SSI

Franck Düvell

Clandestine migration in Europe

Abstract. *The concept of clandestine or illegal migration dates back to the 1930s but only became prominent during the 1980s and 1990s. It is an umbrella term that refers to a complex set of conditions and embraces various patterns. Instead of applying the conventional but crude legal/illegal dichotomy this article suggests a fine-tuned analysis of clandestine migration on a scale between the two poles. This contribution surveys the state of the art and discusses various approaches in clandestine migration research; it aims at clarifying as yet blurred definitions, discusses often problematical quantitative aspects, and gives an overview of various major patterns in clandestine migration. Finally, in reflecting on the specific conditions that determine clandestine migration, it argues that this phenomenon is a social construct of the 21st century.*

Key words. *Clandestine migration – Definitions – Europe – Quantification – Research*

Résumé. *Le concept de migration 'clandestine' ou 'illégale' date de 1930, mais ce n'est que pendant les années 1980–90 qu'il s'est largement imposé. Il s'agit d'un terme fourre-tout qui renvoie à un ensemble complexe de conditions et englobe des schémas migratoires très divers. Au lieu d'adopter la classification en forme de dichotomie, conventionnelle mais réductrice, entre migration légale/illégale, cet article propose une analyse nuancée de la migration clandestine sur une échelle graduée entre ces deux pôles. Cette contribution fait le point sur la question et examine les différentes approches de recherche sur la migration clandestine, son but est de clarifier des définitions quelque peu brouillées, il évalue les aspects quantitatifs souvent contradictoires et décrit les grands schémas de migration clandestine. Finalement, en réfléchissant aux conditions spécifiques qui déterminent la migration clandestine, l'auteur postule que ce phénomène est une construction sociale du 21ème siècle.*

Mots-clés. *Définitions – Europe – Migration clandestine – Quantification – Recherche*

The concept of 'clandestine migration' dates back to the 1930s; it was in 1936 that Heek, in his seminal work on Chinese immigration to the Netherlands, referred to Chinese deserter seamen, stowaways and escapees from Nazi Germany as 'clandestine entrants'. Equally, the concept of 'illegal migration', as far as it is known, was first systematically applied by British authorities during the 1930s to denounce unwanted Jewish migration to Palestine (Bauer, 1994). Most historical sources, however, used none of today's expressions; instead they coined phrases that sketched out the issue at stake: 'undesired aliens', 'unwanted', or 'nuisance foreigners'. Because at that period migration policy was either undeveloped or even completely lacking, there was no legal framework within which such people could be legally excluded and their behaviour illegalized. Only when states issued legislation that declared unwanted immigration illegal and made it punishable *and* introduced technologies (photographs, passports, visas), administrations (immigration authorities) and enforcement procedures (deportation), did migration finally become clandestine. Thus, clandestine migration is not an independent social phenomenon; it exists only because it is socially, politically and legally constructed.

It was not so before the 1970s, but more so before the 1980s and 1990s, and in conjunction with the end of the post-war economic boom that successively complex immigration regulations and restrictions were introduced that ruled out spontaneous and self-selected forms of migration and declared certain forms of migration and residence-related practices an offence (Düvell, 2006a). This was reinforced by the break-up of the Eastern bloc, the collapse of the 'Iron Curtain' and the revival of the pan-European migration system and the emergence of new migration flows from the global south which led to what was labelled 'new migration' (Koser & Lutz, 1998). By the 1990s, clandestine migration was on the agenda of the European Union, the Organisation for Economic Cooperation and Development (OECD), the International Organization for Migration (IOM) and many other agencies, and had become a top international policy concern, jointly with the arms trade, drug trafficking and organized crime. 'Combating illegal migration' became integrated into various other policy domains such as development aid, trade and international relations in general. It can indeed be considered a driving force behind European Union policy integration in the field of migration (Düvell, 2002). But whilst many sources claim to be certain about the worrying nature of the phenomenon its extent is only guessed at, the terminology is blurred and its impact on economy and society is often unknown. Instead, assumptions inform the discourses. Indeed, the issue is highly politicized and emotionalized, by both protectionist and humanitarian actors, and sober consideration of clandestine migration is hardly possible. These and other issues will be untangled in the following sections.

Background

In post-war Europe, clandestine migration was first noted during the 1970s, in France, Germany and the UK (e.g. Diamant, 1973; MacDonald, 1973; Simeant, 1998). This was within the context of 'guestworkers' and labour migration, which continued despite efforts to bring recruitment-policy-incited inflows to a halt and to discourage family reunification. But it took another 15 years for the issue to become much more prominent, and that was in conjunction with large-scale arrivals of refugees who lacked pre-entry clearance (visas) and were often de-facto undocumented. These uncontrolled influxes led to some panic over asylum issues. Successively, asylum migration was first labelled bogus, then linked to illegality and finally to crime; thus clandestine (asylum) migration was framed as a security issue (Vollmer, 2008). It was at this period that southern European countries for the first time experienced large-scale immigration, notably Portugal, Spain, Italy and Greece. Neither society nor legislation was prepared for this and laws regulating immigration, residence and work matters were largely absent. Consequently, immigrants lacked proper status and were basically undocumented. But it was only during the early 1990s that the expression 'clandestini' was applied to migrants, as for instance in Italy where it was first used in 1992 in the media and only became a 'popular' epidemic in 1995 (Sciortino & Colombo, 2004).

Meanwhile, clandestine migration is perceived as a distinctly separate type of migration, characteristic of the present migration period[1] at the end of the 20th century and the beginning of the 21st (Albrecht, 2002). Clandestine migration is reported from Scandinavia, the UK and Ireland, Germany, France and the BeNeLux countries, from all southern countries including Malta and Cyprus, as well as from the new member states in the East (Poland, Czech Republic, Hungary) and South East (Romania), but even from non-EU countries such as Turkey, Ukraine and Russia. There does not seem to be a country that is not affected; thus it can be said with some certainty that all European countries, EU and non-EU, experience clandestine migration. Countries are nevertheless affected on different scales and in different ways. Some countries seem to attract more clandestine migrants (e.g. France) than others (e.g. Sweden); some countries mostly attract clandestine migration from their (often European) neighbouring states (Germany) whilst others attract a more diverse clandestine immigrant population (UK); some countries are only transited by clandestine migrants (Ukraine) whilst others are rather destination countries (UK), though both patterns are found in almost every country; and often but not always it is a certain nationality that dominates clandestine migrants (e.g. Moroccans in

Spain, Poles in Germany, Albanians in Greece). There is, however, some
mobility of clandestine migrants within the EU, and not a few have been to
more than one country. The United Nations' population division (1997: 27)
demonstrates that undocumented migration is 'one of the fastest-growing
forms of migration in the world today'. Altogether, anything between 4–8
million clandestine immigrants are assumed to be in the EU (Sassen, 1996;
Düvell, 2006a). In absolute terms, major EU receiving countries are
Germany, Spain, Italy, France and the UK, but the major single receiving
country remains Russia which hosts a clandestine immigrant population of
up to 9 million (Heleniak, 2002), that is on a similar scale to the United
States with its 10 million or more unauthorized immigrants (Edwards,
2006). Whereas US sources seem to have some ideas about the stock (which
rose from 5 million in 1995 to nearly 10 million in 2005) and the (annual)
flow of clandestine migrants (Edwards, 2006), European sources are unclear
about these two different aspects. However, Sassen's earlier estimation of 4–
5 million was based on fewer countries than Düvell's more recent estima-
tions of 5–7 million, which did include some new EU member states.
Therefore, comparing both estimations seems to imply that the total number
of clandestine migrants in Europe has increased to a lesser extent than in the
US, if it all. Indeed, in the EU there seem to be two principal but contrast-
ing patterns: (a) once in an EU country certain clandestine migrants stay as
long as possible and add to the increasing stock of clandestine immigrants;
whilst (b) others come on a temporary basis only, and stay and work for a
limited period of time. European research has found that some clandestine
migrants pursue only short-term strategies, such as earning a specific amount
of money for buying goods or property, to invest in a business or to solve an
immediate crisis (Jordan & Vogel, 1997). Accordingly, irregular immigra-
tion might be a one-off, might be repeated or might be done frequently;
notably irregular migrants from neighbouring countries or from countries
with easy and cheap transportation are often more mobile, as has been
observed in the case of Poles in the UK (Jordan & Düvell, 2002) or Belgium
(Steinborn, 2003), hence they come more often but stay less long. This is
sometimes dubbed as pendulum migration (Steinborn, 2003). In contrast,
migrants from distant countries whose journeys are more expensive, cum-
bersome and risky or from countries whose nationals face visa restrictions
may stay longer, as has been observed in the case of Brazilians in London
(Jordan, Vogel & Estrella, 1997). Also longer stay irregular migrants who
believe they cannot go back for fear of persecution (Pater, 2005). Thus, it is
plausible to assume that the easier it is to enter, leave and re-enter a country
the more likely it is that irregular migrants come and go instead of settling
down; vice versa, the more rigid a country's border and entry controls are,

the more likely it is that once a migrant has made it successfully into the country, he or she will stay as long as possible, as observed in the US (Wall Street Journal, 2004).[2] Thus clandestine migrants, as other migrants, are a geographically mobile social group; as a consequence the stock is increasing at a slower pace than the flow. Some clandestine migration is economically driven, and once the demand for labour decreases and jobs are no longer available clandestine migration decreases too, as observed in Portugal before and after the World Cup (Baganha, Marques & Gois, 2004). Other clandestine migration displays more complex patterns and might be driven by network effects, a culture of migration and family reunification, as observed in the US (e.g. Edwards, 2006), or by mere dreams and perceptions of Europe. In such a case it is relatively independent from labour market forces.

Researching clandestine migration

Research into irregular migration is only of recent vintage. Very few publications, most of them in the US, date back to the 1970s and 1980s (Portes, 1978; Heer, 1979; Piore, 1979; Papademetriou & DiMarzio, 1986). European research is more recent. While there are few publications dating back to the 1980s, notably in the UK (Couper & Santamaria, 1984; Ardill & Cross, 1988), France (e.g. Garson & Moulier, 1982; Boutang, Garson & Silberman, 1986) and Germany (Remmel, 1978), research only began to take off in the late 1990s (Romaniszyn, 1996; Lianos, Sarris & Katseli, 1996; Jordan, Vogel & Estrella, 1997; Reyneri, 1998; Siméant, 1998) and intensified after 2000 (Cinar, Gächter & Waldrauch, 2000; Jordan & Düvell, 2002; PICUM, 2003; and many others). In Europe, often trade unions, faith organizations, social workers, other NGOs or think-tanks were among the first to look at clandestine migration (e.g. Diamant, 1973; Remmel, 1978; Caritas Europe, 1995; Tapinos, 1999; Freudenberg Stiftung, 2000). Sometimes, clandestine migration was conceptualized and analysed from the perspective of the discourse on refugees and asylum-seekers (Uihlein, 1993; Koser, 1998), sometimes it was framed within the context of vulnerable workers (Remmel, 1978; Ardill & Cross, 1988; Benseddik & Bijl, 2004). Occasionally, publications link clandestine migration to other social concerns that at the time were high on the policy agenda, such as working off the books (Vial & Walzer, 1989) or social exclusion (Burgers, 1998). Meanwhile, the literature is vast and the author holds a long but still incomplete list of over 360 publications that address clandestine migration in various countries and from a range of angles. So far, research on clandestine

migration is confined to migration studies and has rarely entered main-stream disciplinary discourses, with the possible exception of economics where the issue seems to be more broadly discussed (e.g. Piore, 1979; Chiswick, 1988; Borjas, Freeman & Lang, 1991).

The very first finding a researcher in clandestine migration stumbles across is the terminology. No fewer than six different expressions are applied: clandestine, illegal, unlawful, undocumented, unauthorized and irregular migration. In addition, terms such as 'sans papiers' (French), 'sin papeles' (Spanish), 'migranten zonder papieren' (MZP, Dutch) or 'Papierlose' (German) are found to label this category of migrants. But other concepts too, such as bogus asylum-seekers (Black, 2003), economic refugees or transit migration, became codes for clandestine migration (Düvell, 2006b). Often they are used interchangeably and more or less seem to mean the same. This, however, is inappropriate; in fact each term has a specific point of reference such as law, crime, identity documents or regularity. Some expressions are preferred in some countries and not in others: for instance, 'clandestine migration' is mostly applied in southern European countries; 'unauthorized migration' is very much a US American term, whilst 'illegal migration' is widely used in northern Europe. Each term mirrors certain national histories and discourses though it has been analysed that interna-tional organizations, such as the Organisation for Economic Cooperation and Development (OECD) and the International Organization for Migration (IOM), have played a crucial role in popularizing the concept and harmo-nizing the resultant policies (Düvell, 2006a). And finally, each phrase reflects a certain connotation and develops a certain political power that is more or less negative.

Thus, terminology is anything but irrelevant – it really does matter. First, terminology invokes certain understandings and triggers specific cognitive processes (Goffman, 1974). Second, it confirms the semantics of the power structures (Luhmann, 1996) that ultimately reinforce the exclusion of the social group concerned. Therefore, social scientists need to be careful with their use of this terminology.

Writing and researching clandestine migration is no easy task. In Europe, where it was often considered a taboo and a topic often too hot to touch (Düvell, 1998), this only changed during the late 1990s. But the topic still is highly politicized and states and indeed most of the wider literature prefer to see clandestine migration within the framework of security concerns (Green, 1998; Black, 2003). Further to this, the concept often overlaps or is confused with other controversial forms and practices of migration such as human smuggling and human trafficking, but also with the flow of refugees. Research frequently was and still is driven by policy concerns rather than by

academic agendas. Certain claims, such as estimates of the level of clandestine migration, are unfortunately taken as authentic and then constantly repeated in publications without further testing their validity (see Düvell, 2006a). Equally, some practices apparently eschew well-defined methods of developing migration typologies and uncritically use discursive concepts instead, as with the expression 'illegal migration' which frequently turns up in academic language. Accordingly, there are publications that follow a political agenda and have political purposes, such as ringing alarm bells (e.g. Papademetriou, 2005) or promoting the human rights aspects of this group (Cohen, 2003). Finally, the topic is made highly emotive. For instance, some sources emphasize the criminal aspect of clandestine migration and associate it with other social concerns such as 'unpaid taxes, and rising crime and unemployment rates' (Akhmeteli, 2007: 1). Other sources like to allege that there are one million or more migrants in Libya alone who are waiting to clandestinely enter Western Europe (e.g. Laurence Hart, IOM representative in Libya quoted in BBC, 2008). Such practices contribute to a sense of threat and panic, fueling *angst* amongst the host society. For others, clandestine migrants are instead victims of crime. For instance, Lupini (2006) argues that 'illegal immigrants are generally lured into the scheme of smuggling, unaware that it can often turn into human trafficking. Slavery, exploitation and violations of human rights are also involved.' From this perspective the immigration status of clandestine migrants appears to be beyond their control so that they cannot be held responsible for their behaviour. Both examples also illustrate the polarized nature of the discourse.

For all these reasons many researchers would possibly accept that researching clandestine migration is also, according to Lee (1993), a sensitive issue, but so far there are no ethical guidelines on how to research clandestine migration and how to disseminate findings. Some scientists consider clandestine migration unresearchable and adopt a head-in-the sand approach; others insist that it is a social problem which needs to be known about in order to be properly addressed.[3] Often, researchers find it hard to escape the politicized and emotionalized environment, and to avoid the various biases they need to be careful and selective in what they research, and where, when and how to publish their results.

Another problematical aspect of clandestine migration research relates to the extent of the social phenomenon. A UN publication states that whilst 'international migrants more than doubled in the past 45 years, irregular migration flows across international borders have also rapidly increased' (Lupini, 2006). This is a very vague claim, raising some alarm without hinting at the extent of clandestine migration. Papademetriou (2005) instead suggests that the global clandestine immigrant population could be as many

as 30 to 40 million. Nevertheless, quantitative data is either absent or of poor quality. By their very nature hidden populations are difficult to quantify. Existing figures are often either implausibly low or unbelievably high: for instance, figures from Russia display an extreme range of numbers, 'from 700,000 up to a rather implausible 15 million' (Heleniak, 2002: 2), and German figures range from 500,000 to 1.5 million (Alt, 2003). Often figures are given without disclosing the methods applied to generate them, and an informed guess is the best figure one can achieve. Police and border-guard records are another source of information; these often show much lower figures as they cover only those apprehended on the border and on the territory, leaving unrecorded those who escape apprehension. So far, there is no single method that would allow for reliable and comparable estimates of the clandestine immigrant population in Europe; instead there are several. There are direct (Delphi methods, snowball sampling) and indirect (residual method, capture–recapture and various economic methods) measurement methods (see Pinkerton, McLaughlan & Salt, 2004). Most of these allow for some calculating of the actual clandestine population, though the variance between the lowest and the highest estimates is usually huge.

Defining clandestine migration

Clandestinity can be defined as executing an operation or pursuing a strategy by hidden or secret means and for the purpose of subversion or deception, private or surreptitious. Clandestine migration is an umbrella term that covers clandestine exit, journeys and entry, clandestine residence and clandestine employment. It also involves various actors such as individual clandestine migrants, agents who facilitate the crossing of borders or finding employment and housing, and employers and landlords, who might all be involved in related clandestine activities, such as smuggling, falsifying documents or evading tax, employment and national insurance regulations. Thus, clandestine migration is embedded in complex social relations and interactions between all these actors. And finally, clandestine migration exists because the authorities are unable, or even unwilling, to efficiently and fully prevent this from happening. In order to clarify the clandestine character of migration one needs to analyse what exactly is its clandestine aspect. First, migrants either hide away from exit and/or entry controls altogether and clandestinely enter a country, or alternatively they overtly enter a country but conceal the true purpose of their stay. Second, once in a country, migrants who lack adequate residence permits either hide from passport controls or, in extreme cases and in fear of detection, they may hide away

from the public altogether and stay in sheltered accommodation. Third, in cases where they have a right to stay but lack permission to work, they try to avoid being caught up in workplace raids. In certain cases, when entering the labour or housing market, they might conceal from employers or land-lords that they lack adequate documents. Thus, clandestine migrants avoid any encounter or interaction that would disclose the unlawful aspect of what they are doing. The actors they hide away from can be authorities who could report or indeed detain them, employers and landlords who could refuse to give them a job or rent them accommodation, or who could report them. They also avoid countrymen, as competitors over jobs and housing, or other members of the public, who could denounce them to the authorities. Thus, clandestine migrants may hide from statutory agencies, may conceal their lack of work-permit status from their employers and their precarious social status from any other member of the public.

Publications often offer only a simple dichotomy implying that an immi-grant is either legal or illegal; reality is a lot more complex. There are three aspects that determine immigrant status: entry, residence and employment. Each aspect can be regular or irregular and various combinations are possi-ble, for example:

- either a person has clandestinely and without authorization crossed the border of a nation state and is or is not working;
- or a person who has legally stayed in a given country fails to depart in accordance with the time limit set in his or her visa, overstays, and is or is not working;
- or a person who is staying in a given country legally is taking up employ-ment in breach of visa regulations and is thereby jeopardizing their immigration status (see Tapinos, 2000);
- or a person is born to illegal immigrants and becomes an illegal immigrant him or herself by birth without ever having crossed an international border.

Thus, there is a pattern emerging, as laid out in Table 1.

To give a few examples, illegal entry/legal residence could apply to an asylum-seeker who clandestinely entered a country; illegal entry/illegal res-idence/legal employment was a pattern found in the Netherlands before 1998 when it was possible for clandestine immigrants to take up legal employment and before the Linkage act came into force;[4] and legal entry/legal residence/illegal employment could refer to a legally residing visitor who is working despite employment being prohibited by the condi-tions of the visa. Exit can be clandestine too, as was the case in the former communist countries and is still the case in China, Sri Lanka and, increas-ingly, Morocco and Senegal.

TABLE 1
Variants of regular and irregular, legal and illegal, entry,
residence and employment statuses

Illegal Entry	Illegal Entry	Legal Entry
Illegal Residence	Legal Residence	Legal Residence
Illegal Entry	Illegal Entry	Legal entry
Illegal Residence	Illegal Residence	Illegal residence
Illegal Employment	Legal Employment	Legal employment
Illegal Entry	Illegal Entry	
Legal Residence	Legal Residence	
Illegal Employment	Legal Employment	
Legal Entry	Legal Entry	Legal Entry
Illegal Residence	Legal Residence	Legal Residence
Illegal Employment	Illegal Employment	Legal Employment
No Entry (birth)	No Entry (birth)	No Entry (birth)
Illegal Residence	Legal Residence	Illegal Residence
		Illegal Employment etc.

Because of such complex conditions the legal status is often anything but clear. For instance, immigrants may have a visa which permits them to stay in a given country for, let us say 6 months; the same visa may also include a condition 'employment prohibited'. This would be typical for a Schengen visa as issued to immigrants from non-EU countries. Such a person can enter and legally stay in an EU country; only employment would be clandestine and in breach of visa regulations. Another telling example concerns migrants who are coming from a non-EU country for university studies in an EU country. The purpose of their immigration is studying at university; as this is considered a full-time commitment they will only be allowed to take part-time employment, for instance 20 hours a week as regulated in the UK. For any students working 23 hours a week, strictly speaking 3 of these hours are worked clandestinely; thus for 20 hours a day they are perfectly legal immigrants but for the remaining 3 hours they are clandestine immigrant workers. Other examples include work-permit holders who take on a job other than that stated in their permit or who change job without permission. In some cases, as in Spain, clandestine immigrants can regularize their situation on the local level and through registration with local authorities, but would still be considered clandestine by central government authorities. These examples demonstrate that the extent of clandestinity can vary considerably and depends on the extent to which the threshold is violated. In practice there will often be some discretion found – underpinned by
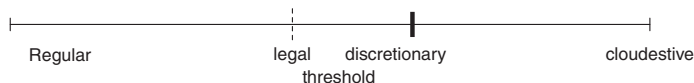
FIGURE 1
Graphic: Scale of clandestine migration

processes of prioritizing scarce resources of the enforcement service –
between the legally defined threshold and a tolerated deviation from this
norm (see Düvell & Jordan, 2003) and only a violation of the norm that goes
beyond this discretionary threshold will become punishable. And even this
second threshold can sometimes be negotiable.

Further to the legal conditions the nature of clandestinity also depends on
law-enforcement practices. Thus, it might be that migrants are violating cer-
tain immigration regulations and pursuing unlawful strategies with the
knowledge of the authorities or other members of the public. For instance,
employers are often well aware of an immigrant's lack of permission to
work, but rather than report such an individual they will employ the person
under specific conditions. The same applies to a landlord who might be well
aware of the problematic nature of a tenant's immigration status, but never-
theless rents out an apartment under certain conditions. Many other mem-
bers of the host society support or at least do not report clandestine migrants,
and so their presence is only made possible because a certain proportion of
the host society tolerates or at least ignores them (see Düvell, 2007a).

The extent to which a clandestine immigrant needs to conceal him or her-
self varies from country to country and depends on each one's legislation
and enforcement practices (see Düvell, 2006a). In most European countries
the police would not normally stop and question ethnic minorities, immi-
grants and foreigners in public places. Hence, other than avoiding certain
places that are specifically policed, for example, because they are notorious
for drug trafficking, clandestine immigrants can walk the streets, go shop-
ping or enter a bar without great secrecy. So-called clandestine migrants can
even be well-known to the authorities, as for instance in Spain where they
can register with local authorities, or to a police patrol who might apprehend
a clandestine migrant but lack the resources to actually arrest and detain the
person. Equally, workplace raids are more frequent in some countries,
regions or industries (e.g. Germany's construction sector) than in others
(e.g. in the UK's small private businesses), and clandestine migrants who
work in safe environments, e.g. in private households, can often do so with-
out further secrecy. And countries which do have a residence registration
obligation, such as Germany, are more difficult to survive in and require dif-
ferent strategies from countries without such internal control systems, as for

instance the UK. But in non-liberal countries conditions are very different. In Ukraine, for instance, the police will regularly stop people who are visibly foreign immigrants. This requires clandestine migrants to develop very different strategies, notably paying bribes to the authorities (Düvell, 2008). Finally, research has shown that migrants might not always be aware of the fact that they are indeed violating a law; neither might employers or landlords know, because they are ignorant of the law or because there is no legal procedure requiring them to check immigration status (e.g. Jordan & Düvell, 2002). In such cases none of these actors is being secretive, but acts in good faith, assuming that everything is in order. The argument made here is, first, that 'clandestinity' is anything but a clear-cut category and, second, that very few migrants live an underground life and are invisible to the public. Instead of thinking in terms of a dichotomy of legal or clandestine migration, it seems more appropriate to envisage clandestine migration as occurring somewhere on a scale between two poles. Accordingly, the majority of clandestine immigrants seem to conceal only some of their activities and from only some actors, and otherwise live a relatively normal, even 'quasi-legal' life (Düvell, 2006a: 180).

Why only some versions of migration are defined as a law violation

Irregular migration ultimately is a violation of the law, hence it can also be analysed from a sociological criminology perspective. The question is why this particular behaviour is defined as a crime and what that tells us about the social process and the historical period during which this is happening. Marsh suggests (Marsh et al., 2006: 12) that what constitutes a crime varies from society to society and from historical period to period. Furthermore, he argues that the construction of crime is related to fears which, however, can be unrelated to the actual level of crime and stem from far more vague and general feelings of social uncertainty; thus the rise of the fear of crime is often related to a deeper fear of what is perceived as the dangerous class and its impact on the social and political order. As an example, Marsh refers to the rise in crime statistics, which often coincides with such a fear. With respect to migration it can be observed that during the 1990s this too was increasingly perceived as a threat in Europe (see e.g. Widgren, 1993; Weiner, 1995; see also Zolberg, 2001). It comes as no surprise that the perception of migration as a threat coincides with the introduction of new legislation that aims to address this perceived threat and reduce migration, which then results in unwanted migration being declared unlawful. As a consequence, a rise in immigration offender statistics can be observed.[5] Fear

of both the dangerous class and of clandestine immigrants happens to coincide with periods of radical change and transition in Europe – industrialization and democratization respectively, deindustrialization and globalization – and both the dangerous class and clandestine immigrants are aspects of the causes and consequences of such changes. Thus, the criminalization of certain forms of migration is linked to concerns for the social and political order and to wider processes of social transformation.

Changing patterns of clandestine migration in Europe

So far, numerous qualitative studies on clandestine, undocumented, irregular and illegal migration have been published in most EU and also most European non-EU countries. These focus on various national groups, professions, genders and age-groups. A close look at the variety of studies reveals that 'clandestine migration' is an umbrella concept that embraces 'different motives for migration, migration patterns and living conditions' (Schönwälder, Vogel & Sciortino, 2004: 78). Clandestine migration is also found to have various aspects in common with regular migration (2004: 60) and is interlinked with it in complex ways (Commission of the European Communities, 2004; see also Edwards, 2006). Clandestine migration is often associated with the established immigrant communities, such as Turks in Germany, Pakistanis in the UK or Algerians in France; in such cases it is facilitated by the same structures and dynamics that facilitate any migration, notably migration systems, traditions and networks. But sometimes already existing communities have developed such dense structures that no personal ties are necessary to get a foothold in a destination country (see Psimmenos & Kassimati, 2005). Other clandestine migration, however, is independent of networks and systems, as is the case in Romanian migration to Spain where it was the most venturesome individuals who set off to new destinations (Bleahu, 2005). Occasionally, it is global information systems that replace networks because when jobs and accommodation can be found online, interpersonal networks become redundant (Triandafyllidou & Kosic, 2005). As a consequence, communities of clandestine immigrants are emerging in countries that have no obvious link with the sending country, and often it is the first-comers who act as pilots and form bridgeheads for subsequent migrants (see Bleahu, 2005).

Furthermore, class too plays a role in explaining clandestine migration. As Van Hear (2004) has found, the less affluent migrants 'can only go as far as their money takes them'. This partially explains why certain countries that border on the European Union (Turkey, Ukraine, Morocco) experience

considerable clandestine migration especially of unskilled workers. Sometimes migrants 'get stuck' or 'stranded', while others stay and work in order to be able to pay for the next leg of the journey to their final destination in Europe (see Düvell, 2006b). Related to this is clandestine on-migration from the first country of arrival to another, as from Greece to Italy and other EU countries (Jordan & Düvell, 2002), from Italy to other EU countries, from Spain to France, or from France to Ireland (see Stan, 2006).

Another set of changing patterns relates to recent EU accession processes. Several countries that were major sending countries of clandestine migration are now European countries themselves, notably Poland, Romania, Slovakia and Lithuania. By the time the last barriers to internal mobility are abolished their citizens will have become perfectly legitimate internal EU migrants; thereby a significant proportion of clandestine immigrants to the EU will have been regularized and overall numbers reduced. Nevertheless, Albania, Ukraine and Moldova remain as major European sending countries: in particular Ukraine, which by sending 4–7 million – of whom at least 85% are clandestine – is possibly *the* major sending country of clandestine migrants to Europe, both EU and Russia (see Düvell, 2007b). In future, the majority of sending countries will be non-European, such as Morocco, Senegal, Mali, Somalia, India, Pakistan, China and others. This changes the composition of the clandestine migrants' population. It also has an impact on the predominant channels of clandestine migration. Previous clandestine migrants have often come from one of the EU-accession countries, arrived at land borders and entered legally and visa-free. In such cases, the level of clandestinity was low and limited to residence and employment matters. In contrast, migrants from non-accession and non-EU countries usually arrive at air or sea borders, there they are requested to produce a visa. In order to obtain a visa application they need to have legitimate grounds or, if these are not given, they must *pretend* to have legitimate grounds and deceive the visa-issuing authority through, for example, falsified supporting evidence to their application. Alternatively, they can turn to smugglers and prepare for clandestine border crossing in boats, lorries or containers. In both cases, the level of clandestinity is considerably higher and so are the risks and the costs. Further to this, as explained above, higher risks and costs compel clandestine migrants to stay longer than, for instance, their European counterparts. As a consequence a stable population of non-European clandestine immigrants is emerging.

Finally, while clandestine immigrants' living and working conditions are usually associated with some harshness (Lupini, 2006) it is also found that others manage relatively well and even display some upward social mobility

(Jordan & Düvell, 2002). In particular those who escape both detection and the constraints of already marginalized ethnic communities, and who reside for longer periods, sometimes seem able to escape life at the bottom of society and build a decent life.

Conclusion

Clandestine migration is a social construct specific to the late 20th century. It is built into our social world and then invested with fears and fantasies that operate at a political, social, cultural and social-psychological level. This construct goes a significant step further than the social construction of the figure of the immigrant. Whilst immigrants are typically asked 'Where are you from?', 'Why are you here?' and 'When are you going back home?' (Hall, 1990: 44), clandestine immigrants are basically told 'You should not be here!' Thus their very presence is questioned. While citizens of the Western world usually enjoy the widely held liberal principle of being free to choose a place of residence and of employment (see Rawls, 1996), citizens of certain other countries who migrate for specific purposes are often refused this right. Thus, a 'hierarchy of mobility' (Bauman, 2000) emerges where people from the global south often find themselves at the bottom of the hierarchy. But if they defy their position, take the right to free choice of residence into their own hands and move to a country of their choice, they inevitably come into conflict with the nation states' laws and subsequently become irregular. As a result, clandestine immigrants represent a specific case of social exclusion: first, from access to mobility, hence opportunities; and second, from mainstream institutions, which drives them into segregated informal markets for labour and housing.

Franck Düvell, PhD, Social Scientist, has since 2006 been a Senior Researcher at the Centre for Migration, Policy and Society (COMPAS), University of Oxford. In 2003–4, he was Jean Monnet Fellow at the Robert-Schuman Centre for Advanced Studies, European University Institute (Florence), and during 1998–2003 he was Research Fellow at the University of Exeter. He has been a lecturer in sociology, political science and in geography at the University of Bremen, Germany. His research focus is on clandestine migration, mixed migration, European and international migration politics and on the ethics of migration control. His present projects concentrate on transit migration in Ukraine and Turkey and on quantitative methods in clandestine migration research. Among his publications are: *Illegal immigration in Europe* (Houndmills, 2006), *Migration: boundaries of equality and justice* (Cambridge, 2003, with Bill Jordan), *Die Globalisierung des Migrationsregimes* (Berlin, 2003), and *Irregular migration: dilemmas of transnational mobility* (Cheltenham, 2002, with Bill Jordan). *Author's address*: Centre for Migration, Policy and Society, 58 Banbury Road, Oxford, OX2 6QS, UK. [*email*: franck.duvell@compas.ox.ac.uk]

Notes

1. The other periods, according to Albrecht (2002), were labour migration, family related migration, and asylum migration.

2. This hypothesis, however, requires further testing; for example, a comparison of Moroccan and Polish clandestine migrants could throw further light on these two patterns.

3. Corroborating comments were made by colleagues on various occasions, but as they were off the record, no further reference can be given here.

4. The Linkage Act establishes a link between immigrants' right of residence and the services provided by the government.

5. For example, in the UK the number of 'persons against whom enforcement action was initiated' rose from 6820 in 1990 to 50,580 in 2000 (Home Office, 2001: 91).

References

Akhmeteli, N. (2007) *For most Georgian emigrants money overshadows lack of rights*. Tbilisi: IOM.

Albrecht, H.-J. (2002) 'Fortress Europe? – controlling illegal immigration', *European journal of crime, criminal law and criminal justice*, 10(1): 1–22.

Alt, J. (2003) *Leben in der Schattenwelt – Problemkomplex illegale Migration. Neue Erkenntnisse zur Lebenssituation 'illegaler Migranten in München, Leipzig und anderen Städten*. Karlsruhe: Von Loeper.

Ardill, N. & Cross, N. (1988) *Undocumented lives: Britain's unauthorised migrant workers*. London: Runnymede Trust.

Baganha, M., Marques, J. & Gois, P. (2004) 'The unforeseen wave: migration from Eastern Europe to Portugal', in M. Baganha & M. Fonseca (eds) *New waves: migration from Eastern Europe to Southern Europe*, pp. 11–21. Lisbon: Luso-American Foundation.

Bauer, Y. (1994) 'Illegal immigration', in *Encyclopedia of Zionism and Israel*, vol. I, p. 532. New York: Herz Press.

Bauman, Z. (2000) *Globalization – the human consequences*. Cambridge: Polity.

BBC (2008) 'Destination UK', *Panorama*, 14/1/2008 [http://www.bbc.co.uk/mediaselector/check/accessibility/media/panorama/14jan08?size=16x9&bgc=FF3300&nbram=1&bbram=1&nbwm=1&bbwm=1&st=1]

Benseddik, A. & Bijl, M. (2004) *Onzichtbaar achter glas. Onderzoek naar de bijdrage van illegalen in de glastuinbouw van het Westland*. Den Haag: Stichting OKIA.

Black, R. (2003) 'Breaking the convention: the study of "illegal" migration', *Antipode* 35(1): 34–54.

Bleahu, A. (2005) 'Romanian migration to Spain: motivation, networks and strategies', in Public Policy Centre (CENPO) (ed.) *New patterns of labour migration in Central and Eastern Europe*, pp. 21–35. Cluj Napoca: CENPO.

Borjas, G. J., Freeman, R. B. & Lang, K. (1991) 'Undocumented Mexican-born workers in the United States: how many, how permanent?', in J. M. Abowd & R. B. Freeman (eds) *Immigration, trade and the labor market*, pp. 77–100. Chicago, IL: University of Chicago Press.

Boutang, Y., Garson, J. P. & Silberman, R. (1986) *Economie politique des migration clandestines de main-d'œuvre*. Paris: Publisud.

Burgers, J. (1998) 'The margin of the welfare state: labour market position and housing conditions of undocumented immigrants in Rotterdam', *Urban Studies* 35(10): 1855–68.

Caritas Europe (1995) 'Statuslose Ausländer in Europa – Begründung der Hauptforderungen', *Flüchtlingsrat Niedersachsen* 28: 44–5.

Chiswick, B. (1988) *Illegal aliens: their employment and employers*. Chicago: University of Illinois.

Cinar, D., Gächter, A. & Waldrauch, H. (2000) *Irregular migration: dynamics, impact, policy options*. Vienna: European Centre for Social Welfare Policy and Research.

Cohen, S. (2003) *No one is illegal: asylum and immigration control, past and present*. Stoke on Trent: Trentham Books.

Commission of the European Communities (2004) *Study on the links between legal and illegal migration*. Com (2004) 412. Brussels. [http://eur-lex.europa.eu/LexUriServ/ LexUriServ. do?uri=COM:2004:0412:FIN:EN:PDF.]

Couper, K. & Santamaria, U. (1984) 'An elusive concept: the changing definition of illegal immigrant in the practice of immigration control in the United Kingdom', *International migration review* 18(3): 437–52.

Diamant, M. (1973) 'Die Illegalen', *Der Gewerkschafter* 12: 474–5.

Düvell, F. (1998) *Undocumented migrant workers in the UK. Researching a taboo*. Exeter: Exeter University.

Düvell, F. (ed.) (2002) *Die Globalisierung des Migrationsregimes – Zur neuen Einwanderungspolitik in Europa*. Berlin: Assoziation A.

Düvell, F. (2006a) *Illegal immigration in Europe*. Houndmills: Palgrave/Macmillan.

Düvell, F. (2006b) *Crossing the fringes of Europe: transit migration in the EU's neighbourhood*. Working paper. Oxford: COMPAS.

Düvell, F. (2007a) 'Migration policy divergence and civil society activism: the case of anti-deportation campaigns', in E. Berggren, B. Likic-Brboric, G. Toksöz & N. Trimikliniotis (eds) *Irregular migration, informal labour and community in Europe*, pp. 413–29. Maastricht: Shaker Publishing.

Düvell, F. (2007b) *Ukraine – Europe's Mexico?* Country report. Oxford: COMPAS.

Düvell, F. (2008) 'Between Scylla and Charybdis: asylum seekers and migrants trapped between insufficient protection regimes in Ukraine and inaccessible safe countries in Western Europe', paper presented to the 25th Refugee Studies Conference, Oxford, 7–8 December.

Düvell, F. & Jordan, B. (2003) 'Immigration control and economic migration management in the UK: organisational culture, implementation, enforcement and identity process in public services', *Journal of ethnic and migration studies* 29(2): 299–336.

Edwards, J. R. (2006) *Two sides of the same coin the connection between legal and illegal immigration: backgrounder*. Washington, DC: Center for Immigration Studies.

Freudenberg Stiftung (ed.) (2000) *Easy scapegoats: sans papiers immigrants in Europe*. Weinheim: Freudenberg Stiftung.

Garson, J. P. & Moulier, Y. (1982) *Clandestine immigrants and their regularisation in France, 1981–1982*. International Migration for Employment, Working Paper no. 6. Geneva: International Labour Organisation.

Goffman, E. (1974) *Frame analysis: an essay on the organization of experience*. Cambridge, MA: Harvard University Press.

Green, P. (1998) *Drugs, trafficking and criminal policy: the scapegoat strategy*. Winchester: Waterside Press.

Hall, S. (1990) 'Cultural identity and diaspora', in J. Rutherford (ed.) *Identity, community, culture, difference*, pp. 222–37. London: Lawrence & Wishart.

Heek, F. van (1936) *Chineesche Immigranten in Nederland*. Amsterdam: Emmering's.

Heer, D. M. (1979) 'What is the annual net flow of undocumented Mexican immigrants to the United States?', *Demography* 16(3): 417–23.

Heleniak, T. (2002) 'Russia beckons, but diaspora wary', *Migration information source*, 1 October 2002. [www.migrationinformation.org/feature/print.cfm?ID=56]

Home Office (2001) *Control of immigration statistics, 2000*. London: Stationery Office.

Jordan, B. & Düvell, F. (2002) *Irregular migration: the dilemmas of transnational mobility*. Cheltenham: Edward Elgar.

Jordan, B. & Vogel, D. (1997) *Which policies influence migration decisions: a comparative analysis of qualitative interviews with undocumented Brazilian immigrants in London and Berlin as a contribution to economic reasoning*. ZeS Arbeitspapier no. 14. Bremen: Zentrum für Sozialpolitik.

Jordan, B., Vogel, D. & Estrella, K. (1997) 'Leben und Arbeiten ohne regulären Aufenthaltsstatus – ein Vergleich von London und Berlin am Beispiel brasilianischer Migranten und Migrantinnen', *Leviathan* 17 (special issues *Zuwanderung* und *Stadtentwicklung*): 215–31.

Koser, K. (1998) 'Out of the frying pan and into the fire: a case study of illegality amongst asylum seekers', in K. Koser & H. Lutz (eds) *The new migration in Europe: social constructions and social reality*, pp. 185–98. Houndmills: Macmillan.

Koser, K. & Lutz, H (eds) (1998) *The new migration in Europe: social constructions and social realities*. London: Macmillan.

Lee, R.L. (1993) *Doing research on sensitive topics*. London: Sage.

Lianos, T., Sarris, A. & Katseli, L. (1996) 'Illegal immigration and local labour markets: the case of Northern Greece', *International Migration* 34: 449–85.

Luhmann, N. (1996) 'Jenseits der Barbarei', in M. Miller & H. G. Soeffner (eds) *Modernität und Barbarei*, pp. 219–30. Frankfurt: Suhrkamp.

Lupini, L. (2006) 'Irregular migration flow: dreams of a better life often travel on illegal networks', UN Chronicle. Geneva: UN. [http://www.un.org/Pubs/chronicle/2006/issue4/0406p27.htm]

MacDonald, I. (1973) 'The deportation business', *Race today* 5(6): 171–4.

Marsh, I., Melville, G., Morgan, K., Norris, G. & Walkington, Z. (2006) *Theories of crime*. Abingdon: Routledge.

Papademetriou, D. (2005) 'The global struggle with illegal migration: no end in sight', *Migration information source*. Washington: MPI. [http://www.migrationinformation.org/Feature/display.cfm?ID=336]

Papademetriou, D. & DiMarzio, N. (1986) *Undocumented aliens in the New York metropolitan area: an exploration into their social and labour market incorporation*. New York: Center for Migration Studies.

Pater, S. (2005) *Menschen ohne Papiere*. Bonn: Retap.

PICUM (2003) *Undocumented migrant workers in Europe*. Brussels: PICUM.

Pinkerton, C., McLaughlan, G. and Salt, J. (2004) *Sizing the illegally resident population in the UK*. Home Office Online Report 58/04. London: Home Office.

Piore, M. J. (1979) *Birds of passage: migrants in industrial societies*. Cambridge: Cambridge University Press.

Portes A. (1978) 'Illegal Mexican immigrants to the United States', *International migration review* 12(4): 469–577.

Psimmenos, I. & Kassimati, K. (2005) 'Albanian and Polish undocumented workers' life-stories: migration path, tactics and identities in Greece', in F. Düvell (ed.) *Illegal immigration in Europe: beyond control*, pp. 138–67. Houndmills: Palgrave/Macmillan.

Rawls, J. (1996) *Political liberalism*. New York: Columbia University Press.

Remmel, E. (1978) 'Illegal im Alten Land. Wie türkische Arbeiter im Alten Land bei Hamburg in die Asozialität gedrängt werden', *Sozialmagazin* 6: 42–51.

Reyneri, E. (1998) 'The role of the underground economy in irregular migration to Italy: cause or effect?' *Journal of ethnic and migration studies* 24(2): 313–31.

Romaniszyn, K. (1996) 'The invisible community: undocumented Polish workers in Athens', *New community* 22(2): 321–33.

Sassen, S. (1996) *Migranten, Siedler, Flüchtlinge – Von der Massenauswanderung zur Festung Europa*. Frankfurt: Fischer.

Schönwälder, K., Vogel, D. & Sciortino, G. (2004) *Migration und Illealität in Deutschland*. AKI-Forschungsbilanz 1. Berlin: Wissenschaftszentrum Berlin.

Sciortino, G. & Colombo, A.(2004) 'The flows and the flood: public discourse on immigration in Italy, 1969–2001', *Journal of modern Italian studies* 9(1): 94–113.

Siméant, J. (1998) *La cause des sans papiers*. Paris: Presses de Sciences Politiques.

Stan, R. (2006) *Irregular migration of Romanian workers to European Union: factors, management and practices*. Budapest: Centre for Policy Studies. [http://www.policy.hu/ razvan/IPF_Research_Paper.pdf]

Steinborn, D. (2003) 'Chez Olga. Einmal Brüssel und zurück: Zehntausende Polen pendeln als Gärtner, Maler oder Putzfrauen in die EU-Hauptstadt', *Die Zeit*, 20 November: 21–2.

Tapinos, G. (1999) 'Irregular immigration: economic and political issues', in OECD (ed.) *Sopemi report 1999*, pp. 229–51. Paris: OECD.

Tapinos, G. (2000) 'Irregular immigration: economic and political issues', in OECD (ed.) *Combating the illegal employment of foreign workers*, pp. 13–43. Paris: OECD.

Triandafyllidou, A. & Kosic, A. (2005) 'Polish and Albanian workers in Italy: between legality and undocumented status', in F. Düvell (ed.) *Illegal immigration in Europe: beyond control*, pp. 106–36. Houndmills: Palgrave/Macmillan.

Uihlein, H. (1993) 'Illegale: Die "neuen Flüchtlinge"', *Caritas* 11: 490–3.

United Nations Secreariat (1997) *International migration and development: the concise report*. Population Division. Population newsletter no. 63. New York: UN.

Van Hear, N. (2004) *'I went as far as my money would take me': conflict, forced migration and class*. Working paper 6. Oxford: COMPAS. [http://www.compas.ox.ac.uk/publications/ Working%20papers/WP0406.pdf]

Vollmer, B. (2008) *The making of policies to combat irregular migration in Germany – discourses between 1973–1999*. Paper presented at the Conference 'Now you see them, now you don't – defining irregular migrants in Europe and Asia and the immigration measures applied to them', 7–9 January 2008, Kuala Lumpur.

Vial, M. & Walzer, W. (eds) (1989) *Illegale Beschäftigung, unerlaubte Arbeitnehmerüberlassung, unerlaubte Ausländerbeschäftigung, Leistungsmissbrauch*. Stuttgart: Kohlhammer.

Wall Street Journal (2004) 'The Border brigades', 28 January.

Weiner, M. (1995) *The global migration crisis: challenges to states and human rights*. New York: Harper Collins.

Widgren, J. (1993) 'The need for a new multilateral order to prevent mass movements from becoming a security threat in Europe'. Paper presented to the Conference on the Security Dimensions of International Migration in Europe. Washington, DC: Center for Strategic and International Studies.

Zolberg, A. (2001) 'Beyond the crisis', in A. Zolberg & P. M. Benda (eds) *Global migrants, global refugees: problems and solutions*, pp. 1–16. New York: Berghahn.