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RESTRICTIVE IMMIGRATION POLICIES AND IRREGULAR MIGRATION: SECURITY THREATS

Abstract

Irregular migration has become a subject of debate among policymakers in major migrant-receiving countries in recent years. Political leaders in those countries are facing enormous pressure to reduce the influx of irregular immigrants. There are some negative impacts of irregular migration on a host country, including deterioration of the rule of law, competition in the job market and added pressure on social security and public services. Major receiving countries are applying restrictive policies to reduce the number of immigrants. This article takes an endeavour at finding the effectiveness of restrictive immigration policies on curbing the flow of irregular immigrants. Besides, it attempts to identify major security threats emanating from irregular migration.

1. Introduction

In the contemporary world, irregular migration has become one of the major issues of contention among scholars and policymakers, particularly in the migrant-receiving countries. Although irregular migration is not a recent phenomenon, it is a new concept in migration studies. A person may become an irregular immigrant in various ways: by staying in a foreign country after permission has expired or application to stay has been refused (refused asylum seeker), by entering the country through an illegal process or by any means of deception and by not complying with the conditions attached to staying or leaving the country.[1]

States first attempted to differentiate legal and illegal immigration in the twentieth century.[2] History of irregular migration reveals that over the past few years, the extent, nature, number and determinants of irregular migration have changed a lot. The term irregular migration is closely connected to immigration policy, border

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[1] Sue Lukes *et al.*, *Irregular Migrants: The Urgent Need for a New Approach*, Migration Work and Migrants' Rights Network, May 2009, p. 4, available at https://www.migrantsrights.org.uk/downloads/policy_reports/irregularmigrants_fullbooklet.pdf, accessed on 16 January 2018.

[2] Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, Princeton, N.J.: Princeton University Press, 2004, p. 55.

control and the definition of citizenship.[3] Currently, the debate on irregular migration has become more intense, diverse and visible primarily due to the increasing flow of migrants. In the last couple of years, irregular migrants are heading towards major European receiving countries from countries like Syria, Iraq and Afghanistan which were previously not counted as major migrant-senders.[4] In 2015, the European Union (EU) member states reported that more than 1.82 million people illegally crossed the external European borders. The number reported in 2015 was more than six times than published in 2014.[5]

Irregular migration is a political and legal construct which exists amidst state policies. There are some specific reasons for this which includes economic demand, competing political pressure and inability to control borders.[6] In recent times irregular migration has evolved as a crucial non-traditional security issue connected to globalisation.[7] The concept of immigration as a security threat has developed along with the global increase in the number of immigrants; while the number of people living outside their home country was approximately 191 million in 2005, by 2010, the number increased to 214 million.[8] However, unlike the globalisation of trade, finance, and production, migrants face more restrictive policies and border control in major destinations.[9]

Currently, some states use "illegal migrants" instead of "irregular migrants" to address the undocumented migrants. They do so to demonise them as violators of the domestic law since they have no endorsement of their entry, residence and employment in a particular host country.[10] There are two other terms often used in this context: "unauthorised" and "undocumented". In this paper, the term "irregular migrants" has been used. Receiving proper data on irregular migration is difficult. Often there is a lack of consistency but almost all available estimates point to a

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[3] *Ibid.*

[4] Catherine Lejeune and Manuela Martini, "The Fabric of Irregular Labor Migration in Twentieth-Century Western Europe and North America: A Comparative Approach", *Labor History,* Vol. 56, No. 5, 2015, pp. 614-642.

[5] European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *Risk Analysis for 2016,* Warsaw: Poland, March 2016, p. 6, available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf, accessed on 04 January 2018.

[6] Catherine Lejeune and Manuela Martini, *op. cit.,* p. 616.

[7] Yasemin Oezel, "Providing Security? Border Control and the Politics of Migration in the EU", 2015, available at http://www.e-ir.info/2015/06/08/providing-security-border-control-and-the-politics-of-migration-in-the-eu/, accessed on 27 October 2017.

[8] *World Migration Report 2010*, International Organization for Migration (IOM), p. 1, available at http://publications.iom.int/system/files/pdf/wmr2010_summary.pdf, accessed on 11 January 2018.

[9] Nikola Mirilovic, "Regime Type, Security, and the Politics of Migration", An unpublished dissertation, The University of Chicago, March 2009, available at https://search.proquest.com/openview/c97ef2781f48dfb94b73b1a9b4f9361b/1?pq-origsite=gscholar&cbl=18750&diss=y, accessed on 03 November 2017.

[10] Barbara Bogusz, Ryszard Cholewinski, Adam Cygan and Erika Szyszczak (eds.), *Irregular Migration and Human Rights: Theoretical, European and International Perspective*, Leiden and Boston, Netherlands: Martinus Nijhoff Publishers, 2004.

significant number of irregular immigrants.[11] As mentioned before, irregular migration flow to European countries increased to a great extent in recent years. Most of the migrants entered Europe through the Eastern Mediterranean route (people coming from Turkey to the EU via Cyprus, Greece, or Bulgaria). The main entry point for the irregular migrants was Greece. In 2015, the number of refugees arriving at the Syrian border surpassed 900,000, and the number of refugees was eleven times higher than in 2014 (77,163). However, it is worth noting that the current irregular migrants residing in European countries are mainly visa over stayers who previously entered through regular channels.

De Haas opines that restrictive migration policies in major receiving countries significantly affect the immigration pattern to those countries.[12] Although restrictive policies of receiving countries may deter potential migrants, this approach has an unintended effect of turning an asylum seeker into an irregular migrant.[13] Another important aspect is that irregular migrants are often accused of creating security threats to the host countries. Human security or the security of irregular immigrants is also a very crucial issue.

Against this backdrop, this paper aims to identify whether there is any linkage between contemporary restrictive immigration policies and increased volume of irregular migration flow and whether irregular migration is creating security challenges. The paper tries to answer the following questions: Who are the irregular immigrants? Is there any linkage between restrictive immigration policies and increasing number of irregular migrants? What types of security threats can be created from irregular migration? To answer these questions, the paper is divided into five sections including introduction and conclusion. After introduction, section two briefly conceptualises irregular migration. Section three describes contemporary practices of migration restriction and irregular migration. Section four focuses on irregular migration and security threats. Finally, section five concludes the paper.

The paper is a qualitative research work based on secondary data sources, including books, journal articles, news clippings, seminar and thesis papers, etc.

2.   Conceptualising Irregular Migration

There is no universally accepted definition of irregular migration. However, defining irregular migration is required for a better understanding of the issue. According to the International Organization for Migration (IOM), when migration

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[11] Catherine Lejeune and Manuela Martini, *op. cit.,* p. 617.
[12] Hein de Haas, "The Determinants of International Migration: Conceptualising Policies, Origin and Destination Effects", *DEMIG Project Paper 2,* 2011, pp. 1-35.
[13] Douglas S. Massey and Karen A. Pren, "Unintended Consequences of US Immigration Policy: Explaining the Post-1965 Surge from Latin America", *Population and Development Review,* Vol. 38, No. 1, 2012, pp. 1-29.

takes place beyond the existing regulatory norms of the sending, transit and receiving countries, it is called irregular migration.[14] The United Nations (UN) in its 1998 Recommendations on Statistics of International Migration defines irregular migrants as, "...foreigners who violate the rules of admission of the receiving country and are deportable, as well as foreign persons attempting to seek asylum but who are not allowed to file an application and are not permitted to stay in the receiving country on any other grounds".[15] Kahler and Vogel define irregular migration as "migration of someone who at some point in his migration has contravened the rules of entry or residence".[16]

As irregular migration is a complex and diverse issue, a proper understanding of the same is important. Irregular migration is a broader concept than undocumented or illegal migration. Some aspects of irregular migration should be made clear. First, it is important to distinguish irregular migrant 'flows' from 'stocks'. Both of them pose separate challenges and require separate policy responses to regularise or send them back to the country of origin. Irregular flows create challenges on management and control as well as on the safety and dignity of migrants who are on the move. On the contrary, irregular stocks require political responses. Second, there are multiple ways and routes into the irregularity. And third, it is important to exclude the asylum seekers from the broader debate on irregular migration. Koser argued both asylum seekers and migrants may resort to smugglers or can undertake secondary moves. Similarly, people who do not need special protection may also resort to asylum channels to gain temporary or permanent stay in a receiving country. As a consequence of these convergences, the boundary line between asylum seekers, irregular migrants, and refugees has become blurred to a great extent.[17]

Rapid rise and expansion of global terrorism have also affected the migration policies of receiving states. The terrorist attacks of 9/11 (September 11, 2001) in the United States (US) and the 7/7 (July 7, 2005) in the United Kingdom (UK) have a major influence on the immigration policies of the US, Canada, the UK, Sweden, Australia, and Germany.[18] Through empirical studies, Schűller and Okahi have shown

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[14] International Organization for Migration (IOM), *Key Migration Terms*, available at https://www.iom.int/key-migration-terms, accessed on 04 February 2018.

[15] United Nations (UN), "Recommendations on Statistics of International Migration, Revision 1", *Statistical Papers Series M,* No. 58, Rev. 1, Department of Economic and Social Affairs, Statistics Division of the UN, 1998, p. 15.

[16] Frank Van Kesteren, "Migration: Definitions and Debates in Terminology", available at http://www.thebrokeronline.eu/Articles/The-Migration-Trail/Migration-definitions-and-debates-in-terminology, accessed on 22 March 2018.

[17] Khalid Koser, "Irregular Migration, State Security and Human Security", Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, September 2005, available at http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.565.570&rep=rep1&type=pdf, accessed on 16 January 2018.

[18] Simone Schűller, "The Effects of 9/11 on Attitudes Toward Immigration and the Moderating Role of Education", *IZA Discussion Paper no. 7052*, November 2012, available at http://ftp.iza.org/dp7052.pdf, accessed on 27 October 2017; Ratna Okhai, "Assessing the Correlation between Terrorist Attacks and the

that the terrorist attacks have tremendous effects on individual's perception, which contributes to discriminatory immigration policies.[19] Furthermore, the unprecedented terrorist attacks have generated negative sentiment towards a particular ethnic or religious group which simultaneously created an international spill over effect in other countries. For example, Muslim immigrants became targets of discrimination and anti-immigration movements in those countries.[20]

In some cases, receiving countries show racial preferences; examples include the White Australia Policy, the US policy of blocking Asians, and favourable immigration policies of Germany and some other European countries to Gypsies and Muslims, etc. Anti-Muslim and anti-Mexican immigration policy of the US President Donald Trump is the latest example in this regard. Some scholars argue that a particular receiving country has the authority to articulate the admission requirements, while liberals feel uncomfortable when a receiving state sets its preferences based on religion, ethnic origin, or race.[21] Throughout the west, voices in favour of restricting migration nowadays are becoming stronger and liberal voices for open borders are being sidelined day-by-day.[22] Thus, a new policy perspective is evolving which illustrates that policymakers in major receiving countries are heading towards tightening visa regulations and asylum system to decrease the number of migrants as well as asylum seekers.[23]

Social integration or inclusion is also very crucial in determining migration policies of a country. Sometimes cultural erosion, threats to national identity and "us" vs. "them" figure directly or indirectly in the discourse of opponents to immigration. It is important for immigrants to accept and act according to the values and norms of the host country and simultaneously build up a social capital which is necessary for the host country's population. In this regard, role of the local community is very crucial. Social integration is only possible when immigrants are accepted as members of the society.[24] Contemporary migration discourse is facing the problem of social integration which ultimately leads to restrictive migration policies.

Limiting of Muslim Immigration Due to Anti-Islamic Sentiments", Thesis paper submitted to the University of Central Florida, 2013, available at http://stars.library.ucf.edu/cgi/viewcontent.cgi?article=2504&context=honorstheses1990-2015, accessed on 27 October 2017.

[19] *Ibid.*

[20] Ratna Okhai, *op. cit.,* p. 1.

[21] *Ibid.*

[22] Barbara Bogusz, Ryszard Cholewinski, Adam Cygan and Erika Szyszczak (eds.), *op. cit.*

[23] Timothy J. Hatton, "Seeking Asylum Trends and Policies in the OECD", Centre for Economic Policy Research (CEPR), 14 July 2011, available at https://voxeu.org/article/seeking-asylum-trends-and-policies-oecd, accessed on 28 January 2018.

[24] Nadzeya Laurentsyeva and Alessandra Venturini, "The Social Integration of Immigrants and the Role of Policy- A Literature Review", *Intereconomics,* Vol. 52, Issue 5, 2017, p. 285, available at https://www.ceps.eu/system/files/IEForum52017_5.pdf, accessed on 09 April 2018.

3.   Contemporary Practices of Migration Restriction and Irregular Migration

In recent years, major migrant receiving countries are adopting tightened immigration policies. States primarily do these to curb migration flow. Hence questions arise: what are the contemporary state practices of migration restriction? And, did the states succeed in curbing migration flow through these practices? This section tries to find out answers of these questions.

3.1   *Contemporary Practices of Migration Restriction*

Before outlining contemporary practices of migration restriction and the resultant flow of increased irregular migration, it is worth discussing a brief history of migration restriction. This paper mainly focuses on the restrictive migration policies in Europe. Although migration control started primarily from the twentieth century, in Europe it started a couple of centuries earlier. In 1662, 'Act of Elizabeth 1' was enacted in Great Britain which was used to restrain movement even inside the country. The situation changed later with the 1800 'Act of Union'. The latter helped to create common citizenship and allowed the Irish people to migrate to the UK.[25] The restrictive migration policy was also seen in Germany since 1548, and in 1807, the peasantry of Prussia was freed of servitude and other controls, which paved the way for free labour migration in the country. The trend of globalisation and modernisation could not prove their universality, and from 1870 major migrant-receiving countries started taking more restrictive immigration approaches. Interestingly, since 1974, most of the regular channels of migration have been 'frozen' or 'halted'.[26]

Tightening of migration policies started in Europe after the 1970s oil crisis. Until then, various kinds of low-skilled labour migration took place in Europe either through Germany's guest worker programme or through the migration channels from former colonies to France and Britain. In Europe, the tightened migration policies of the 1970s did not immediately lead to the rise of massive irregular migration. The Schengen agreement of the 1990s resulted in more restrictive migration policy in Europe. Moreover, the Schengen could not include a common labour migration or asylum system and thus produced an ad hoc mechanism.[27]

Between 2007 and 2013, the EU spent 60 per cent of its budget for Home Affairs (which stands about €4 billion) for the purpose of "solidarity and management of migratory flows" including a large amount (€1.8 billion) for the European external border fund (EBF).[28] Major portion of the border security and management spending

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[25] Ronaldo Munck, *Globalisation and Migration*, London: Routledge, 2013, p. 218.
[26] *Ibid.*
[27] Ruben Andersson, "Europe's Failed 'Fight' Against Irregular Migration: Ethnographic Notes on a Counterproductive Industry", *Journal of Ethnic and Migration Studies*, Vol. 42, No. 7, 2016, pp. 1055-1075.
[28] *Ibid.,* p. 1059.

was used at the member state level. Spain, one of the major entry points to Europe, diagnosed fight against irregular migration as one of its primary policy agenda. In recent years, the country has built new reception, call centres, detention centres, and has increased the number of migration security forces to 16,000 by 2010.

Other EU member states have also introduced expensive systems and technologies to monitor and control the influx of irregular migration. Their initiatives include vigilance mechanism and fences at Spanish, Greek, Hungarian, and Bulgarian borders. Moreover, EU member states introduced advanced coastal radar systems such as the Spanish Sistema Integrado de Vigilancia Exterior (SIVE). The EU also undertook ambitious border security measure named European external border surveillance system (EUROSUR) and developed new technologies. In the current phase (2014-2020), the EU allocated €3.8 billion as Internal Security Fund to bolster the security-focused funding stream.[29]

In June 2002, the Seville European Council gave further impetus in restricting the number of migrants. The then Danish Prime Minister Anders Fogh Rasmussen proposed a roadmap to monitor the progress of the Seville European Council's proposal on asylum and migration which was primarily formulated to prevent irregular migration to Europe.[30] Major migrant-receiving countries are nowadays worried about the huge influx of irregular immigrants. Specially, the 'boat people' are generating heated political debate in the 'gated community' of Europe, or the coastal countries of Europe, namely: Greece, Spain, Italy, and Malta.[31] In January 2014, the Italian coastguard 'rescued' more than 1000 intruders within a 24-hour period who were 'saved' and taken to Sicily.[32] This kind of intentional 'rescue' programme is a way to construct a climate of fear which works to 'conceal' the real 'structural' dynamics of migration movement and limit the prospect of an equitable solution to the global irregular migration crisis.[33]

In recent years, immigration policies and mechanisms are gradually becoming sophisticated in Europe.[34] Similarly, those countries also increased their efforts to identify irregular migrants.[35] The richer northern European countries often urge the southern

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[29] Ruben Andersson, *op. cit*.

[30] Barbara Bogusz, Ryszard Cholewinski, Adam Cygan and Erika Szyszczak (eds.), *op. cit.*

[31] Maria Giannacopoulos, Marinella Marmo and Willem de Lint, "Irregular Migration", *Griffith Law Review*, Vol. 22, No. 3, 2013, pp. 559-570.

[32] "Italy Rescues 1,000 Migrants off Lampedusa Inside 24 Hours", *BBC News*, 03 January 2014, available at http://www.bbc.com/news/world-europe-25582933, accessed on 05 October 2017.

[33] Maria Giannacopoulos, Marinella Marmo and Willem de Lint, *op. cit.*

[34] Saskia Bonjour, "The Power and Morals of Policy Makers: Reassessing the Control Gap Debate", *International Migration Review*, Vol. 45, Issue 1, 2011, pp. 89-122; Andrew Geddes and Peter Scholten, *The Politics of Migration and Immigration in Europe*, London: SAGE, 2003.

[35] Dennis Broeders and Godfried Engbersen, "The Fight against Illegal Migration: Identification Policies and Immigrants' Counterstrategies", *American Behavioral Scientist*, Vol. 50, Issue 12, 2007, pp. 1592-1609.

European governments to strengthen border controls to halt the flow of refugees, while the latter request for more financial and other support to manage their borders and for a better system to distribute the migrants more evenly to all EU countries.[36] In recent years, due to strict policies and sophisticated border management, entering the Western European countries through regular channels has become more difficult for people.[37] German Chancellor Angela Merkel has been facing protests due to her policy which has allowed more than a million people, forced to leave by wars in Iraq, Afghanistan and Syria, to enter Germany since 2015.[38] Such a scenario is quite common in almost all European countries. Therefore, demand for more regulated migration policies is a key feature of the contemporary 'European Refugee Crisis'.[39]

3.2   *Increasing Trend of Irregular Migration*

Scholars are divided on the effectiveness of restrictive immigration policies in curbing the migration flows. For example, Castles views that due to immigration control by major receiving countries, poor people are increasingly migrating through irregular channels.[40] Another group of scholars by and large believe that strict immigration policies are effective in curbing migration flows.

After signing of the Schengen Agreement on free movement, implementation of border security mechanisms started in Europe in 1990s. One of the prime objectives of this agreement was to secure the external borders of Europe from irregular migrants. However, this policy resulted in increased irregular migration through European land and sea borders. The EU introduced visa requirements for North African countries and since then boats full of irregular migrants started to appear along the European shores. This demonstrates that strict migration regulatory policies are causing the influx of irregular migration.[41]

Another important aspect of the Schengen agreement is that it could not introduce a common asylum system or labour migration policy. This situation led to the fragmented responses by the EU member states, and European leaders thus 'opted' for a 'default' border management or border security model.[42] Thus, in spite of the efforts

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[36] Stevis Matina, "Europe News: Illegal Migration to Europe Surges Toward New High", *Wall Street Journal*, 2014, pp. 1-5.

[37] Jorgen Carling, "Migration in the Age of Involuntary Immobility: Theoretical Reflections and Cape Verdean Experiences", *Journal of Ethnic and Migration Studies*, Vol. 28, No. 1, 2002, pp. 5-42.

[38] Katie Mansfield, "Merkel Must Go! Germans Turn against Chancellor as Thousands Protest at Open-door Policy", *Express*, 31 July 2016, available at http://www.express.co.uk/news/world/694960/Angela-Merkel-must-go-thousands-protest-in-Berlin-Germany-open-door-refugee-policy, accessed on 05 October 2017.

[39] Timothy J. Hatton, *op. cit.*

[40] Stephen Castles, "International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues", *International Social Science Journal,* Vol. 52, Issue 165, September 2000, pp. 269-281.

[41] Ruben Andersson, *op. cit.*, p. 1057.

[42] *Ibid.*

to contain, control, and combat unauthorised entrance in European countries, the crisis emanating from irregular migration is worsening day by day.[43]

Figure 1: Irregular Migration across the European Sea and Land Borders
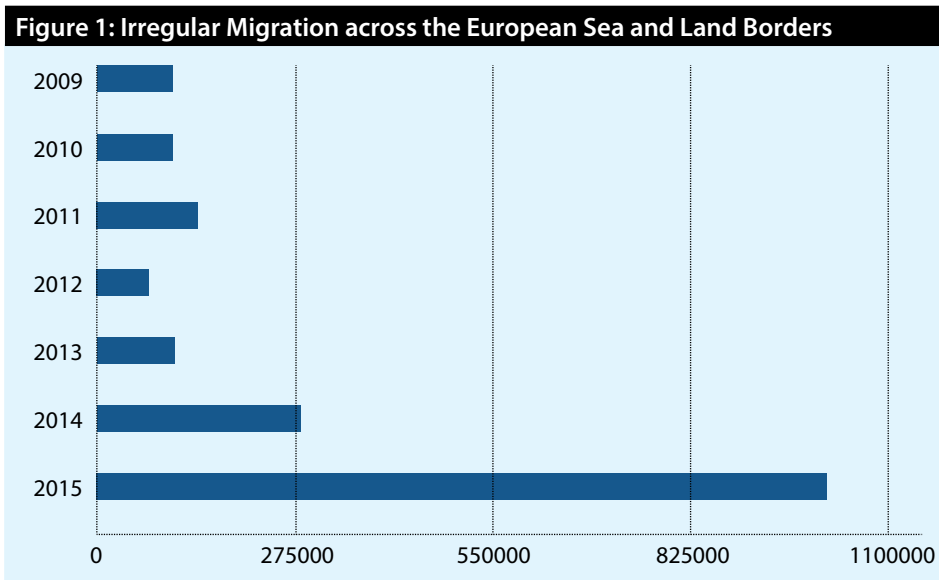
Source: Ruben Andersson, "Europe's Failed 'Fight' Against Irregular Migration: Ethnographic Notes on a Counterproductive Industry", *Journal of Ethnic and Migration Studies*, Vol. 42, No. 4, 2016, p. 1058.

The graph shows that the volume of migration in Europe has increased to a great extent in recent years. Specially, in the aftermath of the Syrian civil war, many European countries are experiencing a high volume of refugees from Syria. Hence, since 2015, a dramatic shift in the number of irregular migration is visible in the graph. Irregular migration has become not merely a European problem, but an international crisis with the increasing flow of refugees and asylum seekers. The number of global refugees reached 59.5 million by 2014, the highest number since the Second World War. The world also experienced an approximately 40 per cent increase in the number of refugees since 2011. Among the total 59.5 million global migrants, about 19.5 million people were refugees, 1.8 million were asylum-seekers and the rest were mainly internally displaced persons (IDPs).[44]

Migration regulations or restrictive immigration policies have the potential to decrease the number of immigrants. Obstructing the legal or regular channels of

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[43] *Ibid.*, p. 1055.
[44] "Worldwide Displacement Hits All-time High as War and Persecution Increase", *UNHCR,* 18 June 2015, available at http://www.unhcr.org/en-au/news/latest/2015/6/558193896/worldwide-displacement-hits-all-time-high-war-persecution-increase.html, accessed on 11 October 2017.

migration along with rigid border security mechanisms can increase the number of irregular migrants.[45] In an age of free flow of information, it is easy for an individual to obtain information about immigration policy changes in prospective destination countries. The information spreads through multiple sources, including family members and friends living abroad and different types of media.

Existing researches suggest that restrictive immigration policies end in increased irregular migration. Based on analysis of visa and asylum policies in 29 European countries in the 2000s, Czaika and Hobolth found the testimony of the above-mentioned proposition. They found that a 10 per cent increase in asylum rejections contributed to the rise of irregular migrants at an average rate of 2 per cent to 4 per cent. Similarly, they found that a 10 per cent increase in visa rejections leads to the increase in irregular border entries by a 4 per cent to 7 per cent rate.[46]

Massey and Pren presented the irregularity in US-Mexican context and showed how irregular Mexican migration worked in the dismantling of the 'Bracero' guest-worker programme in 1965. Through this recruitment process, a large number of labour migration networks had formed and the Mexicans started working in response to the seasonal demand of the Californian labour market. As suddenly this legal programme was brought to an end, migration flows continued, workers continued arriving and staying illegally. Later, the US enhanced patrolling in the US-Mexican border, which disrupted the seasonal cycle and those who had managed to cross the border put even more effort into establishing their irregular and mostly-permanent like stay.[47]

There are some 'substitution effects' which might limit the effectiveness of the migration restrictions which include: a) spatial substitution which leads to migration to different countries; b) categorical substitution by shifting towards other legal or illegal routes of migration and c) inter-temporal substitution, resorting to 'now or never migration' by expecting the more tightening policies in future.[48]

The global community saw surge in the number of asylum seekers in the 1980s, due to various reasons, including persecution, natural disasters, armed conflicts and human rights violations. However, in recent years, the number of asylum seekers is declining gradually. For example, asylum applications in fifty developed countries fell sharply for four consecutive years in a row reaching their lowest in two decades in 2005. The main reason behind this trend is because of restrictive immigration policies people nowadays are heading towards irregular channels of migration avoiding the

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[45] Ruben Andersson, *op. cit*.
[46] Mathias Czaika and Mogens Hobolth, "Do Restrictive Asylum and Visa Policies Increase Irregular Migration into Europe?", *European Union Politics,* Vol. 17, No. 3, 2016, p. 347.
[47] Douglas S. Massey and Karen A. Pren, *op. cit*.
[48] Hein de Haas, *op. cit*., p. 27.

formal channels. As Crepeau, Nakache and Atak noted,

> "The decline in the number of asylum seekers can be attributed to a large extent to the introduction of more restrictive asylum policies in destination countries. Since 9/11, growing security concerns have fundamentally changed the playing field of immigration regulation. States have developed an arsenal of measures designed to directly or indirectly prevent migrants from setting foot on their territories. They have reemphasized the role of the border as the traditional symbol of national sovereignty. As a result, the scale of irregular migration has reached unprecedented levels." [49]

Asylum policy of a receiving country may also create irregular migration. Once a person manages to cross the border, he needs to think of different scenarios: first, whether to apply for asylum or not and, second, in case of a negative outcome whether to stay or return. If asylum policy of a receiving state is restrictive, applying for asylum would have little chance of successes. In this circumstance, some might instead choose to stay clandestine. Similarly, in case of refusal of an asylum application, the decision of staying irregularly might be an option. [50]

Although restrictive immigration policies or lack of legal migration opportunities is one of the key factors for the increased irregular migration, Wohlfeld has identified some other reasons behind irregular migration. Those include, overall increased mobility as an outcome of globalisation and lack of proper data on the supply and demand sides for the global labour market. [51] Poor economic condition and lack of opportunities as well as political and governance situation in the sending country also influence irregular migration.

4.   Irregular Migration and Security Threats

International migration, more specifically irregular migration is one of the most discussed areas of new security agenda in the post-Cold War era. The migration-security nexus is viewed from both traditional strategic perspectives focusing on state security and from a human security perspective focusing on the security of individual migrants. Existing literature reveals the duality of threats posed by irregular migration to both national security and human security (security of immigrants).

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[49] Francois Crépeau, Delphine Nakache and Idil Atak, "International Migration: Security Concerns and Human Rights Standards", *Transcultural Psychiatry,* Vol. 44, No. 3, September 2007, pp. 311-337.
[50] Mathias Czaika and Mogens Hobolth, *op. cit.,* p. 350.
[51] Monika Wohlfeld, "Is Migration a Security Issue?", in Omar Grech and Monika Wohlfeld (eds.), *Migration in the Mediterranean: Human Rights, Security and Development Perspectives*, Mediterranean Academy of Diplomatic Studies, Malta: Gutenberg Press, 2014, pp. 61-77.

4.1   *Security of State*

Citizens and governments of migrant-receiving countries often perceive that irregular migration is a security threat to those states.[52] Identifying and analysing the linkage between irregular migration and security is a complex issue. Mainly in two ways, irregular migration may become a security threat to a host country. Firstly, irregular migration affects the international border control and border crossing policies. Secondly, it has the potential to create unrest in a particular host country by putting pressure on jobs, social services and law and order situation. Thus, migration is often portrayed as a challenge to the welfare state and 'danger' to the society.[53]

There are some important aspects of migration-state security nexus. Kicinger claimed that overall migration can be linked to three types of national and international security situation: a) migration itself can be an outcome of other types of security threats like intra and inter-state war, ethnic conflict and human rights violation; b) international migration can pose threat to international security and stability when it is of uncontrolled and massive character and c) there is another possibility that migration can end in other security threats like racial violence or xenophobia.[54] He also identified some other security aspects that could result from migration. First, international migration can pose a demographic threat to a receiving country if a high volume of immigrants enters a particular society where there is a declining and aging population group. Second, social stability may be threatened due to xenophobia and racial discrimination. Third, immigration can pose a threat to cultural identity which in turn can contribute to the rise of right-wing extremism. And finally, immigration can be a national security threat if the immigrants become associated with different terrorist activities.

The securitisation of migration is not a recent phenomenon. During the Second World War, German citizens residing in the UK were interned on the ground that they might act as 'fifth columnist' in the country.[55] In the 1980s and 1990s, most of the debates over immigration primarily focused on economic issues. Before the 9/11, immigration was not counted as a major national security issue. It is noteworthy that labelling any particular issue as a security threat has numerous implications regarding norms, laws, procedures, and policies. This type of labelling ends with more restrictive immigration policies, including surveillance, deportation and detention. Such policy responses from receiving countries, in turn, can affect migrants to a great extent. For

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[52] *Ibid.*

[53] Gemma Pinyol-Jiménez, "The Migration-Security Nexus in Short: Instruments and Actions in the European Union", *Amsterdam Law Forum,* Vol. 4, No. 1, 2012, pp. 36-57.

[54] Anna Kicinger, "International Migration as a Non-traditional Security Threat and the EU Responses to This Phenomenon", *CEFMR Working Paper 2/2004*, available at http://www.cefmr.pan.pl/docs/cefmr_wp_2004-02.pdf, accessed on 04 January 2018.

[55] Khalid Koser, "When is Migration a Security Issue?", *Brookings,* 31 March 2011, available at https://www.brookings.edu/opinions/when-is-migration-a-security-issue/, accessed on 31 December 2017.

example, when a country refuses asylum seekers' access to a safe country, there is a possibility that it will push them to human traffickers or smugglers. And this situation will ultimately lead to an increasing anti-immigrant sentiment among citizen of that country, gain huge media coverage, and generate severe political debate.[56]

It is often claimed that international migration is responsible for importing criminals and terrorists.[57] Migrants are also often blamed for spreading infectious diseases in the host country. But Koser refuses these as dangerously misleading perceptions. First, the proposition that migration is responsible for bringing terrorists or criminals is not proven, and there is very little evidence to argue that there is a greater concentration of potential terrorists, terrorists, or criminals among the migrants than the local population. With the same token, in very rare circumstances migrants have been found to carry infectious diseases. Second, there is a possibility that such propaganda can create antagonising public attitude towards migrants. And third, the tendency of focusing more on extreme cases can divert attention from the circumstances where migration can actually pose security challenges to the host country.[58]

The terrorist attacks on 11 September 2001 have resulted in strict immigration policies and increased border control mechanisms by major receiving states. Afterwards, immigrants often became a subject to political debate in the western countries. They are also portrayed as a societal and economic security threat by the media, which often generate hostile attitudes towards immigrants. Similarly, a conceived connection between the terrorist groups and immigrants also become prevalent in politics as well as media.[59]

Soon after the 9/11 incident, the George W. Bush administration redefined the role of the country's immigration agencies and included them in a strategy to combat terrorism.[60] The current immigration bill of the country, 'Border Security, Economic Opportunity, and Immigration Modernization Act of 2013' or the 'S 744', urges to strengthen and upgrade its border security. The upgraded initiatives include doubling the size of border patrol agents to at least 38,000 personnel alongside the US-Mexico border and investing more in new types of security measures and technologies, like camera systems, surveillance towers, drones, ground sensors, and different type of vehicles.[61] These steps demonstrate that the undocumented

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[56] *Ibid.*

[57] *Ibid.*

[58] *Ibid.*

[59] Julia Tallmeister, "Is Immigration a Threat to Security?", available at http://www.e-ir.info/2013/08/24/is-immigration-a-threat-to-security/, accessed on 24 December 2017.

[60] Albaro Tutasig, "Immigration: A National Security Threat?", *CUSLAR Newsletter,* Vol. XL, Issue 1, 08 September 2014, available at https://cuslar.files.wordpress.com/2014/02/cuslar-newsletter-summer-fall-2014-1.pdf, accessed on 24 December 2017.

[61] *Ibid.*

immigrants are perceived as a security threat to the US. Thus, US policymakers face challenges due to increasing number of irregular immigrants, particularly, the rising number of people crossing the US-Mexican border.

Arguably, irregular immigrants can jeopardise the security landscape of a receiving country. According to a statistic, currently more than 10 million irregular immigrants are residing in the US, and that population is growing at 700,000 every year. Pointing to the fact that three out of 100 people are undocumented, Johnson and Kane expressed their concern that this huge number of irregular immigrants can profoundly affect the security environment of the country.[62] Irregular immigrants can easily become involved in criminal activities because of their illegal status in the host country. There are some offences which can be conducted only by the non-citizens. In addition to that immigrants often show a higher percentage of criminal activities than the natives. In a host country, irregular immigrants might try to influence the policies of receiving state in their favour or they might even launch terrorist attacks to fulfill their objectives.[63]

Irregular migration also creates security threats for the poorer countries. From a national security point of view, migration management appears to be a bigger security challenge for the poor countries than developed states. In fact, the poorer countries have different types of concerns over irregular migration.

From the above discussion, it is evident that irregular migrants can cause security threats for the receiving countries. However, this does not preclude the possibility that irregular migrants themselves may primarily face security challenges. They can become victims by falling into the hands of human trafficking and smuggling groups and even in the hands of organised criminal groups. In a host country, they lack legal status for their stay and work and therefore, may resort to different kind of illegal activities, which also can create security threats for a state.

4.2   *Human Security*

Unlike strategic analysts who perceive that irregular migration is responsible for causing state insecurity, protagonists of human security tend to focus on the security of individual migrants rather than the security of states. The human security concept gained momentum at the beginning of the twenty-first century. The United Nations Development Programme (UNDP) defines human security and holds the view

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[62] Kirk Johnson and Tim Kane, "The Real Problem with Immigration...and the Real Solution", The Heritage Foundation, 01 March 2006, available at https://www.heritage.org/immigration/report/the-real-problem-immigration-and-the-real-solution, accessed on 27 January 2018.

[63] Margit Fauser, *Transnational Migration – A National Security Risk? Securitization of Migration Policies in Germany, Spain and the United Kingdom,* Center for International Relations, Reports & Analysis 2/06, available at pdc.ceu.hu/archive/00004804/01/rap_i_an_0206a.pdf, accessed on 31 January 2018.

that human security is mainly a human-centred model focused on economic aspects of a person's life. The definition of UNDP emphasises the right-respecting political structure and culture that does not discriminate people, according to race, religion, gender, or any other ground. Moreover, this approach emphasises on sustainable global development which requires social and political institutions favourable to the promotion of human security. Migration, both results from and itself, can lead to human insecurity. Destabilisation of economic lives of individuals and their family members, dislocation due to natural disasters, religious and political persecution constitute the threats to human security which drive migration on a mass scale.[64]

Irregular immigrants are particularly vulnerable to exploitation, discrimination and abuse. They are in a threat of being exploited by organised human traffickers and smugglers. When states try to increase control over their borders to prevent irregular migration, potential migrants move to organised crime groups to arrange border crossing for them. The smuggled migrants are unaware of probable risks associated with these transactions, and as a result, often become victims of various maltreatments by organised crime syndicates.

Research related to smuggling of asylum seekers reveal that smuggling and human trafficking also push the migrants to various sources of vulnerability: social, economic, and political.[65] In most of the circumstances, women and children become easy victims of human trafficking and are forcibly exploited in the sex industry or domestic work. Considering the level of abuse faced by trafficked people, scholars have compared the current practice of human trafficking with slave trade.[66] Irregular migration, human trafficking and smuggling are nested concepts. According to Väyrynen, irregular migration along with smuggling and human trafficking is connected to a larger problem of illicit global economy and organised crime.[67]

The exact number of victims of human trafficking is not known. The International Labour Organization (ILO) estimated that in 2012 approximately 20.9 million people were victims of forced labour. The United Nations Office on Drugs and Crime (UNODC) in its 2012 Global Report on Trafficking in Persons mentioned that between 2007-2010, people from 136 countries were trafficked and detected in 118 countries. Notably in this period, women account for 55-60 per cent and children 27 per cent of all global trafficking victims respectively. In 2001, around 120,000 people were trafficked into the EU. The victims become servants or are forced to work in

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[64] Francesca Vietti and Todd Scribner, "Human Insecurity: Understanding International Migration from a Human Security Perspective", *Journal on Migration and Human Security,* Vol. 1, No. 1, 2013, pp. 17-31.
[65] Khalid Koser, "Irregular Migration, State Security and Human Security", *op. cit.,* p. 12.
[66] *Ibid.*
[67] Raimo Väyrynen, "Illegal Immigration, Human Trafficking, and Organized Crime", *Discussion Paper No. 2003/72,* World Institute for Development Economics Research (WIDER), October 2003, pp. 1-25.

low paid and risky jobs. In some cases, they are either forced into begging and/or prostitution.[68]

While anyone can become a victim of trafficking or smuggling, irregular immigrants are particularly vulnerable for some reasons, including lack of legal status and protections, limited employment options, limited language efficiency, poverty and immigration-related debts and social isolation. In most of the circumstances, they are victimised by traffickers from a similar ethnic, national or cultural background, on whom they become dependent for employment or other supports in a foreign country.[69] Human trafficking is initiated by the local elites or entrepreneurs who have connections with foreign employers or smugglers. The 'en route' phase of human trafficking or smuggling can differ significantly in terms of its mode of transportation, duration, the level of control and of responsibility that the smugglers can exercise over their customers. For these reasons, human trafficking or smuggling can be characterised as a 'network of locals' rather than an enterprise of 'international mafia'.[70]

A receiving state should play a major role in resolving the problem and protecting the human rights of individuals residing within its own boundary. Although receiving states are in a position to play a key role in protecting human rights of migrants, often they fall short of fulfilling this responsibility. In a report on the human rights of migrants, Special Rapporteur of the Commission on Human Rights argued,

> "In exercising their sovereign right to regulate the entry, stay and movement of migrants and their policy on immigration, asylum and refuge, States should bear in mind the international obligations they have assumed in the area of human rights. In other words, States party to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child must guarantee to anyone who is in their territory and subject to their jurisdiction the rights recognised in those legal instruments."[71]

Beside the irregular process of movement, irregular status of the migrants also jeopardises the security of irregular migrants. They are often forced to work in dangerous and precarious jobs, are excluded from education, health and other social

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[68] Sinikukka Saari, "Balancing between Inclusion and Exclusion: The EU's Fight against Irregular Migration and Human Trafficking from Ukraine, Moldova and Russia", *Working Paper: Challenge*, January 2006, available at http://www.lse.ac.uk/internationalRelations/centresandunits/EFPU/EFPUpdfs/EFPUchallengewp3.pdf, accessed on 05 February 2018.

[69] "Human Trafficking-Exploitation of Illegal Aliens", Federation for American Immigration Reform, August 2016, available at https://fairus.org/issue/illegal-immigration/human-trafficking-exploitation-illegal-aliens, accessed on 19 February 2018.

[70] Raimo Väyrynen, *op.cit.*, p. 5.

[71] United Nations, *Report on the Human Rights of Migrants Submitted by the Special Rapporteur of the Commission on Human Rights*, 2004, Geneva: UN.

welfare provisions and also face difficulties in arranging accommodation. Although they may have a valid asylum claim, their status usually makes them unwilling to communicate with concerned authorities.[72] Overall, they become trapped in a situation where they face enormous difficulties in fulfilling their basic needs.

Ben Emmerson, the special rapporteur to the UN on counter-terrorism and human rights issue, noted, "While there is no evidence that migration leads to increased terrorist activity, migration policies that are restrictive or that violate human rights may in fact create conditions conducive to terrorism." He argued that restrictive immigration policies may lead to terrorism, as he noted, "Overly-restrictive migration policies introduced because of terrorism concerns are not justified and may, in fact, be damaging to state security."[73]

5.   Conclusion

Currently, the global community is experiencing a big challenge from irregular migration. The causes of irregular migration are economic, social, political, and environmental. Moreover, in recent years, conflicts, deprivation, different types of human rights abuses and other adversities as well as advancement in transport and communication technologies have given rise to a huge number of irregular or undocumented immigrants. Although the right to migrate is an inalienable right recognised by the global community, in current days, liberal democratic countries are opting to curb this right for the sake of national interest and state sovereignty. It is evident that the expansion of global terrorism is also playing a catalytic role in pushing states towards strict immigration policies.

Nowadays, the EU and other western receiving countries are concentrating more on border management and border control. But relevant literature could not demonstrate that those policies have been successful in decreasing the number of irregular migration. Instead, people from various parts of the world are risking their lives to go to safer countries and are becoming irregular immigrants in those countries. Therefore, without properly addressing the root causes of irregular migration, curbing the number of irregular migration will be a difficult task. Existing debates on the issue highlight that migration is a meta-narrative and intrinsically linked to the evolution of human civilisation. However, that should not mean that states cannot control, regulate, or stem migration. Developed countries and donors can formulate effective policies to pre-empt irregular migrants' movements from the conflict-prone and poor countries to the West.

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[72] Khalid Koser, "Irregular Migration, State Security and Human Security", *op. cit.,* p. 12.
[73] Lizzie Dearden, "UN Report Finds No Evidence Migration Causes Terror Attacks and Warns Anti-Refugee Laws Could Worsen Risk", *Independent,* 24 October 2016.

If the trade-off of non-irregular migration is not better, people will try to continue their journey to cross international borders to become irregular migrants in another country. It, therefore, can be argued that irregular migration will continue in future, although it may be possible for countries to reduce the scale of irregular migrants. The main reason is that the factors or forces which determine international migration are quite potent while the ability of states and international organisations to modify them is very limited.