that the increased circulation of capital, goods and services, comes to stark contrast with the relatively limited movement of people.

We have thus argued that not only migration in general but irregular migration in particular is shaped by the forces of globalisation, particularly by the contradictory dynamics of the nation-state today: on one hand, the conferral of sovereignty to international organisations and the impossibility to govern the economy in an independent way, and, on the other hand, the reassertion of national sovereignty through the control of territory and of people's movement across national borders. We have thus discussed the increasing securitisation of migration and its functionality in today's global economic and political order.

The paper has underlined the dynamics of irregular migration today emphasising that irregular migration may be caused mainly by economic (poverty, inequality) and political (insecurity, war) factors but is at the same time reinforced by the global diffusion of

information technologies and global communication and cultural homogenisation trends. We have noted the blurred distinction between irregular migration and asylum, the related phenomena of migrant smuggling and trafficking in human beings and the role of migrants as human agents navigating such "minefields" of control policies, contrasted interests and luring labour market dynamics.

We have proposed an interactive perspective for analysing the irregular migration dynamics that brings together into a single explanatory framework migration policies and states (structural factors), migrants and their families (human agency) and intermediate factors (such as smuggling networks, international organisations or other ethnic networks). The IRMA project embarks in an ambitious research design that checks the role of states, migrants and intermediary agents in the making and change of migrants decisions and strategies for irregular migration. It looks at five important countries of origin for Greece, notably Albania, Georgia, Ukraine, Pakistan and Afghanistan both independently as case studies and in a comparative perspective, within and between their different migration systems.

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