Chapter 1
Introduction: Understanding the Challenge of Irregular Migration

International migration is a critical issue in contemporary societies. A well-known textbook calls it "a major theme for public debate" (De Haas et al., 2020: xii). Migration is at the centre of the 'transnationalized social question' located at the interstices between the Global South and the Global North, where people seek a better life or flee unsustainable living conditions by migrating abroad (Faist, 2019). International population mobility has moved to the top of political agendas, becoming a 'hot topic' for governments and political parties (Spencer & Triandafyllidou, 2020). It has become a matter of controversy in mass media, and in ordinary people's conversations as well. In most cases, it is depicted as a threat to the social stability of receiving societies. As Anderson efficaciously puts it, "'Migration' signifies problematic mobility" (Anderson, 2017: 1532). This perceived threat of migrants provokes increased efforts to halt, restrict, and prevent migration, often by limiting legal migration channels and increasing border controls. The, perhaps unintended, consequence of this is not that migration stops, but instead that a part of migration becomes irregular.

Whilst irregular migration is problematised and criminalised especially in the Global North, in sending societies, on the contrary, venturing abroad is often viewed as a dream or a hope, regardless of the legal framework in which this mobility and subsequent settlement occur (Alpes, 2013). It gives the impression that migrants take the time spent in an irregular condition while waiting for a residence permit for granted.

Migration, especially unwanted international migration, is a vital concern for contemporary societies worldwide, be they sending, receiving or transit countries. This form of migration will be the main focus of this Reader. Throughout it, we hope to provide ample insight into the contentious theme of irregular migration by elaborating on its origins, the policies devised to deal with it, possible responses to it, the actors involved, and the agency of irregular migrants themselves. This introduction highlights the issue of irregular migration, discusses terminology, provides some estimates of the population involved, and presents the book's structure.

1.1 Human Mobility and the Reaffirmation of National Borders

Contrasting views on human mobility find an important locus of confrontation at national borders and during border crossings. National borders are sites where the sovereign power of states is politically highlighted (Geddes, 2005) because "states have historically claimed near-absolute authority over their territories by regulating the inbound movement of people across their borders" (Opeskin, 2012: 552). Since the beginning of the last century, modern states have pursued the goal of achieving close control over human mobility by introducing passports and the related bureaucracy (Torpey, 1999; Adamson, 2006). Irregular immigration, which was more tolerated in the period of development of Western economies in the 1950s and 1960s, started to become a political concern, especially in Europe, in the second half of the 1970s, after the first oil crisis and the decision to stop the entry of new working immigrants. Provisions became more stringent in the 1990s, when immigration began to be treated as a security issue (Andersson, 2016). Terrorist attacks, at the beginning of this century, reinforced this trend. Since then, in various parts of the world, including Europe, North America, and Australia, forms of 'neo-nationalism' have informed international relations, enhancing the ability of states to control border crossings (Schain, 2009). Nation-states, which appeared to be declining in their political role in the final decades of the last century, have claimed a new centrality in the current period of perceived growing insecurity, international tensions, and terrorist threats.

Governments, furthermore, have externalised migration controls, establishing agreements that commit transit countries to controlling the flows of migrants and asylum seekers (Lavenex, 2006). They 'stretch their borders' by multiplying the institutions involved in border management and extending and reworking sovereignty in new forms (Casas-Cortes et al., 2015). The European Union, in particular, has connected intra-regional opening and inter-regional closure in the process of state-led regional integration by developing an ambitious external migration policy agenda (Lavenex & Piper, 2021). The agreements between the EU and Turkey, Libya and Niger, or the *Frontera Sud* programme between Mexico and the United States of America, highlight this trend: more powerful governments engage their neighbouring partners as border guards without paying much attention to how they perform that role. By contrast, when their neighbours do not fulfil this role adequately, as in the case of Belarus (allowing transit to Poland), or Bosnia (allowing some passage to Croatia), or Morocco (allowing entry to Ceuta in some cases), or Turkey (applying pressure, from time to time, on its border with Greece and the EU), or Mexico, governments of the Global North protest, denounce these behaviours, and threaten the perpetrators with sanctions. For the same reason, cooperation in controlling unauthorised border crossings has become a weapon in the hands of the authorities of these neighbouring states to pressure developed countries and obtain concessions, as the cases of Belarus and Turkey illustrate.

In recent years, scholarship has emphasised the formation of a "fluctuating land-scape of frontiers" (Agier, 2014) with the establishment of various types of walls and fences (Balibar, 2012). This involves the growing use of sophisticated technologies (Dijstelbloem & Broeders, 2015; Andersson, 2016) and forms of control at a distance (Tsianos & Karakayali, 2010). By means of these instruments, states enact a "selective and targeted" border management (Rumford, 2006: 164), allowing some forms of international mobility (by citizens of developed countries and by elites of developing and intermediate countries) and preventing other forms of border crossing, notably by ordinary people from the global South. Travellers encounter borders from the moment they depart, in airports often very far from their final destination, when they are required to display valid documents and visas to be allowed to board. They are rechecked on multiple occasions, not only on their arrival at the official border but also when renting a room in a hotel or an apartment, exchanging their money, accessing a public service, entering employment, or registering at a university. Borders and related controls in some way follow foreign sojourners in many interactions with host societies. They take on various forms, agents, sites, practices and targets (Burridge et al., 2017).

The blame attributed to, and the fight against, smugglers complement the picture. While maintaining some caution when directly blaming people on the move, because they may also be asylum seekers escaping war and persecution, states have redirected their opposition towards (visible) agents who favour border crossings (Sanchez, 2020). Irregular migration can be seen as encompassing a number of interrelated aspects, from border closure, the lack of legal means to move abroad, the search for alternative routes, the market for (various types of) support to the irregular border crossing, to the dangerous journey itself. However, only the last link, between dangerous journeys and smuggling, is commonly recognised. As Guiraudon (2020: 151) has recalled, "very early on, at the signing of the Schengen Agreement, a number of international organisations and NGOs denounced the measures meant to fight illegal migration as targeting all asylum-seekers that could not obtain a passport and visa and thus would be stopped at airports by the personnel of transport companies that wanted to avoid carrier sanctions".

Nevertheless, despite these advances in the prevention and repression of undesired human mobility, the enduring presence of immigrants who do not fulfil the legal requirements to settle legally demonstrates the "patchy, makeshift, inconsistent and failure-prone character" of national borders (Burridge et al., 2017: 245). Borders are polymorphic and complex in that they have been reinforced with multiple controls at various moments and in various places. Controls, however, have not achieved complete regulation of human mobility. Other forces, ranging from markets to human rights, limit the effectiveness of border controls in various ways (Hollifield et al., 2014) and involve other actors, values, and interests (Ambrosini, 2018).

Against this backdrop, irregular migration has acquired a particular salience as the most striking demonstration of the challenge that unwanted international mobility raises for receiving societies' political and social order. On the one hand, economic globalisation has improved the lives of millions of people worldwide, but not

enough to discourage people from venturing abroad. On the other hand, it has spread social, cultural and personal insecurity in the Global North (Bauman, 2000; Beck, 1986). Anxiety regarding the arrival of migrants from developing countries has gained ground and generated fierce political opposition against migration, especially against unauthorised migration.

This Reader considers irregular migration in its various forms. However, in public opinion and in political debate, irregular immigrants are frequently confused with asylum seekers, who often cross borders by undertaking dangerous journeys without legal authorisation. Settings such as the borders between Belarus and Poland, between Turkey and Greece, between Bosnia and Croatia, between Italy and France (Ventimiglia and Val Roja), or the Spanish enclaves of Ceuta and Melilla, the tiny Italian island of Lampedusa, the French region around Calais, are commonly perceived as the places in which the issue of unauthorised immigration arises and shows its challenging features (Queirolo Palmas, 2019; Filippi et al., 2021; Queirolo Palmas & Rahola, 2020). While this is true, it is only one part of a much broader and multifaceted phenomenon.

In the past decade, asylum seekers have become the target of growing concern by developed receiving societies. However, when foreign citizens have accessed the territory of another state and applied for asylum, according to international conventions they have the right to have their case carefully evaluated by the authorities. In principle, their irregular entry is not a reason for them to be sanctioned until examination of their application has concluded. Only if the application is rejected does the infraction of rules upon entrance become relevant and can cause their expulsion. Asylum seekers become a segment of the irregular immigrant population when they remain on the territory after the rejection of their asylum applications. The UK and Denmark, however, have recently moved towards a policy of deportation to Africa of asylum seekers before their applications have been examined.

'Irregular immigrant', however, is a broad and diversified category. In most cases – as we will see – irregular migrants have entered a country regularly. In Europe and the USA, most irregular immigrants are overstayers: people who have remained in a foreign country beyond the terms of their permit (Triandafyllidou, 2010; Andersson, 2016). As Alden states regarding the USA on the basis of sound statistical evidence, "the majority of additions to the US unauthorised population is now arriving on legal visas and then overstaying; enforcement at the Southern border does nothing to respond to this challenge" (Alden, 2017: 482).

Furthermore, unwanted population mobility highlights the clash between opposing forces (Echeverría, 2020). On the one hand, the logic of globalisation and markets emphasises international exchange and various forms of mobility, together with people's will to improve their lives or escape war and persecution. On the other hand, the logic of nation states, as already observed, seeks to reaffirm sovereignty by selectively regulating access to their territory (Anderson, 2017; De Haas et al., 2018). The increased mobility of financial capital, traded goods, and industrial production in recent decades has weakened the role of states in the governance of socio-economic issues, and their ability to protect their citizens against economic uncertainty. Governments have reacted by trying to reinforce their capacity to check

and select the entry, stay and settlement of foreigners: they have strengthened the monopolisation of legitimate means of movement across national borders that has been a visible symbol of national sovereignty for more than a century (Torpey, 1999).

More than 20 years ago, Massey already identified the emergence of a postmodern paradox: "while the global economy unleashes powerful forces that produce larger and more diverse flows of migrants from developing to developed countries, it simultaneously creates conditions within developed countries that promote the implementation of restrictive immigration policies" (Massey, 1999: 313). More recently, Faist has echoed this statement by talking of a 'mobility paradox' from the point of view of the people involved. Namely, the tension between aspirations to find a better life abroad and political opportunities to migrate to the global North: "at the time when location matters even more for life chances than before, there are fewer chances for cross-border migration" (Faist, 2019: 7) for people possessing weak passports and few resources.

The 'mobility turn' claimed by Urry (2000) involves deep inequalities around the world (Glick Schiller & Salazar, 2013): citizens of developed countries and some economic, political and professional elites of developing countries at present enjoy rights of mobility across national borders that are greater than ever before. Labour immigration, on the other hand, has been in principle stopped or severely restricted and reserved for skilled migrants (notably in the health care sector) or some seasonal workers, notwithstanding some recent cautious openings in countries such as Germany, Spain and Japan. Humanitarian immigration, in the form of family reunification, marriage or asylum, faces growing political and legal obstacles. Besides these cases, people from developing countries, and conceived as useless and worthless, are excluded from entry, if possible, or from settlement in a new country. Migration governance reflects this concern, as well as its contradictions, which include the formation of a population residing on a territory without possessing the legal status to do so: "One of the core objectives of migration governance is precisely to prevent migration from happening outside of the legal framework. However, the same legal framework has long rendered irregular migration the only form of mobility available to many people in search of better life chances" (Schweitzer, 2022: 1). Hence the policies of receiving states are involved in the production of a population of irregular migrants.

1.2 Securitisation and Unwanted Immigration

Securitisation is the consequence of the tension between human mobility and attempts to stop or regulate it. Even though a link between new immigration and terrorism has been rarely demonstrated, terrorist attacks have furnished a powerful justification for border enforcement. The border between Mexico and USA after September 2001 is probably the best-known case of the transfer of a security threat to another segment of the immigrant population, even though it was already in place before 2001 and targeted many immigrants who had nothing to do with the possible

sending countries of radical fighters. Nevertheless, the link between unauthorised immigration and terrorism is often cited as the reason for the 'securitisation' of immigration policies on both sides of the Atlantic (Faist, 2002). To provide just one example, the then Spanish Foreign Minister Josep Piqué argued: "the fight against illegal immigration is also the reinforcement of the fight against terrorism" (As quoted in Adamson, 2006: 195).

For this reason, in Europe, migration governance has progressively shifted from labour and industry ministries to home affairs ministries. During the 1990s, at the EU level, migration governance became an issue for what is now called 'DG HOME' (Guild, 2005; Andersson, 2016). The establishment of the Frontex agency in 2004 by the EU, and its increasing reinforcement in terms of budget (from 6.3 million euros in 2005, to 333 million in 2019, to 1.1 billion in 2021, to a planned outlay of 1.9 billion in 2025) highlights "the extreme politicisation of migration and its presentation as a security threat" (Léonard, 2010: 231), downplaying humanitarian concerns. In the USA, Massey and Riosmena observed some years ago that "the Mexico–US border became the most militarized frontier between two peaceful nations anywhere in the world. Indeed, Border Patrol grew into the largest arms-bearing branch of the federal government except for the military itself. From 1986 to 2004, its budget increased tenfold, the number of officers tripled, the number of hours they spent patrolling the border grew eight times, and internal deportations expanded by a factor of ten" (Massey & Riosmena, 2010: 295). Needless to say, that the Trump Presidency emphasised this trend, adding the famous proposal to build "a big beautiful wall" that would cover the entire border (Alden, 2017).

The issue of unwanted immigration is thus linked to a range of major concerns of contemporary societies, including internal security and defence against terrorist attacks, national sovereignty and border enforcement, political stability and social order, employment of national citizens, cultural identity and social cohesion, sustainability of welfare states and competition over social expenditure. Not surprisingly, securitisation has triggered 'crimmigration', i.e., the unprecedented convergence of immigration and criminal law (Stumpf, 2006; Coutin, 2011): "aliens become synonymous with criminals" (Stumpf, 2006: 419). A 'membership theory' has gained ground, restricting individual rights and privileges to the members of a social contract between the government and the people. At the same time, decision-makers are provided with justification for excluding unwanted individuals from society, using immigration and criminal law as the means for such exclusion (Stumpf, 2006).

As we will see throughout this Reader, however, irregular migration is not only the target of prevention and closure by receiving societies. Some forms of irregular immigration are widely tolerated, as in the case of immigrant women taking care of seniors in Italian households (Ambrosini, 2013, 2018). Furthermore, a key issue in public discourse and on the political agenda is the solidarity immigrants with weak, precarious or without residence permits attract from various actors in receiving societies, such as NGOs, especially when engaged in rescuing lives in the Mediterranean Sea, humanitarian associations, social movements, faith institutions and groups, trade unions, local authorities, and also ordinary citizens. This

heterogeneous composition of the pro-immigrant fronts induced Zolberg (2006) to jokingly call these actors 'strange bedfellows', taking inspiration from the title of a famous comedy. With all their differences, they form an advocacy coalition that tries to counteract exclusionary policies, protect human beings, and pave the way for more welcoming solutions to the issue. Immigration, especially unwanted immigration, is a crucial locus for evaluating the health of democratic institutions, measuring compliance with human rights, and gauging the orientation, quality, and strength of civil societies.

Reflecting this trend, international migration and related policies have not surprisingly become the topic of a growing body of academic scholarship, whose origin dates to the end of the nineteenth century and which intersects several disciplines, perspectives and countries (Hollifield, 2020; Levy et al., 2020). International migration at present is a significant ground of discussion among international institutions, political actors, mass and social media, and academic networks. It is a field in which scientific work is challenged and at the same time required, in order to grasp the shifting landscape of international population movements, to answer questions arising in sending, transit and receiving countries, discuss the current and possible solutions, and suggest new ways to deal with the various issues involved.

1.3 The Issue of Terminology

It is not easy to find agreement on the best term with which to denote immigrants in irregular legal conditions. Scholars use different labels for the phenomenon. Today, there is a broad agreement that it is not respectful of human dignity to employ terms such as 'illegal immigrant' or, even worse, 'clandestine', because no human being can be defined as illegal or clandestine (Triandafyllidou, 2010; Ambrosini, 2013). People can be in a condition of irregularity or illegality in regard to the laws of a country in which they try to enter, reside, or work (Bommes & Sciortino, 2011). However, it is always necessary to distinguish the legal status or behaviours that may break the rules of a state from the human being concerned. A person cannot be reduced to their legal status or actions. Although the term 'irregular immigrant' can be subjected to the same criticism, it is less imbued with a derogatory meaning, and many scholars commonly adopt it, although 'an immigrant in an irregular legal condition' might be a more accurate expression. However, for the sake of brevity, we will employ the term 'irregular immigrant' throughout this book, bearing this precision in mind.

Several scholars, and many civil society actors, prefer the term 'undocumented immigrants', or its French version, 'sans papiers'. This choice often derives from a sympathetic attitude towards irregular immigrants (Ruhs & Anderson, 2010) because being undocumented renders individuals more vulnerable to abuse and exploitation. However, this choice also entails an objection: an immigrant can possess some documents, but they may not be valid, or are no longer valid, or not valid to enter, settle or work in a particular country. They may be forged or misused. In

some countries, immigrants sometimes borrow valid documents from other, autho-rised immigrants (Van Meeteren, 2010; Horton, 2015). A similar problem regards the term 'unauthorised immigrant' because an immigrant can be allowed to perform some activities but not others. For instance, a mother can be authorised to reside in a country to take care of her new-born baby but not to work. The same may apply to a sick person who is authorised to enter or stay in a country to receive medical treat-ment but cannot access its labour market.

Another term used by scholars is 'illegalised immigrants'. The intention is to highlight that some immigrants are labelled 'illegal' because state policies define them as such. As Ruhs and Anderson (2010) rightly argue, foreign residents are not inherently 'work permit holders', 'student visa holders', or 'illegal'; state laws pro-duce legality or illegality. These labels can be considered political constructs. Furthermore, the term 'illegalised' implies a moral and political criticism of such laws. However, some misunderstandings may arise from this correct observation. Firstly, 'illegalisation' could create the perception that these immigrants were legal in the past, but at some point, the governments of receiving countries decided to exclude them from the legal framework. While it is true that they were more toler-ated until the 1970s, a 'golden age' in which all immigrants were legal and provided full rights has never existed. What is also true is that the prosecution of immigrants in an irregular situation has become harsher with time, especially since 2001.

The second misunderstanding regards the idea of an abuse of power by states. Some human actions are indeed defined as 'crimes' because a positive law defines them as such, sanctioning their perpetrators. Sometimes the social disapproval of such actions is more evident and widely recognised. In contrast, for other actions, public opinion is more varied (as is, for instance, sex work), or subject to different evaluations in different cultural systems (as is polygamy), or under different cir-cumstances (as in times of war). Legislative production has the power to change the legal framework of what is acceptable or not acceptable in the political space sub-ject to its jurisdiction. It can soften the regulation of some activities (for instance, in recent years, the trade of certain drugs) or more harshly sanction some others (for instance, hate speech). In this perspective, the fact that democratically elected pub-lic powers define the entrance or stay of (some) third-country nationals as 'illegal' can be vigorously contested, but it is not in itself inconceivable or unreasonable. Hence the fact that immigrants are 'illegal' because they have been 'illegalised' by states and their laws is correct, but at the same time also quite obvious. In addition, the employment of this term tends to support a view of immigrants as victims of state policies (Ruhs & Anderson, 2010), which risks downplaying their space of agency.

In sum, there is no clear and undisputed definition of irregular migration, and the terms commonly used to define the people involved are not fully convincing. Each of them encounters some objections. In this book, we will talk of people in 'irregular condition', or more briefly, of 'irregular immigrants', bearing this issue

in mind, but we will sometimes use other labels as well, citing other authors, or simply to avoid repetition. Moreover, we will sometimes also use the term 'unwanted immigrant(s)' to express the political attitude of receiving societies towards immigrants classified and treated as undesirable. However, this term is also not always appropriate because many irregular immigrants are in some way socially accepted.

1.4   The Issue of Numbers

The difficulty of precisely identifying what foreign sojourners can be termed 'irregular immigrants' complicates the task of estimating how many they are. Some figures, however, can help to depict the actual dimensions of the issue. It is estimated that there are about 280 million international migrants globally, 3.6 per cent of the human population. Migrants in an irregular situation represent between 15 per cent and 20 per cent of the total, i.e., between 30–40 million individuals worldwide, or 1 per cent of the world population, according to institutional estimates (Spencer & Triandafyllidou, 2020: 2). Figures vary among different regions of the world. In several countries of Asia and Africa, irregular immigration is pervasive, reaching or exceeding half of the immigrant population (Spencer & Triandafyllidou, 2020). In the United States, more precise figures are available. According to the Centre for Migration Studies of New York, the total US population not possessing a valid permit was 10.6 million in 2018 (Warren, 2020). Contrary to what is commonly believed, since 2010 about two-thirds of new arrivals have overstayed temporary visas, and only one-third have entered 'illegally' across the border (Warren, 2020). In other words, walls and border patrols would at best be able to stop about one-third of irregular immigration. On the other hand, in 2019, the population which did not satisfy legal residency requirements had declined by 1.4 million, or 12 per cent, since 2010 (Warren, 2021).

In the EU, estimates are less up-to-date and less precise. According to the last major effort to identify the size of the irregular resident population, the Clandestino Project (Kovacheva & Vogel, 2009), in 2008 the number of irregular migrants in Europe was between 1.9 and 3.8 million, that is, between 7% and 12% of the total migrant presence in the EU-27 (including the UK but not Croatia) (Spencer & Triandafyllidou, 2020). A decade later, a contested analysis by the Pew Research Centre (2019) estimated the number at between 2.9 and 3.8 million in 2017. According to this study, a peak was reached in 2016 (5.3–4.1 million), then numbers declined. Furthermore, about half of these immigrants were presumed to live in only two countries, Germany (1.0–1.2 million) and the UK (08–1.2 million). Italy followed with 0.5–0.7 million, and France was ranked fourth in the list, with 0.3–0.4 million irregular migrants.

1.5 The Structure of the Book

First of all, as regards methods, our analysis in this book is based on the available international literature on the issue, with especial regard to recent studies. Because it is a reader, this book does not present original research; rather, it elaborates on the findings of previous studies, including ones conducted by the authors.

After this introduction, Chap. 2 will discuss two main issues. The first is the possibility of finding a clear definition of irregular immigration, identifying various aspects of the legal condition that may entail a violation of the norms on legal residence. The second concerns the main reasons that induce irregular migrants to enter receiving countries. As we will demonstrate, the reasons range from economic interests, human rights and migrants' agency to the effects of stricter regulations, as well as the costs of arrest, detention, and removal of unauthorised immigrants.

Chapter 3 will discuss policies concerning the treatment of irregular immigrants settled on the territory of receiving societies. We will consider the disputed issue of the access to certain public services and benefits, the attitudes of local authorities, and the intervention of civil society actors. Immigration policies will be presented as a 'battleground', especially at the local level. In this framework, we will also highlight the selective treatment of irregular immigrants by public authorities and societies.

Chapter 4 will analyse the opposite outcomes of the relation between immigrants without proper residence permits and state authorities: on one side, irregular migrants risk detention and repatriation or are offered a so-called 'voluntary return' (also referred to as 'soft deportation'). This section will elaborate on the consequences of 'deportability', the constant threat of being forcibly removed. On the other hand, other irregular migrants may find ways to regularise their stay. This is the dynamic aspect of irregular immigration. However, it depends on different opportunities and channels according to the legal frameworks in different countries. This section will detail the main avenues to acquiring legal status.

Chapter 5 will consider the actors that enable and support irregular immigration. While smugglers, traffickers, and exploitative employers often receive the closest attention, our analysis also gives space to supportive actors, such as co-ethnic networks, municipalities, social movements and other civil society actors. These supporters play a vital role in the lives of irregular migrants; they help them to obtain the basic necessities of life and enable them to find alternative forms of inclusion.

Chapter 6 adds a crucial element to the analysis, namely the agency of irregular migrants, which is apparent in the instances where they find ways around the restrictions that are placed on their irregular presence, while forms of inclusion can be created through social interaction with citizens and participation in society. The chapter will pay particular attention to the ways in which irregular migrants can participate in the political arena, their mobilisations and social movements. It will show that irregular migrants are not as excluded as is often assumed; however, simultaneously the alternative ways in which irregular migrants can be

included should not be overestimated. The informal inclusion of irregular migrants and their citizenship from below should always be seen in light of their formal exclusion.

A concluding chapter will summarise the main findings of the book.

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