

# Legal and illegal immigration into Europe: experiences and challenges

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The end of the Cold War marked a major break for migration policies in Europe. Defensive projections and visions of migration came to the fore in a European Union whose integration and openness toward the internal border-free single market went hand-in-hand with joint isolation of a ‘Fortress Europe’ vis-à-vis undesirable and, especially illegal, in-migration from outside its borders. As long as a negative coalition against unwelcome immigration prevails instead of a European migration concept, Europe itself contributes to the illegalization of immigration and to the persistence of the enemy image of ‘illegal immigration’. Against a background of widespread and confused fears of migration pressure from outside Europe, three issues have to be promoted by clear political direction with long-term perspectives: (1) a further normalization in dealing with migration and integration; (2) the acceptance and understanding of the feasibility of these central issues of social life in an immigration country, but also (3) the pragmatic acceptance of the limits of migration control in view of the often underestimated autonomous dynamics of migration and integration processes. This combines perspectives of researching migration and integration as well as the shaping of policies.

## **Introduction**

The end of the Cold War marked the beginning of a new era for migration as well as for migration politics in Europe. This was not only due to the currents of migration as such. The descriptions of migration circulating in public discussion and political debate also played an important, if not more important, role. There were visions of a Europe suddenly succumbing to a growing ‘migration pressure’, a pressure that was no longer only coming from the south, but now also from the east. Observations, projections and visions of migration in the late twentieth

century have determined migration policies in a European Union where integration and openness toward a Single Market without internal borders have gone hand in hand with the isolation of a 'Fortress Europe' with regard to undesirable in-migration from outside its borders.<sup>1</sup>

### **'Migration pressure' and 'fortress Europe'**

Europe west of the Iron Curtain had generally transformed itself by the late 1980s into a continent of immigration; immigration had become a central political issue in all European countries affected by it. From 1950 to 1990, the total resident foreign populations in the present EU countries and Switzerland and Liechtenstein grew more than fourfold, from 3.8 million (1.7% of the total population) in 1950 to 10.9 million (3.3%) in 1970 and to 16 million (4.5%) in 1990. The highest absolute figures in 1995 were in Germany with 7.7 million (8.8%), France with 3.6 million (6.3%) and Britain with 2 million (3.4%). The highest ratios of foreign nationals to the total population in 1995 were in Liechtenstein (38.1%), Luxembourg (33.4%) and Switzerland (18.9%). Other countries in Europe with a high proportion of foreign nationals were Belgium (9%), Sweden (5.2%) and the Netherlands (5%).<sup>2</sup> Table 1 and Figures 1 and 2 show the development of the foreign resident population in Western European states, 1950–2000 in absolute numbers and as a percentage of the total population, revealing clearly different relationships.

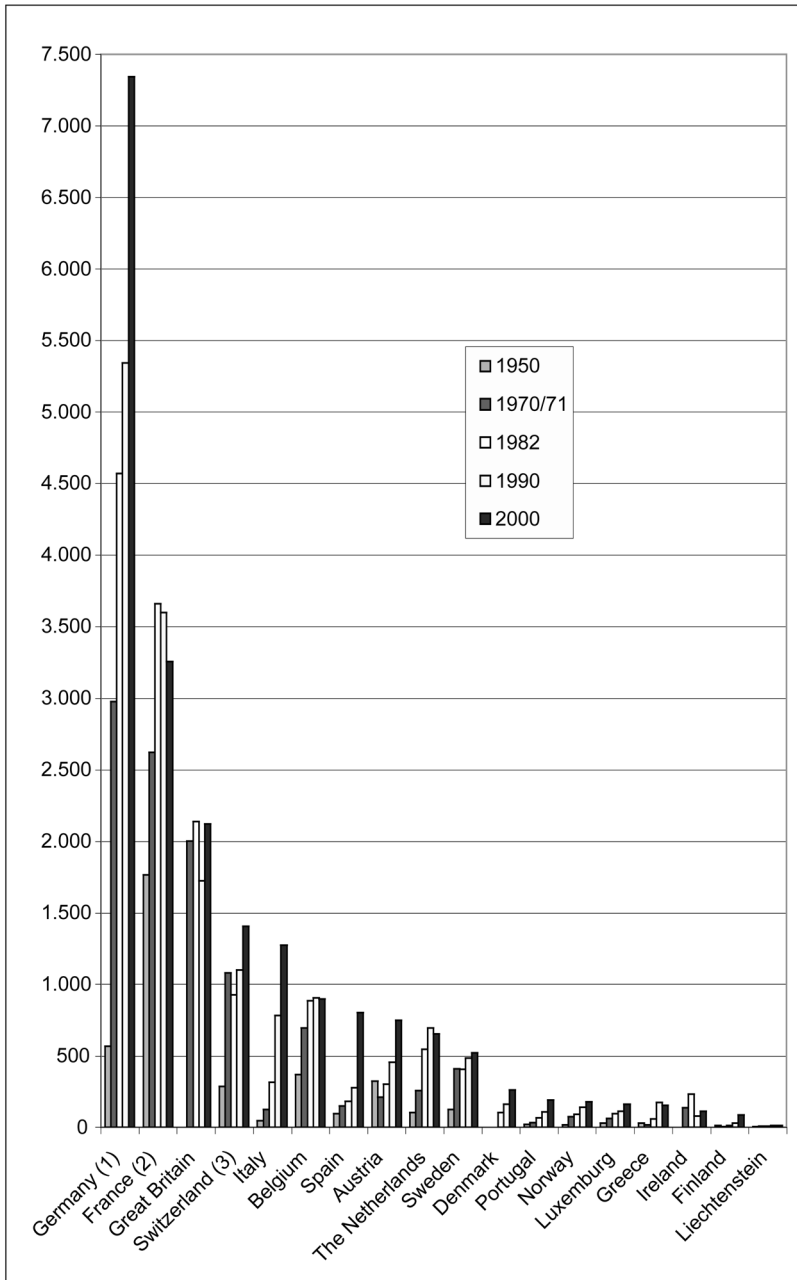
Figures on numbers of foreigners and ratios to total resident populations in an international comparison say little about the actual immigration processes. This is because of differences in naturalization practices and acquisition of citizenship based on the *jus soli* principle, for which, in most cases, there are no separate statistics. From 1986 to 1994, for example, the number of naturalizations in Britain was 537,000; in France, 486,000 and in the Federal Republic of Germany, 253,000. In the Netherlands there were 247,000 and in Sweden, 228,000. However, the naturalization rate relative to the total foreign population in 1985 was highest in Sweden (58.7%) and the Netherlands (44.7%), and lowest in West Germany (5%), not counting the naturalization of 'ethnic Germans' (*Aussiedler*) from Eastern Europe and the Soviet Union. The migrants lived almost exclusively in urban environments, concentrated in certain urban districts and in suburbs of conurbations.<sup>3</sup>

In the former colonial countries, the share of immigrant populations from overseas had grown substantially. In the Netherlands there were a total of 728,400 foreign nationals (5%) registered in 1995 in a population of 15.5 million. Out of a total of 1.4 million people who had been born overseas, 57% possessed Dutch citizenship. The largest groups of foreign-born were Turks (182,000), Surinamese (181,000), Indonesians (180,000), Moroccans (159,000) and Germans (131,000).

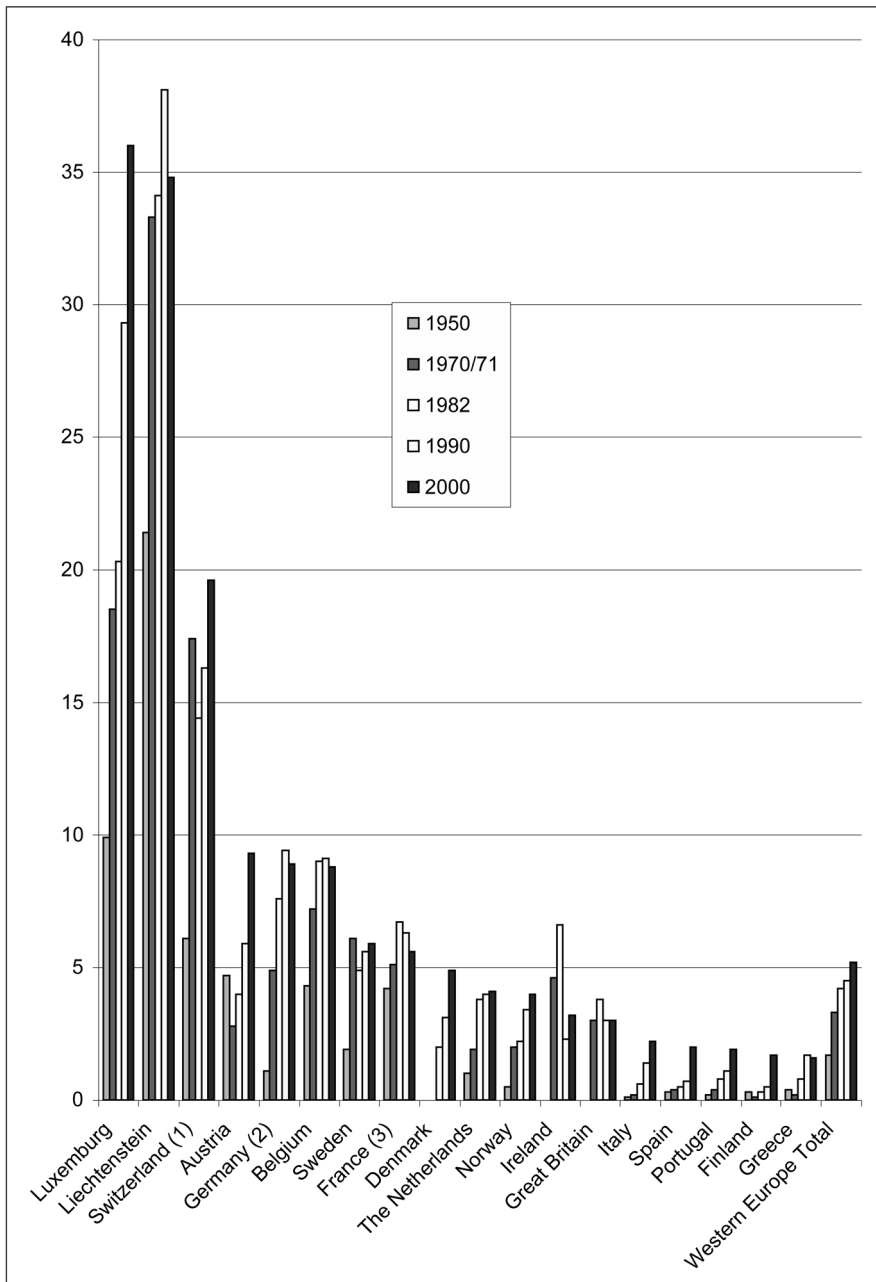
**Table 1.** Foreign Resident Population in Western European States, 1950–2000 (in thousands and in percent of total population)

	1950		1970/71		1982		1990		2000	
	in 1000	in %	in 1000	in %	in 1000	in %	in 1000	in %	in 1000	in %
Germany (1)	569	1.1	2976	4.9	4567	7.6	5339	9.4	7343	8.9
France (2)	1765	4.2	2621	5.1	3660	6.7	3597	6.3	3253	5.6
Great Britain	–	–	2000	3.0	2137	3.8	1723	3.0	2121	3.0
Switzerland (3)	285	6.1	1080	17.4	926	14.4	1100	16.3	1407	19.6
Italy	47	0.1	122	0.2	312	0.6	781	1.4	1271	2.2
Belgium	368	4.3	695	7.2	886	9.0	906	9.1	897	8.8
Spain	93	0.3	148	0.4	183	0.5	279	0.7	801	2.0
Austria	323	4.7	212	2.8	303	4.0	456	5.9	750	9.3
The Netherlands	104	1.0	255	1.9	547	3.8	692	4.0	652	4.1
Sweden	124	1.9	411	6.1	406	4.9	484	5.6	522	5.9
Denmark	–	–	–	–	102	2.0	161	3.1	259	4.9
Portugal	21	0.2	32	0.4	64	0.8	108	1.1	191	1.9
Norway	16	0.5	75	2.0	91	2.2	143	3.4	179	4.0
Luxembourg	29	9.9	63	18.5	96	20.3	113	29.3	159	36.0
Greece	31	0.4	15	0.2	60	0.8	173	1.7	155	1.6
Ireland	–	–	137	4.6	232	6.6	80	2.3	110	3.2
Finland	11	0.3	5	0.1	13	0.3	27	0.5	88	1.7
Liechtenstein	3	21.4	7	33.3	9	34.1	11	38.1	11	34.8
Western Europe	3788	1.7	10,867	3.3	14,594	4.2	16,170	4.5	20,197	5.2
Total										

(1) Up until 1990 only West Germany, since 1991 all of Germany; (2) foreign population and foreign-born, but meanwhile naturalized population; (3) without seasonal labourers and employees of international organisations; (–) no data available.  
 Source: R. Münz (2001) *Woher? Wohin? Europäische Integrationsmuster 1950–2000*. In K. J. Bade and R. Münz (eds), *Migration in Europa* (Niedersächsische Landeszentrale für politische Bildung, Reihe Informativ und Aktuell) (Hannover).



**Figure 1.** Foreign resident population in Western European States, 1950–2000 (in absolute figures; cf. Table 1 (without numbers for Western Europe total); (1) Up until 1990 only West Germany, since 1991 all of Germany; (2) foreign population and foreign-born, but meanwhile naturalized population; (3) without seasonal labourers and employees of international organizations.



**Figure 2.** Foreign resident population in Western European States, 1950–2000 (in percent of total population) Cf. Table 2; (1) without seasonal labourers and employees of international organisations; (2) up until 1990 only West Germany, since 1991 all of Germany; (3) foreign population and foreign-born, but meanwhile naturalized population.

More than 40% of the entire immigrant population, compared to 11.5% of native-born Dutch, lived in the four largest cities in the Netherlands: Amsterdam (20% of the Surinamese), Rotterdam, The Hague and Utrecht.<sup>4</sup>

In 1951, there were only 74,000 people from the New Commonwealth living in Britain. Numbers rose from 336,000 in 1961, to 2.2 million in 1981. The 1991 census, the first to request data regarding ethnic descent, registered about 3 million (5.5%) members of these 'ethnic minorities', of which 46.8% were British-born. More than half were of Asian descent and one in five, Caribbean. Most of those of foreign descent lived in the Greater London area, in the West Midlands with its centre in Birmingham, in West Yorkshire with its centre in Bradford ('Little Pakistan') or in Greater Manchester.<sup>5</sup>

According to the most recent census in France of 1990, there were about 1.3 million naturalized immigrants and about 500,000 French citizens from the overseas *départements* living in France. There were also 3.6 million foreign nationals, comprising 6.3% of the population. Ten million French have at least one foreign parent or grandparent. North and sub-Saharan Africans have been the largest immigrant group for decades (45% in 1990). They make up the major portion of foreign schoolchildren (63%) and a high proportion of all school-age children (8%). The major share of residents of foreign descent live in Greater Paris (Ile de France, 38.3%), Rhône-Alpes with its centre in Lyon (12%) and in the Provence-Alpes-Côte d'Azur region (between Marseilles and Nice, 8.4%).<sup>6</sup>

The number of immigrants in Sweden also increased sharply, as mentioned previously, where the number of residents of foreign descent grew between 1950 and 1995 from almost 200,000 to 936,000. This brought considerable changes in the composition of the diversifying resident population, more than 10% of which was foreign-born, i.e. aside from southern Europe, ex-Yugoslavia, Turkey and Morocco, especially in Chile, Ethiopia, Iran, Iraq, Lebanon and Somalia. Around 532,000 or 5.2% of the total population were foreign nationals.<sup>7</sup>

In Switzerland in 1990, most of the 1.1 million foreigners, who comprised 16% of the total population, lived in the cantons of Geneva (119,000; 31%), Ticino (68,600; 24.3%), Basel-City (41,600; 20.9%) and six other cantons in which the proportion of foreign nationals was over the national average of 16%. The proportion of foreigners from the neighbouring countries of Germany, Austria and Italy dropped from 87% in 1960 to 40% in 1993.<sup>8</sup>

Austria's population grew from around 6.5 million at the end of the Second World War to more than 8 million in 1995. In this period, 3.8 million people migrated to Austria, roughly 1.2 million of whom remained in the country. Most came from the territory of the former Austro-Hungarian monarchy, especially ex-Yugoslavia.<sup>9</sup>

Of the 7.7 million foreigners living in Germany in 1995 (20% of whom were born in the country), 28.1% were of Turkish descent, 18.3% ex-Yugoslavian and

8.2% Italian. In absolute figures, the largest foreign populations were in Berlin, Hamburg, Munich, Frankfurt am Main, Cologne and Stuttgart; relative to the total population in the respective cities, however, the major populations (over 20%) were in Offenbach, Frankfurt am Main, Munich and Stuttgart. With the end of the division of Europe, East–West migration clearly shifted the structure of the immigrant population in Germany. The number of immigrants of German descent from Eastern Europe and the former Soviet Union (*Aussiedler*) is on its way to outstripping the foreign minority population that evolved from the former ‘guest workers’.<sup>10</sup>

The late 1970s and early 1980s were marked by a clearly different weighting of trends of liberalization and restriction in European immigration countries. In the course of the 1980s, restrictive forces became stronger and a xenophobic defensive attitude came to the fore. The subject ‘immigration’ was frequently dramatized and scandalized in party politics and by extra-parliamentary protest movements. This was often triggered by political ineptness in coping with the unexpected social repercussions of migratory processes; by political presentations of corresponding ‘discoveries’ of national conservative parties as well as by various ethno-national and racist currents. This fostered both fear and aggression.

In Germany, for example, as of 1979–80 the matter at hand was the shift from temporary labour migration to a true immigration issue.<sup>11</sup> In England, from 1979, it was about the emergence of ethnic minority populations from colonial and post-colonial in-migration; and in France from 1984, both of these developments at the same time.<sup>12</sup>

At the centre of the problem was the concentration of immigrant groups in ethnic or regional communities based on place of origin, or in mixed immigrant districts. It is a well-known phenomenon in migration history that these concentrations formed as a result of chain migrations. The formation of polyethnic structures, however, prompted many locals, encouraged by political agitation and its support by the media, to set in motion processes of negative integration, i.e. a defensive crowding together at the expense of ‘strangers’.

The migration discussion was politicized and emotionalized in the 1980s, provoked by the rapidly rising immigration of refugees and asylum seekers from the ‘Third World’. Public discussion soon increasingly centred on their perception, which at the same time influenced attitudes toward minority populations that evolved from colonial migration and non-European labour migration.<sup>13</sup>

### **Visions, discourses, and reality**

Three main changes were common to the political discourse and the media coverage on immigration issues:

- (1) In the 1980s, the idea was put forward that limitations on in-migration are a prerequisite for integration of the migrants and their acceptance by the receiving societies. While European integration through freedom of movement on the labour market gradually eliminated the inner-European impact of the recruitment ban, its exclusionary functions were moved to the external frontiers of the emerging European Union. Once labour migration was limited, the next issue was to restrict asylum migration, which came increasingly from outside Europe in the 1980s, and was already showing some aspects of chain migration. In addition to seeking refuge from expulsion, persecution and flight, some asylum seekers simply wanted a better life and aspired to immigrate. This last point was pushed to the fore in anti-asylum agitation. However, immigration was virtually impossible in any other way as Europe was gradually being sealed off. Restrictions on asylum and new deterrence measures coincided increasingly frequently with the tightening of entry controls at Europe's exterior borders agreed upon throughout Europe. All this has formed current European patterns of politics to non-European in-migration as part of security policies set up by the Ministries of the Interior of European countries, which have largely circumvented the European Parliament. The notion that integration and exclusion are interdependent and the growing defensive attitudes toward non-European in-migration initially came together in the European process of integration as a convergence of basic national migration policy positions. By increasing the permeability of internal European borders and opening them in the Single Market, the focus at international and supranational levels shifted towards protection against non-European in-migration.<sup>14</sup> Concrete conditions for European migration and refugee policies, on the other hand, did not take shape until the Amsterdam Treaty came into force shortly before the turn of the millennium.
- (2) With respect to immigrant groups, an outward shift could be observed from intra-European to extra-European culturalist definitions and characterizations of foreignness. Culturalist ideas of exclusion emerged, sometimes with clearly Euro-racist connotations: while, in the 1960s, in Central, Northern and Western Europe labour migrants from Southern Europe were still described as 'strangers', in the 1970s this was less and less the case with regard to southern Europeans, but increasingly, for example, with regard to Turks. In turn, aversion towards the growing immigration of refugees and asylum seekers from the 'Third World' came to the fore in the 1980s. As the European



Community developed into the European Union and prepared a limited eastward expansion, the ideas of isolation and defence of a 'Fortress Europe' also moved outward, not only in terms of migration policies, but also in terms of collective mentalities.

- (3) There was sometimes a striking discrepancy between populist alarmism, dramatization and scandalization of migration issues in the media and in the political discourse on the one hand and pragmatic administration of immigration and integration processes on the other.<sup>15</sup>

In one respect, the conflict over defensive measures against mass immigration dominated the discussions in politics and the media of a 'Fortress Europe' with bulwarks at the border against the threat of migration. Conversely, these borders remained open for a large number of immigrants owing to economic or social interests of the host countries (e.g. labour and minority migrations) or their immigrant communities (e.g. family reunification), and to a limited extent for humanitarian reasons (especially refugees and asylum seekers). Of course there was also a broad spectrum of migrations that were controlled but not considered relevant to security issues such as, for example, elite, betterment or career migrations.<sup>16</sup>

Discourses in politics and the media generally showed visible differences between reality, descriptions, and perceptions: The immigrant populations that evolved from colonial and post-colonial migration as well as from European labour migration were still the largest in the 1990s; they usually increased through natural growth and transnational family reunification. Asylum migration, with a much smaller total volume, nevertheless dominated migration discourses in many receiving countries, as did fears of 'new migrations of the peoples' from the 'Third World' that were manifest only in 'migration scenarios' and gloomy writings on the wall.<sup>17</sup>

Fear of mass migrations from Eastern Europe had not yet become a major issue in the divided world of the Cold War. Nevertheless defensive attitudes towards non-European mass migration and especially asylum migration, was already widely manifest when the end of the Cold War put the issue of East–West migration on the agenda, again exposing both the new and the old fears.

'Migration pressure' in Europe in the late 1980s appeared to be the combined result of a vast complexity of driving factors affecting potential regions of origin of South–North and later East–West migrations. However, the apocalyptic vision of a 'flooding' of Europe by waves of 'new migrations of the peoples' existed more in the imaginations of Europeans than in the actual migratory events in the East and South. Massive migration movements did indeed take place. They were, however, not bound for Europe, but occurred in the eastern and especially southern parts of the world.

### **Legal migration into Europe**

Against the background of a steeply increasing migration to Europe in the late 1980s and early 1990s, on the one hand, and the elimination of internal borders in the process of integration on the other, the isolation of ‘Fortress Europe’ from unwanted immigrants from outside its borders has gained momentum since the end of the Cold War.<sup>18</sup> As yet there is no common EU asylum and immigration law and, up to now, patterns of migration from third countries into the Europe of the EC and EU have been determined by a wide range of regulations, limitations and prohibitions.<sup>19</sup>

- (1) The first stable and lasting immigration movement was the result of chain migration in the form of family reunification, with narrow- to wide-ranging interpretations of the concept of family. As has long been the case in the United States, family reunification in Europe is on the verge of becoming one of the most important forms of immigration. It occurs, in cases of limited admissions, increasingly at the expense of other immigrant groups.<sup>20</sup>
- (2) A second reason for admission relates to traditional privileged migration, such as post-colonial relationships. Since the lifting of the Iron Curtain, this more often relates to ‘ethnic’ or minority migrations within the scope of East–West migrations – in Germany, for example, the immigration of ethnic Germans from the East<sup>21</sup> as well as Jews from the territories of the former Soviet Union.<sup>22</sup>
- (3) A third reason for admission includes international and global labour migrations. This has two major dimensions: expert and elite migration at the ‘top’ or relatively far ‘up’; and the often limited stays of certain employee groups in certain occupational fields at the ‘bottom’ or relatively far ‘down’ the social ladder.

At the peak of the professional, social pyramid is the mobility of those in elite functions. They generally show high transnational and intercontinental or global mobility and are considered politically safe or exempt from migration controls. In the 1990s, there was strong growth in this type of migration owing to the market-oriented mobility of technicians, businesspeople and managers of companies operating internationally and multinational firms. In addition to the extra-European mobility of European specialists and managers, there was also an increase in work stays of non-Europeans in the major European economic regions and metropolises. Where immigration restrictions and recruitment bans were in force, this kind of migration was generally made possible through applications by employers with the help of exceptional or special authorization.<sup>23</sup>

At the same time there was an increase in transnational elite mobility within the economic region as the EU took shape. Since the 1980s, unlimited mobility – that is, not only transnational but also global mobility – has become a prerequisite, especially in the 1990s for professional advancement in multinational firms and labour markets that function through global networks of branch offices.<sup>24</sup>

In the age of globalization after the Iron Curtain was lifted, European corporations strode ever farther and faster in terms of production and sales organization and personnel management. Highly qualified economic and technical specialists and management from ‘Western Europe’ increasingly went into action in Eastern Europe, a sign of the end of the separation of systems. Conversely, a growing out-migration of technical experts (‘brain drain’) to the West could be observed, which soon became problematic for the economic future of the ‘reforming countries’. Elite migration also includes the transnational mobility of, for example, artists, scholars, migrants for study and/or training purposes and (usually not included in the statistics on the resident population) the staffs of embassies, consulates and international organizations.<sup>25</sup>

At the base of the social pyramid, were usually the ‘New Helots’<sup>26</sup> from third countries cross Europe’s external borders, with limited authorization within the framework of bilateral agreements. Often they migrated to work and employment areas that were no longer attractive to nationals, earlier immigrants or citizens of other EU countries. This includes fixed seasonal agricultural work, such as flower, grape, asparagus and hop harvests, highly paid but at piecework rates. The building trade also employs migrants. In Germany, admission quotas agreed upon within the scope of East–West migration have special significance for the status group of ‘guest employees’, ‘contract employees’ and ‘seasonal employees’. Another source of temporary East–West migration is the movement of cross-border commuters. With regard to temporary or seasonal East–West migration in particular, dequalification or misassignment on the labour market is often taken for granted because of exorbitantly high wages. Polish surgeons can still earn considerably more picking grapes or asparagus in Germany than from carrying out their highly specialized profession in Poland!<sup>27</sup>

There is also a new transnational mobility among low-wage labourers within the EC in a number of areas of employment at the lowest levels of the internationalized labour market that have low demand, or none at all, despite extremely high unemployment: the number of Italians

in Germany in 1987 had dwindled to about 500,000, while the new immigration country Italy had moved up to being one of the leading economic powers in the world. In the 1990s, the number of Italian immigrants (often with family) rose again considerably. Many of them, like the earlier 'guestworkers', were from southern Italy. They could not, or did not want to, live exclusively from the wages offered there, leaving the largely agricultural jobs mostly to North African seasonal workers. These Italians sought work in northern Italy and, if they were unsuccessful there, in Germany, often working for Italians or Germans of Italian descent, especially in the catering trade or in construction. Many were forced to work illicitly or, probably, they would receive the same wages from Italian subcontractors at construction sites as the illegal workers from Eastern Europe. Outside of work, there is hardly any contact between the socially advanced descendants of the 'guestworker' and the 'newcomers' starting 'right at the bottom'.

- (4) A fourth major form of legal immigration to Europe includes refugees and expellees. Although to a greatly restricted extent, Europe still offers them two ways to enter: political asylum and generally limited stays with various different forms of refugee status. Entry as an asylum seeker is still possible, albeit severely limited through the aforementioned measures, or through ways that are often irregular or illegal. There is also event-related, or rather catastrophe-related, admission of quota refugees and larger numbers of refugees from war and civil war. In the 1990s, this group comprised almost entirely refugees from Europe, especially from ex-Yugoslavia. As recently, during the 1999 Balkan War, facultative agreements showed substantial discrepancies among individual countries with regard to admission declarations as well as with regard to the willingness to take in refugees and to the actual admission. A binding regulation at the European level that covers the crucial financial element, the long-awaited implementation of 'burden sharing', remained only a postulate until the turn of the century.<sup>28</sup>

### **Illegal paths into 'Fortress Europe'**

Where no legal 'main gates' or 'front doors' are open, and even legal 'side doors' seem hardly accessible, despite the willingness of migrants to adapt, apparently legal or illegal 'back doors' are being used more and more. After the recruitment ban and the immigration restrictions in the early to mid-1970s, there was a rise in asylum migration. After these were sharply limited in the 1980s and early

1990s, apparently legal or illegal immigration and employment rose all the more. Closed doors – also for asylum-seeking refugees without any chance of legal immigration – are circumvented in part by means of regular entry to irregular employment and in part by illegal immigration in the strict sense. In Europe, this still affects primarily, but no longer exclusively, the countries of the Euro-Mediterranean zone. A similar situation has existed in ‘reform countries’ of East-Central Europe such as Poland, the Czech Republic and Hungary since the end of the Cold War. Together with southern Europe, they have become buffer or bottleneck zones for immigrants unwanted in the West or in the North.<sup>29</sup>

The flip side of shielding Europe from unwanted immigration and of the increasingly confusing restrictions on entry, stay, and participation, are new forms of immigration and residence that have become firmly established in the grey zone between legality, irregularity, illegality and criminality. Leaving aside criminal migration in the strict sense, we can distinguish four main – complex and sometimes merging – forms of apparently legal or illegal migration.<sup>30</sup>

- (1) The first form begins with legal entry, for example as a tourist, seasonal worker, business traveller, asylum seeker or refugee. The person’s status turns illegal when he/she becomes undocumented, staying beyond the approved length of stay, and/or through employment without a work permit. This is particularly prevalent in the Euro-Mediterranean zone, as well as in France (‘overstayers’, ‘*sans-papiers*’).
- (2) A second type includes illegal or secret entry or crossing the border with forged documents, followed by staying in the country and working illegally, not being registered or being registered with false papers.<sup>31</sup>
- (3) The third form includes the predominantly international human smuggling organizations, which serve a feeder and bridging function for would-be immigrants lacking any other options.<sup>32</sup> The smuggling organizations appear in cities of the ‘Third World’, often as regular ‘travel agencies’ specialized in this lucrative business, and are the main profiteers abroad from the isolation of ‘Fortress Europe’.
- (4) A fourth form of illegality, sometimes overlapping with the third, is the diverse area of criminal migration in a strict sense, that is, cross-border mobility for criminal purposes or to avoid prosecution.<sup>33</sup> This includes links between migrant communities, migrant neighbourhoods, migratory networks, and criminal milieus, especially in the sphere of Mafia-like organizations. These exist not only throughout East-Central Europe, but also in its diaspora, such as among Albanians in Germany. Movements of individual criminals

across borders also belong to this category, which can be a minor form of criminal ‘labour migration’, such as smuggling and transnational fencing of stolen goods. Also to be mentioned is the deliberate employment of bands of trick thieves and burglars, which are occasionally made up of children and adolescents brought over the border in groups.

We will not look at these and other forms of transnational mobility for criminal purposes here. Nevertheless overlapping between migration and criminality does occur in apparently legal or illegal migration and internationally organized crimes of human smuggling and trafficking. In apparently legal or illegal migration this is seen, for example, in the production of forged documents. In South–North migration, in particular, visas are needed; whereas in East–West migration, it is primarily verification of minority affiliation in the CIS that opens up prospects for immigration in the West. The overlapping of migration and criminality is most significant, however, in the worldwide human smuggling operations. In this context, a kind of informal service sector can be distinguished from organized serious crime.

Belonging to this informal service sector are the illegal ‘travel agencies’ and human smuggling organizations mentioned above,<sup>34</sup> operating worldwide and with increasingly complex networks. In the ‘travel agencies’ outside of Europe they offer real, although non-enforceable, contracts for people to be taken across the border or referred to work, with a wide range of services offered, from ‘smuggle guarantees’ to ‘children’s discounts’. Worldwide organized crime includes international trafficking in women, which, often overlapping with related referral businesses, such as fraudulent job-placement and marriage referral, has become a serious crime of massive proportions. In Germany, the International Organization for Migration has estimated that about 80% of women criminally trafficked for prostitution purposes are from East-Central Europe and the CIS.<sup>35</sup>

International feeder criminality, as such, frequently has fluid boundaries with the international organization of fraud, theft and violent crime, and even negligent homicide. Fraud and theft in this context pertains to the deception and looting of the migrants, who are helplessly at the mercy of their smugglers. Violence and negligent homicide are seen in cases where, if there is a chance of being discovered at the coasts, the victims of the international human smugglers are put out at barely crossable rivers or elsewhere under life-threatening circumstances, or, if they are transported in dangerous ‘means of transport’, are left to their fates, for example, in sealed containers or on unseaworthy ships.

Such was the case, for example, in June 2002 when the infamous container truck arrived in Dover with 58 dead and two survivors from southern China who immediately had to be protected, even hidden, from the Mafia-like triads – human

smugglers called 'snakeheads' in southern China. This was also the case for the victims of one of the worst known refugee disasters in the context of illegal immigration in the Mediterranean.

On 26 December 1996, at about 3 a.m., the dangerously overloaded small Maltese cutter FI74, with 300 refugees from Sri Lanka, Pakistan and India on board, sank between Sicily and Malta. For many months, the gruesome traces of this disaster were found in the nets of fishermen from Portopalo on the southernmost point of Sicily. For a long time the authorities could not or would not investigate these ghoulish reminders in the sea because the survivors' stories of the sunken 'ghostship' were not taken seriously. In April 2001, five years after the catastrophe, a plastic passport was found in a flue. This finally triggered inquiries. Today, pictures taken by a small robot speak for the dead who paid \$7000 for their illegal passage: skeletons of illegal immigrants sit crouched in the cramped loading chambers of the wreck of the FI74, 108 m under the sea. They had no chance of escaping because other immigrants, most of whom drowned in the sea themselves, had been standing on the hatches.<sup>36</sup>

Only the rescued victims and recovered bodies are counted by the European border authorities. The number steadily increased in the 1990s.<sup>37</sup> Not registered, however, are those who die on their illegal journey to Europe or drown at the European coasts. This is the case, for example, for the victims of the 'death boats', an expression used by the Moroccan press for the high-speed smuggler's boats and for unseaworthy 'nutshells' which many illegal immigrants use to try and reach the southern European coast. For this reason, beachcombers with mobile phones scan southern European beaches in the early hours of the morning checking for gruesome remains. Clothing, bodies, but also parts of bodies sliced off by ships' propellers are washed ashore.<sup>38</sup>

Since the Iron Curtain has been lifted, routes of intercontinental South-North migration and east-west migration have changed as well as migration patterns. There is increased overlapping, forming South-East-West and East-South-North migrations. The implosion of the 'Eastern bloc', especially the Soviet Union, led to an abrupt rise in migration, not only in and around the region. Migration from the 'south' also increased and affected countries of the former 'Eastern bloc' to varying degrees. This was owing to liberalization in the post-Soviet age, deficient administrative structures to manage the migration processes and weak border controls, which made it easier to enter and stay in CIS countries. With growing success, Western European governments therefore pushed for a tightening of the corresponding control regulations, especially the practice of having visa stamps in passports, based on Western examples.<sup>39</sup>

Nevertheless, more and more migrants are 'stranded' in transit countries in East-Central and Eastern Europe or fall victim to smuggling organizations there, to the extent that their paths there were not determined by smuggling arrangements

in the first place. A clear increase in transmigrants from Africa and Southeast Asia bound for Western Europe and North America could generally be observed in the 1990s in East-Central and Eastern Europe. In Moscow alone, an estimated 250,000 Asians, mostly from China and Sri Lanka were waiting to be transported further to the West in the mid-1990s, arranged by smugglers.<sup>40</sup> The number of illegal migrants from Iraq, Iran and Afghanistan is estimated at half to one million for all of Russia.<sup>41</sup> Many of them are living in Russia under horrendous conditions, without refugee status or residence permits. In particular, the people of colour, are looted, blackmailed, discriminated against, harassed and abused, on the streets and by the police.<sup>42</sup>

Even though central Asian countries also report having transit migrants, the western CIS countries – Belarus, Ukraine, Moldova and the Russian Federation – have become the main transmigration destinations. According to government estimates, there were, for example, about 150,000–300,000 illegal residents living in Belarus in the mid-1990s. Only a small portion of them were from other CIS countries, whereas more than 70% came from Asia and Africa, and about 15% from the Near and Middle East. Illegal transmigrants of up to 36 different nationalities were rounded up and arrested in Belarus. Illegal transportation of migrants, providing pseudo-legal camouflage to cross the border and arranging illegal stays have, in addition to drug traffic, become a booming business. Most of the arrested illegal migrants viewed Belarus as a stopover on their planned route to the West, especially to Germany, France and Scandinavia.<sup>43</sup>

Chinese migrants travelled via Hong Kong, Singapore and Bangkok to Moscow in order to move from there to Western Europe. Another route led through East-Central Europe. In 1989–92, there were no visa requirements between China and Hungary, so the Chinese could travel to Hungary and obtain a residence permit there, which in turn made it easier to apply for a visa for a Western country. Once the visa requirement was reinstated in 1992, some of the Chinese returned, others had since settled down in Hungary, where Chinese communities and migratory networks developed, serving an intermediary function for new immigration and further migration. There are considerable differences in estimates on the number of foreign nationals residing illegally in Hungary, ranging from 40,000 to 150,000 in the mid-1990s. These estimates were based on the 10,000–20,000 from more than 100 different countries who are apprehended annually trying to cross the border illegally.<sup>44</sup>

The Baltic States, Poland and the Czech Republic also became east–west transit countries or ‘waiting rooms’ for migrants from Asia, Africa, Arab countries of the Middle East, as well as the Asian part of the CIS.<sup>45</sup> There is no doubt that the problems facing the EU in the context of its eastern expansion will not be managed through border protection measures alone.

The asylum problem is a particularly obscure issue with fluid boundaries



between legal, apparently legal and illegal migration. This is especially true for what I call the 'reply feature' of illegal migration. This is a specific feature of illegal migration that is, in fact, due to its various and altering structures, a form of illegal migration that cannot be analysed as such and can only be seen as a social or economic 'reply' to the changing occasional structures of context conditions. This may be a migratory reply to immigration restrictions under prevailing immigration pressure. It may be a migratory answer to certain illegal job offers accessible on the labour market that sometimes did not emerge until illegal demand for labour arose. It may even be a mobile and flexible answer to sanctions against illegal migration itself etc.<sup>46</sup>

The more defensive and restrictive refugee and asylum policies became in the European states, the more flexible, differentiated and complex were the attempts to evade or overcome these barriers, apparently legally or illegally, with much overlapping with organized human smuggling. Hence, conclusions about apparent legality or illegality of the ways to asylum-granting procedures are becoming more and more difficult to make. This is true for the authorities as well as for historians or social scientists, who are also dependent on official 'data' – apart from micro-level participant observations, local or milieu studies, and unrepresentative single surveys. The relevance of these official 'data' should not be overestimated,<sup>47</sup> as is shown by the following special example from Germany.

The German Minister of the Interior Otto Schily stated, that of all European states, Germany long had 'the most liberal asylum law and the most restrictive asylum law practice'.<sup>48</sup> In article 16, the German Constitution of 1949 guaranteed an individual legal claim to asylum in Germany as a protection against political persecution abroad, as long as this claim could not be refuted on plausible grounds according to the German asylum law. In practice, however, along with the obvious increase in applications for asylum, especially from 'Third World' countries, there was a rising tendency to redefine the term 'political persecution' more and more restrictively and, as a consequence, to interpret increasingly broadly the facts of 'asylum abuse', as well as to formalize, accelerate and increase the 'effectiveness' of the procedures themselves by many administrative regulations and their repeated amendments.

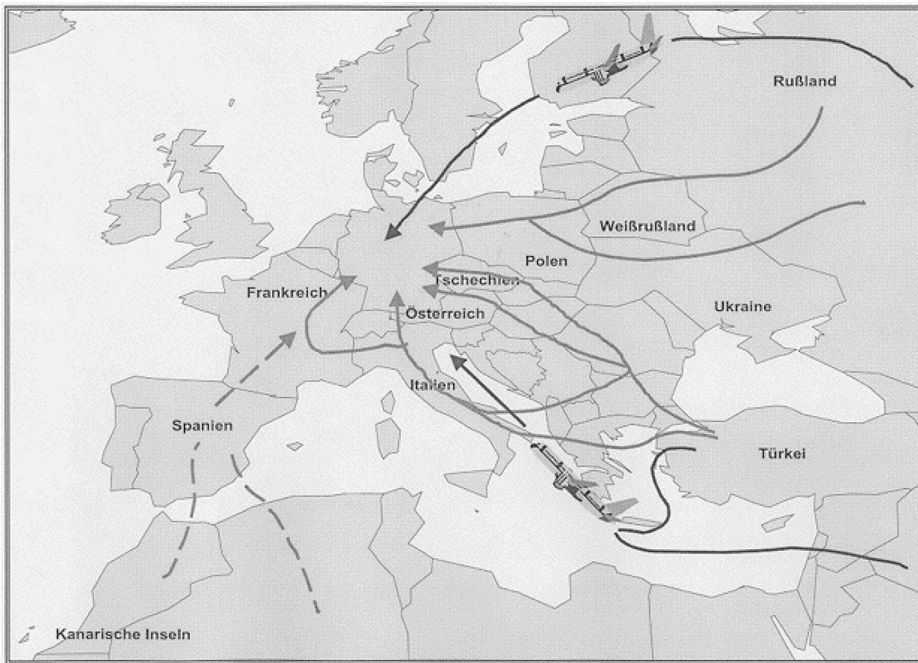
Under growing immigration pressure (in 1992, nearly 440,000 asylum seekers and other refugees, especially from former Yugoslavia, but also for example Roma from Romania entered Germany), domestic conflicts about the asylum law escalated, and xenophobic violence increased the number of victims. Subsequently the basic right to asylum itself was severely cut back in 1993 by the reform of the asylum law embedding the new article 16a into the German Constitution.<sup>49</sup> This was especially true for the definition of a list of 'persecution-free countries' and 'safe third countries' that have bordered on Germany without any gaps since the mid-1990s. As a consequence, since then, virtually no one who came from

a country declared as 'persecution-free' or who entered Germany via a 'safe third country' without having applied for asylum there had a chance to enter into regular asylum proceedings in Germany. Entry by air, which according to rough estimates only makes up about 5% of asylum migrations, generally leads first to summary proceedings in the extraterritorial transit area. This is to verify whether there is at all any existing reason to open asylum procedures, according to the new legal regulations. In the event that the German authorities decide that there are no such reasons, the refugee is to be deported right from there.

On the one hand it has become very difficult for asylum seekers to get access to legal asylum procedures in Germany. Moreover only a small percentage (2000: 3%; 2001: 5.3%; 2002: 1.8%) of all asylum petitions lead to granted asylum at a first instance. On the other hand, about a third, sometimes even more (in Lower Saxony in 2000/01 nearly half), of asylum seekers meet with some 'success'. They are 'successful' insofar as they receive a temporary, yet prolongable, 'toleration' ('*Duldung*'), usually on the basis of the Geneva Convention on Refugees. This 'toleration' only means temporary suspension of deportation and is not a residence status. They receive this non-status during the legal proceedings, which used to take several years but are currently completed within a few months. However, the 'toleration' rather frequently led *de facto* to uncertain permanent stays, which, after a certain period of time could even lead to legal work, provided that no labourer from Germany or any EU country was available for the employment in question.

The first draft of the heavily disputed German Immigration Law of 2002 aimed to replace this system of 'toleration' by more transparent, but also more severe means. Asylum seekers who knew they had no legal chance of attaining asylum made every effort to take advantage of the system of 'toleration' by both illegal or apparently legal means. Illegal immigrants aside, Germany saw many apparently legal immigrants entering the country 'disguised' as businessmen, visitors or tourists. Once they gained entrance they destroyed their identity cards and anything that might give a clue about countries of origin and travel routes. They would make incorrect statements about their origins and travel route on their application forms for asylum and some would even completely deny their identity and provenance. In this way they hoped to obtain, indirectly, a temporary stay in Germany because deportation without destination and chance of admission is illegal. Their hopes were not unfounded, and many of them went 'underground' before the time limit expired and deportation was imminent.

As the asylum seekers' statements concerning their travel routes cannot be verified without documents, there are no exact figures on the (undoubtedly high) percentage of illegal border crossings or apparently legal entries for deliberately false purposes. Figure 3 shows the main travel routes of asylum seekers to Germany, compiled from recent data from the Nuremberg Federal Office for the



**Figure 3.** The main travel routes of asylum seekers to Germany (Bundesamt für die Anerkennung ausländischer Flüchtlinge).

Recognition of Foreign Refugees (*Bundesamt für die Anerkennung ausländischer Flüchtlinge* on the request of the author in February 2003). The Federal Office emphasizes that this table does not give any statements as to the percentage of illegal or apparently legal entries. The main travel routes to Germany lead via the states of the former Soviet Union, Eastern and south-eastern Europe as well as Turkey. Travel routes from countries of origin bringing fewer asylum seekers, especially Africa, are shown in broken lines, taking Algeria as the example. According to the analysis of statements given during asylum procedures, entries by air (see symbol) mainly came from or via the Russian Federation, Turkey, the Middle East (e.g. Iran, via Dubai, from Pakistan) and South-east Asia.<sup>50</sup>

Alongside asylum migration, but partly overlapping with it, apparently legal or illegal labour migration is heading towards the ‘informal sector’, which varies throughout Europe but is generally expanding. It is concentrated primarily in construction work and related trades, in cleaning services, fixed seasonal employment areas as well as in a wide variety of replacement and supplementary employment. Based on sound estimates, about one-third of the motorways in France were built by irregular workers (illegally working foreigners and illicit domestic labour). And about one-third of all automobile production in France was, and still is, done by irregular workers. In Italy, about 20–30% of the gross national

product is earned by irregular labour.<sup>51</sup> 'Immigrant labour is part of a clandestine workforce which keeps the wheels going round,' commented the *Financial Times* with respect to Britain as early as in 1990: 'The construction industry including the Channel Tunnel relies on it, the fashion industry would collapse without it, domestic service would evaporate.'<sup>52</sup> In unified Germany, it was an open secret that at 'Europe's largest construction site', Berlin in the 1990s, the cost margin set by the federal government would have been difficult to keep to, and the 1999 completion dates impossible, without irregular labour, and that is without considering the irregular work arrangements on private construction sites.<sup>53</sup> In Germany, in nursing and care services, women from Eastern Europe are being employed in poorly paid irregular or illegal positions.<sup>54</sup> Physicians and clerics occasionally even discreetly refer their patients and congregation members to these nurses, since they do not know how else to help those who receive insufficient care due to domestic nursing costs.<sup>55</sup>

There are similar informal economy networks operating in Belgium, where international paths to apparently legal or illegal work have long been established. This is true, for example, for the discreet transnational migration network that has developed between Siemiatyce, a small Polish town near the Belorussian border, and St. Gilles, an old part of the city of Brussels. This Polish community in St. Gilles grew from previous flight and labour migrations from Poland. This discreet transnational connection is the reason why unemployment rates are exceptionally low in Siemiatyce, compared with the surroundings, and explains why there are many nice new single family houses in the 'Belgian quarter' of the small Polish town: 'The inhabitants are raking the gardens of Brussels' stately homes; they clean silver cutlery in the Art Nouveau villas of the Walloon bourgeoisie. Polish men make bookshelves for officials of the EU administration, Polish women sing Belgian children to sleep. The one who has a job in Brussels will never give it away. At the very least, a job is lent, leased or sold...'<sup>56</sup>

The informal sector in Europe is dependent on this irregular or illegal labour, in which an even higher level of illicit domestic workers also participates. Consequently, the apparently legal or illegal arrangements, clever and hard to uncover, enjoy a high degree of unspoken approval, ostensible social legitimacy and often also tacit tolerance by authorities. This is the case despite the well-known fact that irregular or illegal work is usually underpaid, uninsured, untaxed and often connected with extremely hard labour and health hazards. Symbolic threats and occasional raids against the employment of 'illegal immigrants' are therefore tailored to reinforce xenophobic defensive attitudes in the broad public. This also pertains to Germany, where about 3500 staff members of the labour administration and customs office were assigned to combat illegal employment in the late 1990s. However, tightened control measures and raised

penalties, especially in the building sector, obviously only provided a minimal deterrent and were relatively easy to evade.<sup>57</sup>

In political and media discussions on 'migration pressure' in Europe, opinions diverge regarding the question if, and to what extent, the absence of mass migrations from the east and south in the late twentieth century was a result of shielding off a 'Fortress Europe', restricting movements deliberately blocking new chain migrations.<sup>58</sup> A closely related question was how such 'isolation' could be justified without migration-oriented developmental policies or development-oriented migration policies.

Undisputed, on the other hand, was the fact that certain countries of Europe were affected more than others by the increase in East–West, as well as South–North, migrations. This applied especially to Italy with respect to South–North migrations in the Euro-Mediterranean zone starting in the 1980s. And in the north, it applied above all to Germany, with respect to the new East–West migrations since the late 1980s, way ahead (in absolute figures) of Switzerland and Austria. After the opening of the Iron Curtain, Germany, like Austria, regained its historical position due to factors of migratory geography as a transit country, an East–West bridge or the Central European turntable in international migration movements.

Seen against this background it was not surprising that there were very different national ideas with regard to the potential migratory follow ups of the eastern expansion of the EU.

### **Eastern expansion of the EU – old and new nightmares**

Let us first return to the lifting of the Iron Curtain on the eve of the twenty-first century and to the respective 'scenarios' of the early 1990s. Directly after the Iron Curtain was lifted, European, especially German, fears of a 'flood' of migrants from the East resurfaced, whereby new fears often mingled with old ones.<sup>59</sup> Such fears were fuelled partly by rash 'migration scenarios' of scholarly and popular scientific nature, in which a human being appeared to be a homeless *Homo oeconomicus*, or *Animal rationale migrans* acting on economic speculations, drawn to the magnet of a comparatively wealthy Europe. Moreover, the Eastern political and demographic policies fuelled Western fears by using migration predictions as a threat to secure economic aid.

The French demographer Jean-Claude Chesnais estimated that, from 1992 to 1995, a total of 4–5 million people would migrate to the West from the territories of the collapsed Soviet Union. Yuri Reshetov, of the Soviet foreign ministry estimated about 4–6 million annually for the same period, the diplomat and deputy chairman of Novosti, Vladimir Milyutenko reckoned with even 7–8 million per year or 25–30 million by 1995, Boris Khorev of Lomonossov University predicted

an East–West migration of 40 million by 1995 and Anatoli Vishnevski, then of the Scientific Council for Social Development in the USSR Council of Ministers, even estimated 48 million, or one-sixth of the population, by 1995.<sup>60</sup>

With increasing frequency, the potential countries of origin more or less strategically mentioned the feared waves of ‘new migrations of the peoples’, as a kind of migratory threat in discussions on debt relief, economic aid and questions of global economy. The Polish Prime minister did not want to rule out that insufficient economic aid could set millions of unemployed Poles in motion westward and he intimated that if necessary he would even open his borders to the east and west, ‘so the refugees from Russia could migrate further to Germany’. From the Russian side, in turn, it was audibly speculated that the magnitude of westward migration from Eastern Europe after introduction of freedom to travel could depend solely on the capacity of the passport printing office. The threatening prophecies from the East joined open threats from the south, such as that of Senegalese president Abdou Diouf in an interview with the French newspaper *Le Figaro*, in which he expressed a highly remarkable perception of medieval migration movements: Europe must offer Africa far more massive economic aid than it has up to now, ‘otherwise you will be overrun by hordes as in the Middle Ages’.<sup>61</sup>

Most short- to mid-term predictions and calculations on migration to Europe may turn out to be wrong, grossly simplified or exaggerated.<sup>62</sup> There was, in fact, a massive migration potential in the East and elsewhere, but mass migrations remained limited to the East.<sup>63</sup> East–West movements soon assumed a more manageable volume; by the end of the 1990s, temporary and shuttle migrations increased as permanent emigration decreased.<sup>64</sup> The different fears and threats of xenophobic ‘ghosthunting’<sup>65</sup> and the just as different impacts of actual migrations have all served to increase the phenomenon that, in European receiving countries, migration policies were generally understood as security policies.

The fear of ‘new migrations of the people’ also plays an important role on the eve of the eastern expansion of the European Union. From 2004 onwards, ten new countries will belong to the European Union. Instead of ten, there will be 21 official languages to contend with. In the translators’ bureaux and cabins in Brussels, they will meet each other much more frequently than old and new EU citizens will do in the growing ‘European house’.

The Western countries neighbouring the eastern expansion area will also have to deal with increased East–West migration and this worries many people. The initial, fairly positive, attitude toward the expansion of the EU is decreasing. According to latest polls, no more than 43% of Germans are in favour of enlarging the EU today.<sup>66</sup>

The fear of ‘new migrations of peoples’ from the East, however, is as old as the history of East–West migrations itself. The Central European countries have

always functioned as a turntable and transit area rather than a receiving region, a fact that was forgotten during the Cold War. It was not until the end of the Cold War that many people realized that the Iron Curtain had also been a bulwark against East–West migration. Perhaps they secretly even longed for its gloomy ‘protection’ of the past.

Instead of the Iron Curtain, a new electronically armed barrier against migration emerged at the eastern borders of the EU. The eastern expansion will shift it to the East. In spite of such new borders against migration and the agreement of interim regulations until granted freedom of movement on the labour market for citizens of the new EU member states, there is an increasing fear of the inevitable arrival of new challenges.

Spreading scare stories about the migratory follow-ups of eastern expansion of the EU is highly irresponsible because there are no grounds for such horror visions. Demographic and economic balancing tendencies should control migration processes in the medium term. Moreover, exclusion periods of up to a maximum of seven years will serve as a flexible protection shield for the national labour markets.

Taking into account the present EU countries, the estimated extent of in-migration that can be expected after the incorporation of the new member states over the next ten years might be considered as moderate. Perhaps 2 to 4 million East–West migrants, many seasonal workers, to the whole of Europe over ten years, and including those who are already here illegally, this would be nothing.

However, this is not the whole truth, for potential immigration numbers seem to be quite significant in view of the different effects they may have on each country in particular, especially on the Central European countries, in spite of interim regulations. Specific surveys on would-be emigrants and their possible destinations led to the estimate shown in Table 2.

According to this estimate, Germany would receive more than a third of the possible migrants from the new East European member states (37%), Austria nearly a quarter (24.4%), Switzerland just 9.1%, followed by Great Britain (6.4%), France (4.1%) and other European countries with even lower survey results, including the Netherlands with only 2.8%.<sup>67</sup> It is not surprising, therefore, that in view of the EU’s eastern expansion, many people – for example French, in spite of the big fuss of the *Front National* – are more concerned by the issue of agricultural subventions than by the question of immigration.

This is different in Germany, just because of the foreseeable consequences and these differences also exist inside Germany itself, as regards businesses and labour markets in border zones, whole branches suffering from current employment problems – such as for example the building and construction industry – as well as the specific problems of poorly qualified or unqualified workers.

Unqualified workers would be the first to be ousted from the labour market by

**Table 2.** Destination countries of potential migrants from Eastern Europe, in percent

	Total	Czech Republic	Slovakia	Poland	Hungary
Germany	37.0	42.6	36.3	37.4	31.4
Austria	24.4	22.6	25.9	17.8	30.5
Switzerland	9.1	8.3	13.0	7.7	5.7
Great Britain	6.4	9.2	7.1	4.5	3.8
France	4.1	2.9	4.1	5.4	4.3
Italy	3.9	5.8	2.6	5.1	2.3
Scandinavia	3.3	2.7	2.5	3.1	4.9
The Netherlands	2.8	3.4	2.3	3.5	2.2
eastern European country	2.8	2.5	6.3	0.5	–
others	6.4	–	–	15.0	14.9
Total	100.0	100.0	100.0	100.0	100.0

*Source:* H. Faßmann and R. Münz (2002) Die Osterweiterung der EU und ihre Konsequenzen für die Ost-West-Wanderung. In K. J. Bade and R. Münz (eds) *Migrationsreport 2002: Fakten – Analysen – Perspektiven* (Frankfurt a.M./New York), p. 76, table 8.

migratory competitors, because foreign migrant workers and immigrants are often ready to accept harder working conditions, sometimes even for lower wages which they may increase, for example, by doing shift work. In this way, migrant workers try to save and to send money home as soon as possible, while immigrants hope to make progress in the receiving country and finally climb the social ladder – even if this means starting below their qualification level. And there is no doubt that German employers would not refuse qualified, highly motivated and not very demanding immigrant labour because of over-qualification and modesty.

Apart from that, in Germany, many migratory fears sparked by the EU expansion are closely connected to the notorious lack of transparency in migration and integration issues. This lack results from the political game of hide-and-seek in this reluctant immigration country up until the 1990s. In any case, the new German immigration law may contribute substantially to a more relaxed and pragmatic relationship toward migration and integration issues: by more transparent procedures and fields of action in migration management, by defining integration as a law issue, and, moreover, by efforts actively to realise a social and career-oriented profile of immigration – within the given scopes of action, which also includes immigration restriction as a response to immigration pressure.

### **The Limits of Migration Control**

There is a growing public interest in migration control everywhere in Europe. To



pursue 'pure' migration policies, however, would be an illusionary idea, just because, in this field, literally everything is interconnected: the motivations that make people migrate and the consequences of emigration movements for the areas of departure may be as manifold as are the consequences of immigration for the receiving countries.

There are fluid boundaries and intermediate forms between short-term labour migration and unlimited work stays, between permanent stays with the future option to finally return home, and definitive immigration with the intention to become a naturalized citizen. Labour migration intended to be seasonal may develop into permanent immigration. On the other hand, plans to immigrate definitively may change after some years or even lead to re-migration. Countless examples show, however, that such interruptions may even result in immigrating once more for an uncertain period, but still with the final consequence of permanent immigration. This shows that the intention to migrate and its realization are often two different things. And it shows that migration and integration are highly autonomous and dynamic processes that cannot be regulated as easily as traffic.<sup>68</sup>

Let us take a concrete example from Germany. In her – comprehensive – statistical calculations for the years 2000 and 2001, the Federal Commissioner for Foreigners (*Ausländerbeauftragte*) mentioned that on a yearly basis approximately 250,000 new immigrants intended staying for a longer period of time or permanently in the country. Virtually all of those 250,000 new immigrants, however, belonged to legally protected, preferred groups: ethnic Germans from the east (*Spätaussiedler*) and their families (98,000), immigrants who came for family reunification with Germans or foreigners living in Germany (82,000), EU-citizens (35,000), accepted asylum seekers (23,000, included as high as 25% of all applicants), and Jews from the CIS (17,000).<sup>69</sup>

At the same time, estimates of the future demand for immigrants in Germany as well as of their 'social acceptability' centre at around 250,000 to 300,000 immigrants per year wanting to stay permanently in the country. The assumed number of 250,000 *de facto* immigrants and an estimated annual immigration demand to the same amount imply that there would practically be no room for regulating immigration. Even with an annual influx of 300,000 persons, regulated immigration would only affect 50,000 people.

The Gordian knot may therefore only be cut by extending the possibility to regulate. Flexible national regulation systems, however, require an existing European migration concept just as flexible as the national ones. It has to be in the joint interest of all EU member states to endorse this concept, which has to include a flexible European burden-sharing system. Assessments by EU Commissioner António Vitorino, support the idea that, until 2004, it will be

possible to shape at least the framework of a European system of migration and refugee policy really deserving this name.<sup>70</sup>

Unwelcome migration pressure, however, will not be relieved by migration policies, regulation systems, or border controls. Fighting the causes of compulsory migration – as far as they can be fought at all – by means of sustainable development policies in the regions of origin is absolutely indispensable. This means well-directed, specific and, above all, controlled financial support, and, if necessary, interventions and measures to ensure peace, better coordinated than in the past, under the patronage of the United Nations or other multinational organizations.

Should Europe refuse to take this step, it will be doomed to bear the burden of dealing with confused fears of permanent migration pressure. As long as a sort of a negative coalition against unwelcome immigration prevails instead of a positive European migration policy concept, Europe itself contributes to the illegalization of immigration and to the persistence of the enemy image of ‘illegal immigration’.

On the whole, three issues have to be promoted by clear political direction with long-term perspectives: (1) a further normalization in dealing with migration and integration; (2) the acceptance and understanding of the feasibility of these central issues of social life in an immigration continent, and also (3) the pragmatic acceptance of the limits of migration control in view of the often underestimated autonomous dynamics of migration and integration processes. Otherwise, European societies would be running the risk that impossible expectations for controlling these social and cultural processes might again turn into frustration and aggression.

## Notes and references

1. Revised version of a paper given as Ortelius Lecture at Antwerp University (UA) on 9 May 2003 during my fellowship at the Netherlands Institute for Advanced Study (NIAS) 2002/03, first published as *Ortelius-lezing 2003* (NIAS/UA, 2003). For helpful criticism I want to thank Michael Bommers and Jochen Oltmer from the Institute for Migration Research and Intercultural Studies (IMIS) at Osnabrueck University. For a more complex discussion of these issues in a historical context, see K. J. Bade (2000) *Europa in Bewegung: Migration vom späten 18. Jahrhundert bis zur Gegenwart* (series: *Europa bauen*, ed. Jacques Le Goff) (Munich), pp. 306–452; (Italian translation: *L'Europa in movimento. Le migrazioni dal settecento a oggi* (Rome/Bari, 2001); French translation: *L'Europe en mouvement. La migration de la fin du XVIII<sup>e</sup> siècle à nos jours* (Paris, 2002); English translation: *Migration in Modern History* (Oxford, 2003); Spanish translation: *Europa in movimiento. Las migraciones desde finales del*

*siglo XVIII hasta nuestros días* (Barcelona, 2003). For a discussion of more recent developments in Europe see: G. Brochmann and T. Hammar (eds) (1999) *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies* (Oxford).

2. OCDE/SOPEMI, *Tendances des migrations internationales. Rapport annuel 1996*, 29, 230f.; H. Fassmann and R. Münz (1993) Europäische Migration und die Internationalisierung des Arbeitsmarktes. In B. Strümpel and M. Dierkes (eds), *Innovation und Beharrung in der Arbeitspolitik*, (Stuttgart), pp. 11–37, here 17, 31, 39; H. W. Lederer (1997) *Migration und Integration in Zahlen: ein Handbuch* (Bamberg), 40f.; European Trade Union Institute (ed) (1993) *Immigration in Western Europe: Development, Situation, Outlook* (Brussels), pp. 55–121; B. Krekels and M. Poulain (1994) *La Belgique dans le concert de migrations européennes* (Louvain-la-Neuve).
3. For an overview see C. Peach (1992) Urban concentration and segregation in Europe since 1945. In M. Cross (ed), *Ethnic Minorities and Industrial Change in Europe and North America* (Cambridge), pp. 112–136; P. White (1993) Immigrants and the social geography of European cities. In R. King (ed), *Mass Migration in Europe. The Legacy and the Future* (Chichester), pp. 65–82.
4. OCDE/SOPEMI *Tendances des migrations internationales. Rapport annuel 1996*, pp. 142, 144; S. Castles and M. J. Miller (1998) *The Age of Migration. International Population Movements in the Modern World*, 2nd edn (London), 230f. (more recent data for France, The Netherlands, Sweden, and Switzerland in the 3rd edn, London, 2003, 235f.); F. Dieleman (1989) Multicultural Holland: myth or reality? In R. King (ed), *Mass Migration in Europe* (Chichester) pp. 118–135; W. Willems and A. Cottaar (1989) *Het beeld van Nederland* (Den Haag); cf. A. Böcker and D. Thränhardt (2003) Erfolge und Misserfolge der Integration – Deutschland und die Niederlande im Vergleich. In *Aus Politik und Zeitgeschichte*, B 26, 3–11.
5. M. Anwar (1995) ‘New Commonwealth’ migration to the UK. In R. Cohen (ed) *The Cambridge Survey of World Migration* (Cambridge), 274–278, here 276f.; S. Castles and M. J. Miller (1998) *The Age of Migration*, 222f.; Fassmann and Münz, ‘Europäische Migration’, 31, 39; A. Mintzel (1997) *Multikulturelle Gesellschaften in Europa und Nordamerika* (Passau), 519f., 523; E. M. Thomas-Hope (1994) *Impact of Migration in the Receiving Countries: The United Kingdom* (Geneva), p. 20; D. Eversley (1992) Urban disadvantage and racial minorities in the UK. In M. Cross (ed), *Ethnic Minorities and Industrial Change in Europe and North America* (Cambridge), pp. 137–172.
6. M. Tribalat (1996) *De l’immigration à l’assimilation. Enquête sur les populations d’origine étrangère en France* (Paris); M. Tribalat (1996) Die Zuwanderung von Ausländern in Frankreich. In H. Fassmann and R. Münz, *Migration in Europa. Historische Entwicklung, aktuelle Trends, politische Reaktionen* (Frankfurt a.M.), pp. 89–117, here 91; P. E. Ogden, The legacy of migration: some evidence from France. In King (ed) *Mass Migration in Europe*, pp. 101–17; J. F. Hollifield (1994)

- Immigration and republicanism in France: the hidden consensus. In W. A. Cornelius *et al.* (eds) *Controlling Immigration: A Global Perspective* (Stanford), pp. 143–175; Mintzel, *Multikulturelle Gesellschaften*, 409–37; Castles and Miller, *Age of Migration*, 226f.; T. Stovall (1997) Harlem-sur-Seine: Building an African Diasporic Community in Paris. In D. Klusmeyer and S. H. Pirie (eds) *Membership, Migration and Identity: Dilemmas for Liberal Societies* (Stanford), 202–18; T. Frhr. von Münchhausen (1996) Nordafrika in der Republik – die französische Erfahrung. In K. J. Bade (ed) *Die multikulturelle Herausforderung: Menschen über Grenzen – Grenzen über Menschen* (Munich), pp. 84–107; J. Hénard, ‘Störfälle in den Vorstädten’, *Die Zeit*, 12 August 1999, p. 7.
7. OCDE/SOPEMI, *Tendances des migrations internationales. Rapport annuel 1996*: 29; H. Ring (1998) Einwanderungspolitik im schwedischen Wohlfahrtsstaat. In M. Bommers and J. Halfmann (eds), *Migration in nationalen Wohlfahrtsstaaten. Theoretische und vergleichende Untersuchungen* (IMIS-Schriften, Bd. 6), (Osnabrück), pp. 239–49, here 244.
  8. W. Leimgruber (1992) *Impact of Migration in the Receiving Countries: Switzerland* (Geneva), 37; Mintzel, *Multikulturelle Gesellschaften*, 368; Fassmann and Münz, *Europäische Migration*, 31; P. A. Fischer and T. Straubhaar, Einwanderung in die Schweiz – ein polit-ökonomisches Lehrstück. In Fassmann and Münz (eds) *Migration in Europa*, pp. 183–207, here 194.
  9. H. Fassmann and R. Münz (1995) *Einwanderungsland Österreich? Historische Migrationsmuster, aktuelle Trends und politische Maßnahmen* (Wien), pp. 48–54; H. Fassmann and R. Münz, Österreich – Einwanderungsland wider Willen, in *Migration in Europa*, pp. 209–29; H. Fassmann *et al.* (1999) *Arbeitsmarkt Mitteleuropa. Die Rückkehr historischer Migrationsmuster* (Wien).
  10. A. Weber (1997) Einwanderungsland Bundesrepublik Deutschland in der Europäischen Union – Bestandsaufnahme, Regelungselemente und europäischer Rahmen. Eine Einführung. In *Einwanderungsland Bundesrepublik Deutschland in der Europäischen Union: Gestaltungsauftrag und Regelungsmöglichkeiten* (IMIS-Schriften, Bd. 5), ed. A. Weber (Osnabrück), pp. 9–28, here 9; H. H. Blotevogel *et al.*, From Itinerant worker to immigrant? The geography of guestworkers in Germany. In King (ed) *Mass Migration in Europe*, pp. 83–100, here 89–96; Mintzel, *Multikulturelle Gesellschaften*, 464f., 475f.; C. Schmalz-Jacobsen and G. Hansen (eds) (1995) *Ethnische Minderheiten in der Bundesrepublik Deutschland. Ein Lexikon* (Munich); K. J. Bade and J. Oltmer (eds) (1999) *Aussiedler: deutsche Einwanderer aus Osteuropa* (IMIS-Schriften, Bd. 8) (Osnabrück).
  11. In general F. Heckmann (1981) *Die Bundesrepublik – ein Einwanderungsland? Zur Soziologie der Gastarbeiterbevölkerung als Einwandererminorität* (Stuttgart); K. J. Bade (1983) *Vom Auswanderungsland zum Einwanderungsland?*, Deutschland 1880–1980 (Berlin); K. J. Bade, Tabu Migration. Belastungen und

Herausforderungen, in *Das Manifest der 60: Deutschland und die Einwanderung*, ed. K. J. Bade (Munich), 16–21, 66–85.

12. Bade, *Europa in Bewegung*, 306–314.
13. J. Rex (1996) The potentiality for conflict between national and minority cultures. Working papers in the theory of multiculturalism and political integration. In Idem (ed), *Ethnic Minorities in the Modern Nation State* (London), pp. 149–167; J. Rex, Anti-racism and ethnic mobilisation in Europe, in Ibid, pp. 168–186; J. Rex, Ethnic and class conflict in Europe, in Ibid, pp. 187–199; G. Baumann and T. Sunier (eds) (1995) *Post-Migration Ethnicity. De-essentializing Cohesion, Commitments and Comparison* (Amsterdam); J. Blommaert and M. Martiniello (1996) Ethnic mobilization, multiculturalism, and the political process in two Belgian cities: Antwerpes and Liège, *Innovation*, 9(1), 51–73; R. Eckert, (ed) (1998) *Wiederkehr des Volksgeistes? Ethnizität, Konflikt und politische Bewältigung* (Opladen).
14. See S. Lavenex (1999) Safe third countries. Extending the EU asylum and immigration policies to Central and Eastern Europe. In *Central European University Press* (Budapest); S. Lavenex (2001) *The Europeanisation of Refugee-Policies. Between Human Rights and Internal Security* (Aldershot).
15. For the German example recently: K. J. Bade and M. Bommers (2000) Migration und politische Kultur im Nicht-Einwanderungsland. In K. J. Bade and R. Münz (eds) *Migrationsreport 2000. Fakten – Analysen – Perspektiven* (Frankfurt a.M./New York), pp. 163–204. For France, The Netherlands and Germany in a comparative perspective see V. Guiraudon (1997) *Policy Change behind Gilded Doors: Explaining the Evolution of Aliens Rights in Contemporary Western Europe, 1974–1994* (Harvard University Press); for an explanation of this discrepancy between populist alarmism and the empirical reality of immigration and integration policies see G. Freeman (1995) Modes of immigration politics in liberal democratic states. *International Migration Review*, 29(4), 881–902.
16. B. Santel (1999) Freizügigkeit, Wohnbürgerschaft und staatsbürgerliche Inklusion in Deutschland und den Vereinigten Staaten. In A. Schulte and D. Thränhardt (eds) *Internationale Migration und freiheitliche Demokratien* (Münster), pp. 101–134.
17. P. J. Opitz (1994) Weltproblem Migration: Neue Dimensionen internationaler Instabilität. In C. Tessmer (ed), *Deutschland und das Weltflüchtlingsproblem* (Opladen), pp. 43–62; F. Nuscheler (1999) Ein Ende des Jahrhunderts der Flüchtlinge? In F.-J. Hutter *et al.* (eds) *Menschen auf der Flucht* (Opladen), pp. 283–294, here 284–286.
18. P. Imbusch (1992) Europäische Gemeinschaften und Migration. In K. Althaler and A. Hohenwarter (eds) *Torschluß: Wanderungsbewegungen und Politik in Europa* (Wien), pp. 21–34; U. Brandl, Europäisierung der Asylpolitik, in Ibid, pp. 46–60; A. Weber (1998) Möglichkeiten und Grenzen europäischer Asylrechtsharmonisierung vor und nach Amsterdam, *Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR)* 18(4), 47–152; J. van Selm-Thoburn (1998) Asylum in the Amsterdam

- treaty: a harmonious future? *Journal of Ethnic and Migration Studies* 24(4), 627–638; T. Kostakopoulou, European citizenship and immigration after Amsterdam: openings, silences, paradoxes, *Ibidem*, 639–656; C. Klos (1998) *Rahmenbedingungen und Gestaltungsmöglichkeiten der europäischen Migrationspolitik* (Konstanz); K. Hailbronner, Perspektiven einer europäischen Asylrechtsharmonisierung nach dem Vertrag von Maastricht. In M. Piazzolo and K. Grosch (eds), *Festung oder offene Grenzen? Entwicklung des Einwanderungs- und Asylrechts in Deutschland und Europa* (Munich), pp. 73–109; D. G. Papademetriou (1996) *Coming Together or Pulling Apart? The European Unions Struggle with Immigration and Asylum* (Washington), pp. 75–103; V. Tomei (1997) *Europäische Migrationspolitik zwischen Kooperationszwang und Souveränitätsansprüchen* (Bonn), 25.
19. A. Golini *et al.* (1993) A general framework for the European migration system in the 1990s. In R. King (ed), *The New Geography of European Migrations* (London), pp. 67–82; C.-V. Marie, L'Union Européenne face aux déplacements de populations. Logiques d'Etat face aux droits des personnes. *Revue Européenne des Migrations Internationales*, 12(2), 169–209; R. King (1998) Post-oil crisis, post-communism. New geographies of international migration. In D. Pinder (ed), *The New Europe. Economy, Society, and Environment* (Chichester), pp. 281–304; Tomei, *Europäische Migrationspolitik*, 31–44, 58–70; Fassmann *et al.*, *Arbeitsmarkt Mitteleuropa*; R. Koslowski, European migration regimes: emerging, enlarging, and deteriorating. *Journal of Ethnic and Migration Studies*, 24(4), 735–749; K. Hailbronner (2002) Asylpolitik in der Europäischen Union, in *Zeitschrift für Ausländerrecht und Ausländerpolitik*, 8, 259–265; S. Angenendt (2002) Entwicklung und Perspektiven der europäischen Migrations- und Asylpolitik. In *Die Friedenswarte. Journal of International Peace and Organisation*, 1/2, pp. 143–172.
  20. P. Weil (1991) *La France et ses étrangers. L'aventure d'une politique de l'immigration de 1983 à nos jours* (Paris), pp. 354–358; C. Wihtol de Wenden (1999) *L'immigration en Europe* (Paris), pp. 61–63; M. M. Suárez-Orozco, Anxious neighbors: Belgium and its immigrant minorities. In Cornelius *et al.*, *Controlling Immigration*, pp. 237–268, here 246f.; B. Santel, Freizügigkeit, Wohnbürgerschaft und staatsbürgerliche Inklusion in Deutschland und den Vereinigten Staaten. In Schulte and Thränhardt (eds), *Internationale Migration und freiheitliche Demokratien*, pp. 101–134; B. Nauck (2004) Familienbeziehungen und Sozialintegration von Migranten. In K. J. Bade, M. Bommes and R. Münz. *Migrationsreport 2004: Fakten – Analysen – Perspektiven* (Frankfurt a.M. and New York).
  21. See the contributions in Bade and Oltmer, eds., *Aussiedler*.
  22. See P. Harris, Russische Juden und Aussiedler: Integrationspolitik und lokale Verantwortung, in *Ibidem*, 247–263.
  23. G. Glebe (1997) Statushöhe ausländische Migranten in Deutschland. *Geographische Rundschau*, 49(7), 406–412; L. Hurdley and P. White

- (1999) Japanese economic activity and community growth in Great Britain. *Revue Européenne des Migrations Internationales*, **15**(1), 101–120; B. Rhode (1991) *East–West Migration/Brain-Drain* (Brussels), 39; B. Rhode, Brain drain, brain gain, brain waste: reflections on the emigration of highly educated and scientific personnel from Eastern Europe. In King (ed) *The New Geography of Migration*, 228–245; V. D. Shkolnikov (1994) *Scientific Bodies in Motion. The Domestic and International Consequences of the Current and Emergent Brain-Drain from the Former USSR* (Santa Monica); F. Hillmann and H. Rudolph (1997) S(Z)eitenwechsel – Internationale Mobilität westlicher Hochqualifizierter am Beispiel Polen. In L. Pries, *Transnationale Migration* (Baden-Baden), pp. 245–263; F. Hillmann and H. Rudolph (1998) *Via Baltica. Die Rolle westlicher Fach- und Führungskräfte im Transformationsprozeß Lettlands* (Berlin); F. Hillmann and H. Rudolph (1998) The invisible hand needs visible heads: managers, experts and professionals from western countries in Poland. In K. Koser and H. Lutz *The New Migration in Europe* (London), pp. 60–84; Bade and Bommes, Migration und politische Kultur im Nicht-Einwanderungsland, 191–197.
24. J. Salt (1984) High-level manpower movements in north-west-Europe and the role of careers. *International Migration Review*, **17**, 633–651; J. Salt (1992) Migration processes among the highly skilled in Europe, 29, 484–505; J. Salt and R. Ford, Skilled international migration in Europe: the shape of things to come? In King (ed) *Mass Migration in Europe*, pp. 293–309; I. Shuttleworth, Irish graduate emigration: the mobility of qualified manpower in the context of peripherality, in *Ibid*, pp. 310–326; S. Sassen (1988) *The Mobility of Labor and Capital. A Study in International Investment and Labor Flow* (New York); D. Redor (1994) Les migrations de spécialistes hautement qualifiés entre l'Europe centrale et l'Union Européenne: analyse et perspectives. *Revue d'études comparatives Est-Ouest* (no 3), 161–178; A. Wolter (1997) *Globalisierung der Beschäftigung. Multinationale Unternehmen als Kanal der Wanderung Höherqualifizierter innerhalb Europas* (Baden-Baden); King, Post-oil crisis, pp. 288–290; H. Kolb (2003) Pragmatische Routine und symbolische Inszenierungen – Zum Ende der Green Card. *Zeitschrift für Ausländerrecht und Ausländerpolitik*, **7**, 231–235; H. Kolb and U. Hunger (2003) Von staatlicher Ausländerbeschäftigungspolitik zu internationalen Wertschöpfungsketten?, *WSI-Mitteilungen* **4**, 251–256.
25. Rhode, *East-West Migration/Brain-Drain*, 39; Hillmann and Rudolph, *Via Baltica*; H. Fassmann and R. Münz (1996) Europäische Migration – ein Überblick. in Idem (eds), *Migration in Europa* (Frankfurt a.M.), pp. 13–52, here 27f.
26. R. Cohen (1987) *The New Helots: Migrants in the International Division of Labour* (Aldershot).
27. T. Faist et al. (eds) (1999) *Ausland im Inland: Die Beschäftigung von Werkvertragsarbeitnehmern in der Bundesrepublik Deutschland. Rechtliche Regulierung und politische Konflikte* (Baden-Baden); Fassmann et al., *Arbeitsmarkt Mitteleuropa*, pp. 32–34; R. Fassmann and

- C. Hintermann (1997) *Migrationspotential Ost-Mittel-Europa. Struktur und Motivation potentieller Migranten aus Polen, der Slowakei, Tschechien und Ungarn* (Wien), 47; H. Werner (1996) Befristete Zuwanderung von ausländischen Arbeitnehmern. Dargestellt unter besonderer Berücksichtigung der Ost-West-Wanderungen. *Mitteilungen aus der Arbeitsmarkt- und Berufsforschung*, **29**(1), 36–53; contributions of U. Mehrländer, H. Heyen, K. Sieveking, N. Cyrus (1997), in Friedrich-Ebert-Stiftung (ed) *Neue Formen der Arbeitskräftezuwanderung und illegale Beschäftigung* (Bonn); S. Golinowska, Die Beschäftigung polnischer Arbeitnehmer in der Bundesrepublik Deutschland im Rahmen von Werkverträgen und Migrationsprozessen in den Neunziger Jahren. In Faist *et al.*, *Ausland im Inland*, pp. 245–268; A. Hárs, Die Ursachen und Folgen der Entsendung von Werkvertragsarbeitnehmern aus ungarischer Sicht, in *Ibidem*, pp. 269–89; H.-D. von Loeffelholz and G. Köpp (1998) *Ökonomische Auswirkungen der Zuwanderungen nach Deutschland* (Berlin), 41–45; E. Morawska (1998) Structuring migration in a historical perspective: the case of travelling East Europeans. in *EU Working Papers* no. 98/3 (Florence).
28. G. S. Goodwin-Gill (1996) *The Refugee in International Law* (Oxford), pp. 199–202, 296–323.
  29. International Labour Conference, 87th Session: Migrant Workers (1999) (Geneva), pp. 103–140; King, Post-oil crisis; Marie, L'Union Européenne face aux déplacements de populations, pp. 181–197.
  30. M. J. Miller, Illegal Migration. In Cohen (ed), *Cambridge Survey of World Migration*, pp. 537–540; European Trade Institute (ed), *Immigration in Western Europe: Development, Situation, Outlook*, pp. 44–53; (1997) *Illegale Beschäftigung in der Europäischen Union. Gewerkschaftliche und staatliche Handlungsmöglichkeiten* (Dokumentation der Arbeitstagung in Langenfeld am 21/22 November 1996), (ed) Deutscher Gewerkschaftsbund/Bundesvorstand: Referat Migration (Düsseldorf); Europol (1999) *General Situation Report 1998 – Illegal Immigration* (The Hague); G. Tapinos (1999) Clandestine immigration: economic and political issues. In OECD/Sopemi, *Trends in International Migration* (Paris), pp. 229–251; H. W. Lederer, Typologie und Statistik illegaler Zuwanderung nach Deutschland. In E. Eichenhofer (ed) *Migration und Illegalität* (IMIS-Schriften, Bd. 7), (Osnabrück), pp. 53–70; G. Renner, Grenzen legaler Zuwanderung: das deutsche Recht. In *Ibidem*, 41–51; D. Vogel, Illegale Zuwanderung nach Deutschland und soziales Sicherheitssystem, in *Ibidem*, pp. 73–90; D. Vogel (1999) Illegaler Aufenthalt in Deutschland – methodische Überlegungen zur Datennutzung und Datenerhebung, *Zeitschrift für Bevölkerungswissenschaft*, **24**(2), 165–185; OECD/Sopemi (2001) *Trends in International Migration* (Paris); P. Muller (2001) Undocumented migrants in Europe, working paper for the steering committee meeting of the minorities and multiculturalism interest group, European Foundation Centre (Stockholm); D. Vogel (2002) Ausländer ohne Aufenthaltsstatus in Deutschland. Methoden zur Schätzung ihrer



- Zahl. In E. Minthe, *Illegale Migration und Schleusungskriminalität* (Kriminologische Zentralstelle e.V. Wiesbaden), pp. 65–78; H.-D. Schwind (2003) *Kriminologie. Eine praxisorientierte Einführung mit Beispielen*, 13th edn (Heidelberg), pp. 475–501; M. Jandl (2003) Estimates of illegal migration in Europe (International Centre for Migration Policy Development, Vienna) unpublished draft.
31. G. Engbersen and J. van der Leun, Illegality and criminality: the differential opportunity structure of undocumented immigrants. In Koser and Lutz (eds), *The New Migration in Europe*, pp. 199–223.
  32. K. Koser, Out of the frying pan and into the fire: a case study of illegality amongst asylum seekers. In Koser and Lutz (eds), *The New Migration in Europe*, pp. 185–98; K. Severin (1997) Illegale Einreise und internationale Schleuserkriminalität. Hintergründe, Beispiele und Maßnahmen, *Aus Politik und Zeitgeschichte*, 7 November 1997, pp. 11–4; D. Kyle (1999) The Ottawalo trade diaspora. Social capital and transnational entrepreneurship. *Ethnic and Racial Studies*, **22**(2), 422–447; D. Kyle and R. Koslowski (eds) *Global Human Smuggling. Comparative Perspectives* (Baltimore); W. Koydl (1998) Staatlich geduldeter Exodus: Schlepperbanden in der Türkei. *Süddeutsche Zeitung (SZ)*, 3/4 January 1998, p. 7; J. Schneider (1998) Schleuser: Wie die illegale Einwanderung nach Deutschland funktioniert, *SZ* 3 September 1998, p. 3; R. Thym (1998) Das große Geschäft mit der Ware Mensch, *SZ*, 31 October/1 November 1998, p. 42; J. Hooper (1997) Fatal allure of Fortress Europe, *The Observer*, 5 January 1997; E. Ferguson (1997) Disaster at the end of the world, *The Observer*, 12 January 1997; H. Smith *et al.* (1997) People-smugglers make a mint out of misery, *The Observer*, 12 January 1997; Castles and Miller, *Age of Migration*, pp. 96–101; M. Kaiser (1999) Spediteure des Elends, *Die Zeit*, 9 September 1999, pp. 15–18.
  33. Case study: C. Westin (1998) On migration and criminal offence. Report on a study from Sweden, *IMIS-Beiträge* no. 8, 7–29.
  34. *Global Human Smuggling*, Kyle and Koslowski (eds).
  35. Marie, L'Union Européenne face aux déplacements de populations, 192–201; IOM (1996) Migration Information Programme, *Trafficking in Women to Italy for Sexual Exploitation* (Budapest).
  36. C. Kohl (2001) Die Fischer und ihr grausiger Fang, *SZ*, 23/24 June 2001, p. 12.
  37. Marie, L'Union Européenne face aux déplacements de populations, 129–201; K. Koenen (1994) Völkerwanderung auf neuen Wegen: Schlepperbanden im Visier des ungarischen Grenzschutzes, *Frankfurter Allgemeine Zeitung (FAZ)*, 16 May 1994; W. Koydl (1997) Für 2.000 Dollar in den goldenen Westen. Eine internationale Schleppermafia organisiert den Menschenschmuggel im Mittelmeerraum, *SZ*, 5 August 1997, p. 2; W. Koyde (1998) Die Goldgrube am Marmara-Meer, *SZ*, 9 January 1998, p. 3; Flüchtlinge: Kettenmäßig organisiert, *Der Spiegel*, 28 September 1998, p. 190f.; Sprache der Morde, *Der Spiegel*, 2 August 1999, pp. 42–59, here 47; N. Mappes-Niediek (2002) Der Geschmack von Freiheit und Anarchie, *Die Zeit*, 7 November 2002, pp. 13–16; H.-J.

- Schlamp (2002) 80 Meilen zum Paradies, *Der Spiegel*, 16 December 2002, p. 122f.; K. Steinberger (2002) Alina im Höllenland. Menschenhandel auf dem Balkan, *SZ*, 21/22 December 2002, p. 3; Koser, Out of the frying pan; Castles and Miller, *The Age of Migration*, pp. 96–101.
38. See H.-J. Schlamp (2000) Immigranten: Tod in der Adria, *Der Spiegel*, 31 July 2000, pp. 136–138; W. Koydl (2000) Hochsaison für Menschenschmuggler. Im windstillen Sommer werden tausende Flüchtlinge aus Asien und dem Nahen Osten über die Ägäis in die EU geschleust, *SZ*, 22/23 July 2000, p. 7; R. Chimelli (2000) Langer Marsch auf krummen Wegen: Was Chinesen auf sich nehmen, die in Paris und anderswo in Europa ihr Glück suchen – und manchmal nur den Tod finden, *SZ*, 10 July 2000, p. 3.
  39. B. Santel (1995) *Migration in und nach Europa* (Opladen), p. 111, Lavenex, Safe third countries.
  40. But see also R. Skeldon (2000) Myth and realities of Chinese irregular migration. In *IOM, Migration Research Series*, 1/2000 (Geneva).
  41. IOM (1996) Migration Information Programme (MIP), Technical Cooperation Centre for Europe and Central Asia, *CIS Migration Report* (Geneva), p. 6; UNHCR (1996) *Displacement in the Commonwealth of Independent States. Transit-Migration* (Geneva).
  42. T. Avenarius (1997) Asyl in Rußland, *SZ*, 3 December 1997, p. 3.
  43. IOM-MIP (1996) *CIS Migration Report 1996*, p. 39.
  44. Transit Migration in Hungary, *IOM News Release*, no. 776, 19 April 1996, pp. 47–50; P. D. Nyíri (1995) From settlement to community. In M. Fullerton *et al.*, *Refugees and Migrants: Hungary at a Crossroads* (Budapest), pp. 191–235.
  45. IOM-MIP (1994) *Transit Migration in Poland; Transit Migration in Hungary; Transit Migration in Bulgaria; Transit Migration in Ukraine; The Baltic Route: Trafficking of Migrants through Lithuania*; IOM-MIP (1996) *CIS Migration Report*; Transit migrants in Turkey: 93% of sample group want to continue west, *IOM News Release*, no. 776, 19 April 1996.
  46. See K. J. Bade (2001) Die Festung Europa und die illegale Migration. In K. J. Bade (ed) *Integration und Illegalität in Deutschland* (Rat für Migration), (Osnabrück), pp. 65–75.
  47. For a more detailed discussion see Jandl, Estimates of Illegal Migration in Europe.
  48. Minister Otto Schily in a conversation with the author, German Ministry of the Interior, Berlin, April 2, 2001.
  49. See K. J. Bade (1994) *Ausländer – Aussiedler – Asyl. Eine Bestandsaufnahme* (Munich), pp. 91–146, 175–206.
  50. I would like to thank the Nuremberg *Bundesamt für die Anerkennung ausländischer Flüchtlinge* for re-designing the table and for the corresponding information.

51. K.-H. Meier-Braun (1998) Die Neue Völkerwanderung – Anmerkungen zur aktuellen Lage in der Migrationspolitik. In K.-H. Meier-Braun and M. Kilgus (eds), *Migration 2000 – Perspektiven für das 21. Jahrhundert* (Baden-Baden), pp. 12–28, here 22.
52. *Financial Times*, 20 February 1990, cited in H. Overbeek (1995) Towards a new international migration regime: globalization, migration and the internationalization of the state. In R. Miles and D. Thränhardt (eds) *Migration and European Integration. The Dynamics of Inclusion and Exclusion* (London), pp. 15–36, here 29.
53. U. Hunger (2000) *Der Rheinische Kapitalismus in der Defensive. Eine komparative Policy-Analyse zum Paradigmenwechsel in den Arbeitsmarktbeziehungen am Beispiel der Bauwirtschaft* (Baden-Baden).
54. For the legal conditions of employment in this sector see H. Hohmann (2002) Beschäftigung ausländischer Pflegekräfte, in *Zeitschrift für Rechtspolitik*, **35**(6), pp. 252–255.
55. Immer mehr illegale Pflegerinnen aus Osteuropa, *SZ*, 9 August 1999, p. 5; Wihtol de Wenden, *L'immigration en Europe*, 80.
56. Mieteks Fahrt ins Glück, *Der Spiegel*, 6 January 2002, p. 98f.; for a comparable perspective on an Egypt village in Paris see D. Müller-Mahn (2000) Ein ägyptisches Dorf in Paris. Eine empirische Studie zur Süd-Nord-Migration am Beispiel ägyptischer, Sans-papiers, in Frankreich. In M. Bommes (ed), *Transnationalismus und Kulturvergleich* (IMIS-Beitraege, no. 15, Osnabrück), pp. 79–110.
57. H. W. Lederer and A. Nickel (1997) *Illegale Ausländerbeschäftigung in der Bundesrepublik Deutschland*, Friedrich-Ebert-Stiftung (ed) (Bonn); P. Rack (1997) Bekämpfung der illegalen Beschäftigung. In Friedrich-Ebert-Stiftung (ed) *Neue Formen der Arbeitskräftezuwanderung und illegale Beschäftigung* (Bonn), pp. 77–81.
58. See Nuscheler, *Migration und Konfliktpotential*, 34–7; cf. P. J. Opitz (ed) (1997) *Der globale Marsch. Flucht und Migration als Weltproblem* (Munich).
59. K. J. Bade, Transnationale Migration, ethno-nationale Diskussion und staatliche Migrationspolitik im Deutschland des 19. und 20. Jahrhunderts. In K. J. Bade (ed), *Migration – Ethnizität – Konflikt: Systemfragen und Fallstudien* (IMIS-Schriften, Bd. 1), pp. 403–430; cf. K. J. Bade (2001) Immigration, naturalization and ethno-national traditions in Germany from the Citizenship Law of 1913 to the Law of 1999. In L. E. Jones (ed) *Crossing Boundaries. German and American Experiences with the Exclusion and Inclusion of Minorities* (Providence, RI/Oxford), pp. 29–49.
60. D. Vogeley (1991) *Massenansturm aus dem Osten? Ursachen und Auswirkungen der Ost-West-Migration* (Bonn), p. 3; L. Shevtsova (1992) Post-Soviet emigration today and tomorrow, *International Migration Review*, **16**(2), 241–57; V. Perevedentsev (1993) Migration in the Soviet Union before and after 1991. *Russia and the Successor States Briefing Service*, **1**(4), 3–25.

61. Cited from Werner, *Invasion der Armen*, 253; Interview W. Schäuble, *Der Spiegel*, 1/3 January 1994, p. 25.
62. R. Penninx and P. J. Muus (1991) Nach 1992. Migration ohne Grenzen? Die Lektionen der Vergangenheit und ein Ausblick auf die Zukunft. *Zeitschrift für Bevölkerungswissenschaft*, **17**(2), 191–207; W. Gorenflos (1995) *Keine Angst vor der Völkerwanderung* (Hamburg), pp. 45–53.
63. A. de Tinguy and M. Hadjllsky (1997) Repatriation of persons following the changes in Central and Eastern Europe. *Report Council of Europe, European Committee on Migration (CDMG)*, CDMG 1997/13, 27 March 1997; I. Oswald and V. Voronkov (1998) Zurück nach Rußland! Doch wohin? Migration im Nordwesten der ehemaligen Sowjetunion. In M. Fischer (ed) *Fluchtpunkt Europa. Migration und Multikultur* (Frankfurt a.M.), pp. 46–64; H. Zlotnik (1998) International migration 1965–96: an overview. *Population and Development Review*, **24**(3), 429–468, here 446–448.
64. De Tinguy and Hadjllsky, Repatriation of persons following the changes in Central and Eastern Europe; Oswald and Voronkov, Zurück nach Rußland! Doch wohin?; Zlotnik, International Migration 1965–96: an Overview; Penninx and Muus, Nach 1992. Migration ohne Grenzen?; Gorenflos, *Keine Angst vor der Völkerwanderung*, 45–53; M. Morokvasic (1994) Pendeln statt auswandern. Das Beispiel Polen. In M. Morokvasic and H. Rudolph (eds), *Wanderungsraum Europa. Menschen und Grenzen in Bewegung* (Berlin), pp. 166–187; M. Okólski, Alte und neue Muster: Aktuelle Wanderungsbewegungen in Mittel- und Osteuropa, in *Ibidem*, pp. 133–148.
65. Opitz, *Weltproblem Migration*.
66. Wachsende Sorge über Risiko der Osterweiterung, *FAZ*, 22 October 2002, p. 13.
67. H. Fassmann and R. Münz, Die Osterweiterung der EU und ihre Konsequenzen für die Ost-West-Wanderung. In Bade and Münz (eds), *Migrationsreport 2002*, pp. 61–97.
68. See for example A. Favell and R. Hansen (2002) Markets against politics: migration, EU enlargement and the idea of Europe. *Journal of Ethnic and Migration Studies*, **28**(4), pp. 581–601; C. Wallace, Opening and closing borders: migration and mobility in East-Central Europe, *Ibidem*, pp. 603–625.
69. *Jenseits von Überschwemmungsszenarien und Schönfärberei: Aktuelle Zuwanderung nach Deutschland* (Mitteilungen der Beauftragten der Bundesregierung für Ausländerfragen), 28 June 2002; cf. *Bericht der Beauftragten der Bundesregierung für Ausländerfragen über die Lage der Ausländer in der Bundesrepublik Deutschland* (Berlin, September 2002).
70. EU-Asyl-Regelungen/Familiennachzug von Einwanderern, *FAZ*, 27 February 2003, p. 4; cf. Zuwanderung hat im allgemeinen positive Auswirkungen. Interview mit dem EU-Kommissar António Vitorino. In Bade and Münz (eds), *Migrationsreport 2002*, pp. 231–236.

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