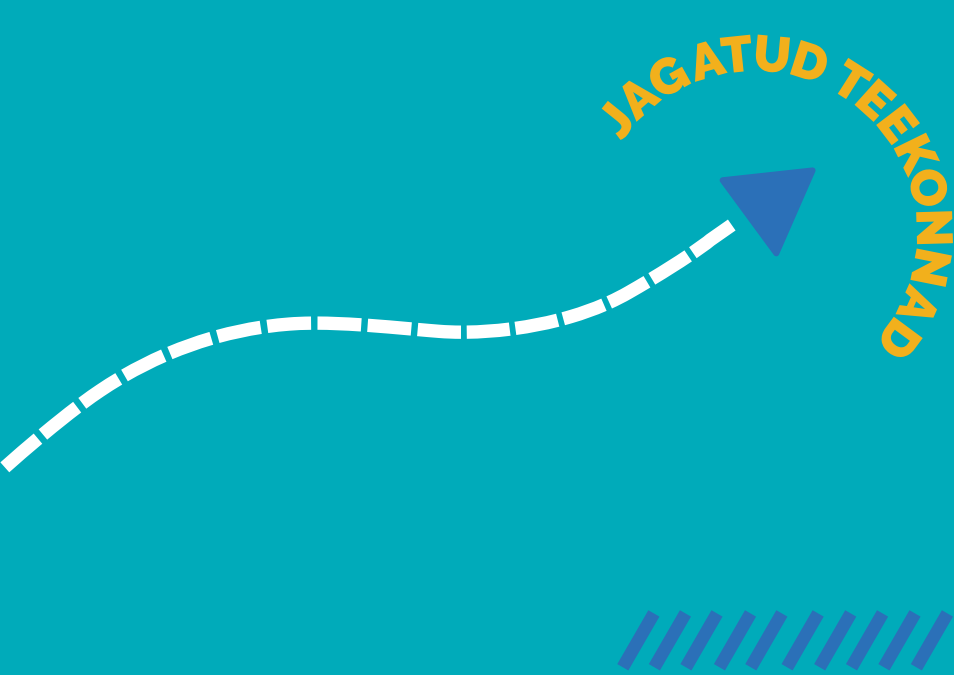





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JAGATUD TEEKONNAD

6. ILLEGAL MIGRATION

Mari-Liis Jakobson

This chapter interprets the causes of illegal migration and the measures and ways to stop or prevent it.

People have been moving around the world for millennia, but the phenomenon known as illegal migration has only emerged recently, more specifically over the last hundred years. This is primarily due to the desire of countries to control their borders and those who live in their territory. Based on this, legal migration channels have been planned, and anything outside of the specified framework is referred to as *illegal*.

It can be said that illegal migration occurs where state laws and migration laws conflict. In situations where people migrate differently than countries would like. In situations where the pull and push factors of migration are stronger than the fear of violating the law (we talked about what pulls and pushes migrants in **Chapter 3, "Why Do People Migrate?"**).

Can a migrant be illegal?

Often, there is a fine line between legal and illegal migration – for example, a person who enters a country illegally but declares "Asylum" when meeting with a border guard may remain in the country on a legal basis during the asylum procedure. International law stipulates that a person fleeing persecution must be assisted even if he or she has arrived through illegal channels. Due to the vague boundary of legality, it is also thought that we could use the term *irregular immigrant* instead of *illegal immigrant* because a person can never be illegal; only their actions can violate the law (i.e., it is quite correct to talk about illegal migration).

Who are these irregular migrants? Usually, the concept of illegal immigration is associated with the image of people crossing the border in the wrong place – crossing the Mediterranean in an inflatable boat, climbing over a border fence or swimming across the river under cover of darkness. We saw such dramatic pictures in the summers of 2015 and 2021, for example. Yet, for the most part, such sights are still quite rare, especially when we compare the number of illegal border crossings with the number of legal border crossings. Similarly, the difference is quite big when comparing the number of illegal border crossings with the total number of irregular migrants: for example, in 2019, according to Frontex, 402,913 people stayed in the European Union without a legal basis, but only 141,846 illegal border crossers were caught during the same year.

Channels of illegal migration

Illegal migration often takes place with the help of smugglers or even traffickers. A smuggler is someone who helps a migrant reach the desired destination country illegally or by misusing the channels of legal migration. Smugglers organise illegal border crossings (for example, crossing the border hidden in a truck), produce and broker forged passports, and issue tourist invitations to peo-

ple who don't come to solely view the sights but plan to remain in the country illegally. Smuggling networks are often quite large, involve numerous people who play different roles and extend beyond national borders. In most cases, these networks operate for monetary gain – they earn significant sums for their services, which greatly surpass the amount needed to operate legally.

In the case of human trafficking, the level of exploitation in the relationship between the smuggler and migrant is much more profound. While smugglers are usually only interested in delivering a person across the border and collecting a fee, human trafficking means that a person who reaches the destination country continues to be exploited – for example, he/she is forced to work illegally in the prostitution business, sweatshops, etc. to cover alleged smuggling costs. Also, victims of human trafficking have not always voluntary migrants, but instead have been abducted or taken to a specific destination country against their will.

However, the victims of human trafficking and those smuggled in are also, in fact, a small minority. Most often, an irregular migrant is a person who has entered the country completely legally but has remained in place when the grounds for their legal migration have ceased. For example, a person has arrived in the country with a work residence permit, which expires after a certain period, and for one reason or another, is not issued with a new one (for example, the state's labour migration policy changes or the person does not apply for the permit). And when the expiration date comes, his/her stay in the country is illegal. A good example comes from the [United States of America](#), where until the 1960s the so-called Bracero programme had fairly flexible labour migration rules, and many Mexicans went to US farms on a seasonal basis to earn extra money. Similar to how many Estonians are currently working in construction in Finland – a few months in Finland, then back to Estonia to their families. At one point, however, the Bracero programme was terminated and it was no longer possible to enter the United States so easily. But people were already used to working on the other side of the border, families were happy with the higher standard of living, and farms were still in need of helping hands. And so it happened that many remained in the United States to work without a valid residence permit, and over time they became "illegals" who could no longer apply for US citizenship, or renew their Mexican documents without breaking the law. Nor could they see family members without crossing the border illegally.

Measures against illegal migration

What would help against illegal migration? Countries have developed a wide range of measures to both prevent illegal migration as well as address those already in the country without a legal basis. In order to prevent illegal migration, it is possible to step up controls, inform potential irregular migrants of the risks involved or address the root causes of illegal migration, which are often somehow linked to economic consequences. Various return schemes as well as opportunities to regularise migration have been set up to deal with irregular migrants already in the country.

More efficient border control

In order to prevent illegal border crossings, it is possible to improve controls at the external borders. Contemporary border management is increasingly using technology: thermal cameras on the land border which can detect when, for example, someone is secretly trying to cross the border at night; sensor systems on the sea border that also detect movement; and drones, which can also inform

monitoring centres over long distances when a suspicious sea or land vehicle is active in the border area. People hiding in vehicles can be detected with heart rate monitors. Document control technologies are constantly being improved and border fences are being erected here and there. All these technologies are also used to guard the European Union's external borders.

By the way, in order to prevent situations like the 2015 refugee crisis, the EU Border Guard Agency has set up a standing corps and a list of reserve officials, who can be sent to crisis areas. Also, there are joint missions in areas where there is more illegal migration. The only problem with these measures is that professional smugglers are keeping track of developments – if border guards enhance control in one section, smugglers will use slightly different migration routes; as counterfeit ID detection technologies improve, villains will also find ways to improve counterfeits. It is therefore not possible to build a fully fortress-like Europe.

A border fence is no miracle cure either. For example, in 2012, a border fence was erected on the land border between Turkey and Greece, where there were many illegal entry attempts. After that, the activity in this section almost ceased, but in subsequent months traffic on the maritime migration route increased.

Return

Control can also be strengthened within the country, which makes it possible to deal with the largest group, i.e., those who are in the country without a legal basis. When a state discovers that someone is staying in the country illegally, they are usually ordered to leave and are given a deadline to leave independently. However, not everyone wants to or even can do so, for example, if they do not have valid travel documents or money to buy plane tickets. To this end, countries have set up return programmes. This means that the state arranges the repatriation of the person: arranges the flight, communicates, if necessary, with the country of the person's nationality so that necessary travel documents can be arranged etc.

The return can be a forced return, where the person is escorted back to his/her homeland under police/border guard and medical supervision, or it can be voluntary, where the person leaves by himself/herself, or at least cooperates with the officials. To motivate the latter, the IOM has developed a [voluntary return programme](#) that seeks to address the root causes of migration, which are often of an economic nature. Such programmes provide returnees with training, for example, to enable them to take up a new job or start a business in their home country, or they are offered microcredit to support starting a business. Of course, such schemes have also been criticised, as they can encourage abuses of the system – people might travel to the country to be deported and gain economic benefits. (That said, [studies](#) analysing the migration decisions of migrants arriving through irregular channels suggest that, in general, the awareness of such migrants regarding the migration policies of destination countries is almost non-existent. Thus, it is rather a theoretical possibility that an irregular migration route will be undertaken solely for the purpose of return support.) On the other hand, it is questionable how voluntary such a return is if the only alternative for a person is the fear of forced return.

In general, however, the number of participants in return support programmes is rather modest. For example, at least seven out of ten migrants return from Estonia voluntarily, two are forcibly deported and only one uses return support. In 2017–2019, 3,011 persons had returned to their country of origin after having received an official return decision from Estonia; this is almost equal to the total number of people who had received a return decision. 75% of them returned voluntarily, 16% by force and less

than 9% used return support. However, this is rather exceptional in the European context. (The return statistics of both Estonia and other EU countries can be found [here](#).)

However, the biggest problem with returns is that the countries of origin of irregular migrants are reluctant to take them back and refuse or impede cooperation with the deporting country. Why? Above all, because the economies of many countries depend on financial remittances from migrants, regardless of whether they are abroad legally or illegally. The countries of origin also feel that Europeans' fear of migration gives them a certain position of power. What are you prepared to give in return for us accepting our citizens? Development support, visa facilitation, anything else? And so, return processes can sometimes take even years.

Nevertheless, detecting illegal residents is not always easy. It is quite simple for a person to disappear from the radar, and it is not uncommon for a person who has received an order to leave from one EU country to flee to another Member State to avoid its enforcement. In order to detect such cases – but also, for example, to detect expired visas or residence permits – a multi-layered network of databases is being developed in the EU, which should help Member States exchange information more easily.

Regularisation of migration

Of course, in addition to enhancing control, there is another solution: tackling the root causes of illegal migration. Until 2017, many EU countries were concerned about forged documents or Ukrainians violating border rules. These problems disappeared in 2018, when Ukrainian citizens were granted the right to enter the EU without a visa. At the same time, for example, illegal migration from African countries has increased since 2010, which can be partly explained by the fact that countries have gradually reduced the means of legal migration to people from those countries. And if it's not possible to enter the destination country legally, people will choose less safe migration routes and also engage the services of smugglers.

For example, simplifying labour migration rules can provide an alternative to illegal migration, which aims to reach higher-wage countries and improve one's quality of life. Several countries are also implementing resettlement programmes to receive people who are entitled to asylum from refugee camps abroad. It should also reduce the motivation of refugees fleeing conflict or persecution to make a dangerous and illegal trip to a country where they could apply for asylum.

Expanding the possibilities for legal migration allows for better control over the activities of immigrants – for example, to ensure that they are law-abiding and pay taxes. The existence of legal channels also reduces the likelihood that they will end up in organised crime networks, fund smuggling networks or become victims of human trafficking, and let's face it, their subsequent detention and forced deportation will not be cheap.

Of course, it is a justified question as to whether the state's relaxed migration control would add other concerns associated with excessive immigration – labour market dysfunction, congestion of social services and the challenges of integration. And it is certainly worth remembering that many irregular migrants don't have much knowledge of legal migration channels, which means that regularising migration is not necessarily a magic wand.

Development cooperation to prevent illegal migration

Therefore, the prevention of economic migration has instead become a popular measure. Namely, many countries, as well as the EU, cooperate extensively with the countries of emigration, but also with the countries of transit where smugglers operate. How did the number of illegal border crossers arriving in Italy fall sharply in 2018? The Libyan border guard began to monitor the dinghies leaving from Libyan ports much more efficiently. But cooperation with Niger, an important transit channel where some desert tribes make a living by helping refugees from sub-Saharan Africa to cross the desert and reach the Mediterranean coast, has certainly had a significant impact.

Development cooperation programmes help train and equip border guards, but there are also programmes that support economic development, which should prevent the need to embark on a risky migration journey. For example, various development cooperation programmes seek to improve local infrastructure and support sustainable entrepreneurship.

It is true that these development programmes have also been criticised a great deal because although there is a fundamental willingness to negotiate migration cooperation, countries' views on migration are simply so different that no common agreement can be reached. From the point of view of developing countries, the opportunity to seek happiness abroad and send remittances back home seems simply much more profitable than investing in local roads and some new factories, especially as the wages in the factories are likely paid by local standards, and opening new factories does nothing to solve the population growth challenges either. And as stated in the migration process chapter "**Why Do People Migrate?**", improved living conditions may instead boost migration.

It is also not always easy to organise effective development cooperation. It is difficult to ensure that aid really reaches those in need and fulfils its purpose. Development cooperation programmes can fail because of inappropriate planning – not taking account of the local context – and the risk of corruption. For example, the support funds might end up in the pockets of some local leaders.

Information campaigns

Information campaigns have also gained popularity. These are videos where people who were trapped by traffickers or failed on their migratory journey share their experiences in order to break the myth of the sweet life that is thought to lie ahead at the end of the journey. Often, those who have already arrived abroad don't want to break this myth, and even tell enviable stories about their in fact highly modest life. Destination countries are now trying to break this information stream and, for example, are targeting their advertising clips on YouTube to the same target groups to which human traffickers are trying to sell these dreams. The information campaign is certainly not a magic weapon for eliminating illegal migration, but it does have a clear impact. For example, the IOM pilot project [Migrants as Messengers](#) in Senegal pointed out that the campaign significantly raised the awareness of potential migrants about the risks of using irregular migration channels and reduced their motivation to embark on a migratory journey.

All in all, there is no miracle cure to completely close all illegal migration channels nor a magic trick to eliminate those who are in the country without a legal basis. However, effective border control and international cooperation, informing migrants and providing alternatives can significantly reduce illegal migration.

Discussion points

- How does a person become an irregular migrant (e.g., as a result of an expired residence permit, illegal border crossing, human trafficking)? Imagine and describe the journey of three different people: who are they, why did they move, why have they become irregular migrants?
- What methods (or sets of methods) do you think should be used to prevent illegal migration? Put together your favourite combination of border management and migration prevention methods.

Further reading

On the website of the European Border and Coast Guard Agency (Frontex) you will find both [an interactive map](#) of illegal border crossings as well as [up-to-date reports](#) on illegal migration and border patrol in general.

Eurostat compiles statistics on illegal residents, expulsion decisions and returns: <https://ec.europa.eu/eurostat/data/database>

Statistics on human trafficking can be found here: <https://www.ctdatacollaborative.org/>

Website of the Voluntary Assisted Return and Reintegration programme from Estonia: <http://varre.directmedia.ee/>



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