



**GLOBAL COMMISSION ON  
INTERNATIONAL MIGRATION (GCIM)**

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## **GLOBAL MIGRATION PERSPECTIVES**

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**Life in the world of shadows:  
the problematic of illegal migration**

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## **Global Commission on International Migration**

In his report on the ‘Strengthening of the United Nations - an agenda for further change’, UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders.

The research paper series ‘Global Migration Perspectives’ is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Khalid Koser and managed by Nina Allen.

Potential contributors to this series of research papers are invited to contact the GCIM Secretariat. Guidelines for authors can be found on the GCIM website.

## **Introduction**

This paper contains the results of a research project of approximately 600 pages (including documentary supplements).<sup>1</sup> Central to the project was an empirical field study (based upon qualitative sociological methods) of the life situation of ‘illegal’ migrants, principally in Munich. Of course, such a summary must present simply, perforce simplify, that which in reality is far more complex and which in the original study is more completely treated. This investigation was accepted as a doctoral dissertation in sociology at Berlin’s Humboldt University and is also the continuation and intensification of previously published books and articles of the author.

That data was deepened and brought up-to-date in two ways: new topics were addressed by the author which he had not previously studied, and earlier hypotheses and judgments were re-examined and sharpened. This study complements a study conducted by Dr. Philip Anderson, undertaken at the request of the city government of Munich, concerning the life situation of ‘illegal’ migrants in Munich: while Dr. Anderson’s work has a clearly municipal focus, the author’s study also includes a treatment of the Bavarian and national contexts. Dr. Anderson carried out many more interviews with Latin American ‘illegals’, while the author conducted more interviews with East European ‘illegals’.

The principal source of data for the study are interviews: with ‘illegal’ migrants (75 interviews with 44 persons from 10 countries), with “contact persons” - meaning those ‘legal’ residents who are in contact with ‘illegal’ migrants (67 interviews with 53 persons), and 13 official and 19 informal conversations with experts from both non-governmental and governmental institutions. While most of the data was gathered in Munich, the study also profits from information gathered through contacts with both ‘illegals’ and experts in Leipzig and Berlin. Additional information came to the author from a variety of sources; for example, confidential documents were handed over to him so that they might be studied and critiqued.

## **Leipzig and Munich: differences and similarities**

A comparison of the “illegal populations” of Leipzig and Munich and their surrounding areas reflects the differences and specifics of each city’s insertion into transnational “migration systems”. Following Kritiz/Zlotnik, by “migration system” is meant the fact that the movement of migrants is neither capricious nor accidental but rather quite often follows established routes that were traced in previous centuries. In Leipzig, for example, the predominant groups among the ‘illegals’ come from the states of Middle and Eastern Europe, and from other regions of the world, which previously had been bound together by ties of the so-called “fraternal solidarity among Communist States.” Migration to Munich can be traced back, on the one hand, to regions originally belonging to the Austrian-Hungarian Empire, and on the other hand, to more modern migration phenomena such as the immigration of guest

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<sup>1</sup> The author wishes to thank Paul Fitzgerald, Santa Clara University (Cal.), for translating the German version of the Executive Summary.

workers and asylum seekers, a pattern far more developed in this (former West) German metropolis than in Leipzig.

Two further factors determine to a great extent the makeup of the respective “illegal populations”: geographical proximity (e.g., for Leipzig, the states of the former Eastern block; for Munich, the Balkans, whence many refugees came during the Bosnian and Kosovo crises); and new developments in the ongoing process of globalization, which more recently have brought greater numbers of ‘illegal’ migrants to both cities from regions which traditionally had not had migration ties with Western Europe (e.g., East Ukrainians, who previously had been oriented towards Russia).

Beyond that, local job markets play important roles in the attraction of specific types of migrant workers. In Leipzig there continues to be a strong demand for ‘illegal’ construction workers, while in Munich the principal job demands are for domestic workers (e.g., childcare, nursing the old and the sick, and maid service). Reasons for these differences include: the strong desire among ‘illegals’ to find less easily policed work sites; greater social acceptance of ‘illegal’ domestic workers among Germans in eastern Germany; the high cost of living in Munich such that many (German) households need higher and/or second incomes (which in turn results in having less time to spend maintaining a home and caring for children, the old and sick); the established tradition in Munich of ‘illegal’ foreign workers in domestic and convalescent services; and the ever-more acceptable rationalizations of buying oneself “a little extra help”.

Thus, while in Leipzig the majority of ‘illegal’ migrants are young men and fathers, in Munich young women and mothers are more prevalent. Knowledge of the different sorts of jobs that are available in these two places has a direct effect on the planning of individual or family migration projects, a pattern that was attested to in interviews with migrants from a district in southern Ukraine: the men plan to go to Leipzig while the women will head for Munich. It is not surprising that the differences in the cost of living (for example, rent) in Leipzig and Munich have a direct impact on wages: in Leipzig, where the costs of living are low, wages are correspondingly low, whereas both are higher in Munich. Actual wages range between three and thirteen Euros per hour - provided these wages are indeed actually paid. Leipzig and Munich share the enormous exploitation of ‘illegals’ in the construction industry, yet such extreme exploitation is almost unknown in the domestic context in either city.

This can be explained by the fact that there is a great deal of anonymity on construction sites, and the subcontracting system provides many opportunities to cheat workers. In the domestic context, when one has found a highly qualified “Pearl” to take care of Grandmother or to clean the house, one goes to great lengths to hold onto this person; mutual trust, good working conditions, decent wages, sometimes even “live-in” accommodation, all these are important factors. A final similarity between Munich and Leipzig is the fact that the very subject of illegality is still taboo in both places, though in Munich this seems to be changing slowly.

There are striking differences with regard to contact between the ‘legal’ and ‘illegal’

(co-ethnic) populations in both towns. Because of the patterns established by the abovementioned migration systems, the situation in Munich is much better. The percentage of legal foreigners in the overall population of Leipzig is actually quite small (2000: 5,5 %) as compared to Munich (contemporarily 22,6%).

Because of the long established migration tradition that exists in Munich, there are comparatively good relationships between 'legals' and 'illegals'; nationality and/or ethnicity-based solidarity affords migrants many possibilities of finding help in difficult life situations (sickness, unemployment, homelessness, financial straits, etc.). In Leipzig, on the other hand, the "illegal milieu" is still largely dependent upon its own resources: there is neither good contact with public and private service organizations nor with legally established immigrant communities.

This situation can lead to dire consequences: in Leipzig a member of an eight-person 'illegal household' lay sick with tuberculosis. He was first treated by doctors from within the 'illegal community' who, due to a lack of medical equipment and supplies, rendered a first diagnosis of a common cold and pneumonia. Only when the fever was so high that neither further clandestine treatment nor transport back to his home country were possible was the man brought to a hospital. The first order of business there was to call the police. The 'illegal' Ukrainian was arrested and - some time later - deported. Such cases show how improper procedures concerning communicable diseases can pose risks to the whole community, for it is quite possible that, due to the crowded living conditions in such 'households', the Ukrainian's colleagues were also infected. In their daily activities they could easily have spread infection widely.

### **Ways and means of illegal migration**

The political treatment of illegal migration is traditionally based upon the supposition that such movements arise from (a) a set of "push and pull" factors, (b) the personal decisions of individual migrants and/or (c) the self-serving interests of criminal groups. A Communication of the EU-Commission put it thus:

illegal immigration is growing at international and European levels.... The most common form involves transnational criminal networks.

This was put even more sharply at a meeting of the Interior Ministers of Germany, France, Great Britain, Italy and Spain in May 2003. For them, there exists

clear evidence of the link between people smuggling and international terrorists. 'We have proof, which we cannot make public, that ... such a connection exists and our police have come to the conclusion that the immigration and terror mafia are running together'.

This obviously oversimplifies the situation, and therefore the "policing policies" that are derived from this analysis are rather ineffectual. It is a matter of central importance to the author to demonstrate in his study both the complex functional

structures as well as the highly complicated causes and background contexts of illegal migration, thereby ridding the phenomenon of its “criminal exoticism”.

Contemporary conversations between migration experts concerning legal economic migrants and political refugees have produced a body of well-founded knowledge, which, in the author’s opinion, will also be useful for an understanding of illegal migrants and refugees. The author wishes to demonstrate that illegal migration cannot be dealt with by means that do not take into account the insights of contemporary research which focuses on the behavior patterns and profiles of migrants. One of the author’s main theses is that illegal migration must be seen as a dimension within or under other (legal) migration movements, even though it involves heavier personal, social, legal, economic and financial conditions and costs.

### *The general importance of networks*

A closer look at the above-mentioned migration systems (and the ties that thus exist between Leipzig and Munich on the one hand, and the homelands of their immigrants on the other) shows how closely the factors that trigger migration and those that draw migrants are bound together by intermediary structures. Networks are a very important element within these structures. Among these, private networks play a most important role. These networks are based upon personal relationships between migrants and relatives, acquaintances, neighbors, colleagues and friends, both at home and abroad. The information which flows through this type of network (concerning the possibilities of sanctuary, work, shelter etc. in potential countries of immigration) is regarded as far more trustworthy than official information campaigns aimed to discourage people from (e-)migrating, and thus has a much greater influence among candidates considering a migration project themselves.

Given the precarity of living conditions in their homelands, verifiable ‘hard facts’ about a potential country of immigration are less important than the dreams and desires of potential migrants, linked to a life ‘somewhere else’. Besides that, there are many reasons (e.g., shame or misplaced consideration) for which informants in the immigration countries may exaggerate or be selective in their reporting back home, and such misinformation can lead to fatal errors in judgment and wrong-headed decisions on the ‘other end’ of the “migration chain”. On the whole, quite concrete help for the planning and execution of both legal and illegal immigration projects flows over this type of network, be it information (based on the experiences of earlier migrants), money, or start-up-help upon arrival in the new land.

The general importance of networks for both legal and illegal migration is well-known among migration researchers. Not only academics but also police and security personnel know that - and why - the presence of relatives and acquaintances of work-seeking migrants and refugees in the immigration countries has a much greater influence on the choice of destination than does any abstract consideration of, for example, the availability of asylum or of public financial assistance. The role of networks and their specific forms of solidarity seem to be even more important factors for illegal migration because ‘illegal’ migrants are excluded from a whole host of legal migration possibilities: applications for asylum, work permits, the reunification

of families, etc. In any case, within this “illegal networking” there are two further characteristics that are of growing importance for successful illegal migration: traffickers and safe places upon arrival.

### *The various types of traffickers*

The increasingly tough stance of the European Union towards undesired immigration has led to the EU placing ever greater hurdles in the way of the private networks, which, relying solely on their own resources, find increasingly difficult to overcome. Therefore, buying “migration expertise” becomes ever more important. Such help can be obtained from people or groups popularly known as “Schleuser”, smugglers, “coyotes,” “snake heads,” or - in legal circles - “criminal traffickers”. Some of these ‘migration experts’ exist within private networks and are merely people who, because of their own immigration experience, agree to help relatives and acquaintances to pass through borders illegally or seemingly-legally (“scheinlegal”), and who, for this service, ask for little more than a reimbursement of their own expenses. Relatively disinterested assistance is also offered within ideological or ethnic networks, wherein national or ideological peers are helped, as can be seen in networks which offer cost-free trans-border support for Turkish or Iraqi Kurds, Algerian Islamicists, Chaldean Christians, etc.

A third group does in fact demand money for services rendered, yet here too one encounters a relatively wide spectrum of individuals and organizations. At one end of the spectrum are individuals who live in border regions (for example, persons who are unemployed or indebted, [semi-] retired game wardens or border police, nature lovers who like to hike, etc.), who can be contacted by means of referral, and who undertake smuggling ‘on the side’ in order to help needy people and/or to gain an extra bit of income. At the other end of the spectrum one finds transnationally active organizations, to which one comes by means of advertisements or contact offices; these have chosen to specialize professionally in this business.

Prices for the services of these groups are set according to the parameters of the desired comfort and the calculated risk levels (for example, the size of the group, the conspicuousness of skin color, the likelihood of detection due to heightened security levels, etc.). In these contexts, the relationship between the trafficker and client is a purely professional one: if one pays, in all likelihood one receives in return the desired service. Finally, there is a fourth group, made up of - or controlled by - criminals who are solely interested in making money. The prices of their services are much higher than going “market rates”.

Promised services are seldom fully rendered. From the outset of the “business relationship”, clients are systematically misled through false advertisements and offers. Victims can be brutally exploited and even held in long-term dependence. It should therefore not be surprising that, in the estimation of the author and his conversation partners, the criminal share of the entire illegal migration business is no higher than 15-20%. Reasons for this relatively small size are, on the one hand, competition and market forces, to which criminal groups cannot long remain

indifferent if they wish to remain in “business”, and on the other hand, the protection from criminal groups that private and ethnic or ideological networks offer.

### *The special importance of safe places upon arrival*

One of the most important - if not the most important - elements for successful illegal migration projects is the existence of safe places upon arrival (“Erstanlaufstelle”), for even more important than the border crossing itself is a first safe place to ‘land’. It is remarkable how many ‘illegals’, despite having paid high fees to the traffickers and despite having successfully crossed the frontier, fall quite quickly into the hands of the police. The principal reason for this is that they did not know how to move about inconspicuously in their new surroundings, and they had no one to tell them how to do so. Many ‘illegals’ who have lived successfully (i.e. undiscovered) in Germany for a period of time move about within (cross-border) networks rather than alone and self-reliantly, and this fact testifies to the importance of (mostly) private (cross-border) networks as migrants establishes themselves in the country of arrival.

As soon as a new immigrant has been successfully established in one spot, he or she acts as a catalyst, and there begins a lively migration activity between the place of origin and the new place of arrival; the size and efficiency of the process in either direction never fails to impress the author. The ‘effectiveness’ of migration within such networks can be seen in cases where entire villages, clans or extended families have established life-schemes that span both the country of origin and the country of arrival. When safe places upon arrival are available, inhibitions about migration projects among potential migrants ‘at home’ shrink drastically. Knowledge concerning such safe places works not only to lower the expected cost of migration but also to make the project itself foreseeable and seemingly feasible.

### *Interim conclusions*

The author has found a number of parallels between legal and illegal migration patterns (e.g., links formed within particular migration systems and networks), yet it must also be stressed that there are conditions specific to illegal migration projects (e.g., traffickers, safe places upon arrival). Factors which trigger, permit and steer migration influence one another and must be seen and understood as a complex whole. The more elaborate the connections between countries of origin and countries of arrival, and the more information and resources that flow through the connections, the less important the “push factors” (i.e. the threshold of “pressure” which triggers migration from the homeland), and the higher the probability that the migration will be completed successfully. At the same time, illegal migration towards Europe can also be set in motion where no networks of information and assistance exist, yet in such situations the necessary pressure upon migrants to leave their homes must be far higher, and the migration is not linear and punctual, but rather takes place in stages.

In order to begin to understand the complex backdrop of contemporary illegal migration movements, one needs to undertake complementary macro-, micro-, and meso-analytical investigations.

## **Macro, micro and meso-analytical observations concerning the background conditions of illegal migration**

Underlying the first question is the whole process of globalization; underlying the second is the phenomenon of individuals and families living in Transnational Social Spaces; underlying the third is the network character of the new world order.

### *The process of globalization*

The sharp increase in many forms of illegal migration over the past years can be linked to the accelerating, worldwide integration of countries, regions, and markets. These developments are widely discussed under the rubrics of “globalization” or “globalization processes” and are, for example, germane to theories about segmented employment markets or investigations of so-called “Global Cities”. No country in the world can now shield itself from the effects of such processes. Certainly, because of the influence of conditions arising out of the process of globalization, for instance deregulation and international competition, there is an increasing structural need for cheap labor in Germany. This need is met both through “off the books” work by ‘legal’ residents, but also by ‘illegal’ foreigners. Because of an insufficient number of legal workers willing to undertake certain jobs (due to such factors as wage levels, working conditions or peer pressure), but also because of demographic developments in Germany, the need for immigrants steadily increases. Yet because of the more than four million unemployed in Germany, the discussion of this subject remains taboo. Certainly, an (orderly) immigration into this region and the lowering of unemployment rates are not necessarily mutually exclusive. It is indeed arguable that by allowing immigration many existing jobs can be saved and new ones can be created.

Another aspect must be considered: the “structural demand” for very cheap, ‘illegal’ workers in the countries of destination is complemented by developments in the countries of origin. There, international investment and debt policies, deregulation and liberalization on the one hand, and subventions and export controls of the other, combine to stifle the growth of industrial and labor systems - rendering many people unemployed.

Altvater/Mahnkopf, for example, view the situation in the so-called Transition Countries of Eastern Europe through this lens. Because of catastrophic social conditions at least partially caused by the new world order, people living in those countries have few options other than to seek refuge in the underground economy, of which the illegal migration business is one specifically flourishing branch: either as an ‘illegal’ emigrants, as smugglers and traffickers, or (in the case of unpaid or underpaid civil servants in the administration, police, or border patrol) as “corrupt” enablers of such. Even the political elites of emigration countries have good reasons to (continue to) allow illegal migration. Why would government officials in these countries hinder their own citizens who, in their homeland, can find no work, and who, by leaving the country, both decrease domestic social tensions and, through money transfers to their families, bring more foreign currency home than comes from

government-sponsored foreign aid? Morocco is a case in point: in the year 2000 money transfers brought in US\$2,161 million, while foreign aid amounted to US\$419 million. The author believes that ‘illegal’ workers in Munich alone send several hundred million Euros per year to their home countries.

Some wish to stop unregulated migration movements by means of vigorous prohibition. One means used to accomplish this is to cancel legal immigration options (or rather to be more and more selective as to who is permitted to get through). They fail to see that under the existing circumstances this approach is practically impossible. It flies in the face of existing political goals, processes and conditions, whose reversal, in the present world order, is absolutely unthinkable: few people seriously want, or are able, to step out of the current system of global exchange and interdependence (and certainly not unilaterally).

The globalization process was first set in motion by and steered towards politically desirable goals. Once set in motion, however, it has taken on its own dynamic, for an ever-increasing number of actors take advantage of the new means, conditions and opportunities for economic activity to their own ends and interests - this is as true for major industrial and financial global players as it is for organized crime and ‘illegal’ migrants. Of course, state governments continue to maintain the structures and conditions for the proper functioning of globalization (physical infrastructure, legal systems, etc.), and it also is true that states continue to erect barriers (customs, fences, passports, etc.), yet no one can any longer hope to control the entire system.

For many people, illegal migration is the way in which they seek to get a piece of the prosperity pie for themselves and for their families, regardless of whether the land to which they move declares them to be “illegal”. Wherever people see themselves and their loved ones in a situation of great distress, they will tend to see their illegal actions as justified. In a situation, for example, when corruption itself becomes a necessary means of survival, a person does not ask him/herself what is allowed, but rather, what is attainable and what is possible? That these plans often don’t work out, and that many people in the end find themselves in greater poverty and dependency than at the outset - these probable results are seldom considered at the beginning of a migration project, especially one that is born of the hope for improvement.

### *Transnational social spaces*

A weakness in the debate about globalization is the fact that too much weight is placed upon abstract and formal processes. Certainly, much is understood about the crossborder interrelationships between “highly qualified” and “less (poorly- or un-) qualified” workers or regarding the flow of information, money, goods, and services. However, the influence of non-material values on the behavior of human beings as a/the foundation of many types of major decisions, or the dimension of culture and ethnicity, take us far beyond the anthill model of people’s activity and creativity as (more or less) free agents. Thus, the actual agents and the real contours of illegal migration processes rarely find a substantial place in this debate. Therefore, insights from transnationalism research can be used to complement insights from the previous chapter.

According to migration researcher L. Pries, countless legal and illegal migration projects combine to form

new social realities (rules of business, cultural milieus, local economies, social networks, etc.), which qualitatively transform the previously existing social fabrics in both the emigration and the immigration regions, and constitute themselves into a new social space between and above these two regions.

This is not to be confused with the widely discussed concept of the “deterritorialized nation-state” (Basch et al.). It is not at all the case, for example, that the Ukrainian government exercises some sort of diffuse influence over Ukrainian worker migrants living in Germany. Nothing could be further from the mentality of ‘illegal’ Ukrainians than the concept that they are actively participating in such a scheme. It was precisely to escape the influence of the Ukrainian government and society that they emigrated, for Ukraine did not provide them with jobs, or social support, or a rule of law, or legal security. They understand their own migration projects precisely as private affairs or as family matters. They limit their contacts as much as possible to like-minded members of their own ethnic communities, and they use the means that the underground economy places at their disposal, whose processes work independently of official political, economic and banking systems.

Migrants who move about and become settled in these new social spaces find themselves in a wide variety of relationships with the host country. There are intensely comprehensive and integration efforts and successes (for example, in specific fields of work); there is also the possibility of a life lived in isolating parallel or underground societies to the point of extreme marginalization and destitution. The concept of transnational social spaces illustrates how human beings can experience objectively measurable geographic space as quite different from subjectively experienced social space, especially when, for example, a nuclear family, an extended family or an “intentional community” of friends is scattered over many countries. This concept also explains why people living in areas geographically quite close to their homeland may well experience a greater sense of alienation than is experienced by their relatives and friends in EU countries, and why, “by all means and at all costs”, they want to rejoin them, even if the values, culture, and social structures of the EU itself form a more foreign cultural context beyond that of the personal social spaces of the migrants.

### *Network society*

In an earlier chapter, we discussed the importance of networking and networks in the migration process. It would be an error to consider migration merely as an isolated underground movement, for migrants can draw quite creatively upon elements of the surrounding structures of (legal) societies throughout the whole migration process, and they can create and build up “network operations” of quite impressive size, novelty and systemic complexity. This insight lies at the heart of the comprehensive work of sociologist M. Castells, entitled “The Rise of the Network Society”. His

theses can be used, in the opinion of this author, to deepen an understanding of illegal migration movements. According to Castells, a network consists of

many interconnected knots. A knot is a point wherein a curve intersects itself. What a knot is concretely depends on the form of the concrete network under consideration.

Castells illustrates this by looking at networks of global financial transactions, the international drug trade, and EU governance, which, like specific land maps, bring together individuals, organizations, regions and continents into a topological whole. The author thinks that 'a land map of illegal migration' can also be drawn, for illegal migration is also a "pattern of networks... quite well adapted... to the highly complex interactions and unforeseeable patterns of response which arise out of the creative power of these interactions."

It may well be that the actors involved here do not consider themselves to be part of an interrelated network. Connections can arise capriciously and, once in existence, can develop in unplanned directions. So, for example, it may come to pass that an immigrant to Germany uses the telephone book to find a church community that would offer a safe place upon arrival, based on his good experience with church-sponsored soup kitchens in transit countries; this parish may indeed offer shelter, work or help with further migration. Or it may be that a building contractor on the lookout for cheap labor meets a job-seeking migrant who happens to be a refugee who originally left home for Germany not in search of work but rather in search of safety from oppression and yet who actually possesses the sought-after qualifications.

In the moment when 'connections arise', direction and structure also appear (as when iron filings are attracted to a magnet) and a new 'solidified' transnational migration complex comes into existence. From the moment of contact on, in a quite teleological fashion, information begins to flow through these 'goal-directed' connections: news concerning safety, shelter, and the availability of work in the country of arrival. The experiences of the migrant during his travels to Germany gain concrete usefulness for potential followers from home, and soon people are moving more purposefully between emigration and immigration points via the connections of family, kinship or other bounds of solidarity. This will continue until this migration bridge collapses due to overpricing, police intervention, the illness of a key person in the network, etc., or until a cheaper, less dangerous, alternative route is found. Castells describes networks as "open structures" which are able to "expand without limits and thereby to integrate new knots." They are quite difficult to combat, for

once such a network is established, any knot that fails is simply bypassed and the resources... continue to flow through the rest of the network.

### *Interim conclusions*

Castells and other sociologists emphasize the irreversible extent of the “globality” of worldwide society, i.e., the already existing state of global interconnectivity. They also warn that in such an interconnected world, no individual actor - or any group of actors - has complete control over the ongoing processes and developments. U. Beck discusses the emergence of a “polycentric world political order” in which “neither capital nor national governments have the decisive say, nor does the United Nations, the World Bank, Greenpeace” or - the author would add - ‘illegal’ migrants and their networks. Rather, “all [interact] with each other, even if with quite different degrees of power, for the accomplishment of their goals”. In this complex whole, the ‘illegal migration segment’ is certainly not the most powerful. However, this segment functions with an ever-greater internal dynamic and internal logic, and while it is certainly influenced by state attempts at regulation, these cannot completely control it. Under no circumstances should one underestimate either the external effects or the internal dynamics that illegal migration movements exercise as an integral, structural element of world society.

### **The relative success of modern policing methods**

In the summer of 2000 the Federal Ministry of the Interior formulated the following goal: “The prevention of unauthorized entry of foreigners into Germany is an important element of immigration policy” [BMI]. Given what has already been discussed here, this statement - depending on one’s point of view - seems either overly optimistic or blatantly naive. This author investigated the so-called “Schengen external” and “internal borders” of Bavaria with neighboring countries and the relative efficiency of existing measures for slowing (let alone halting) unauthorized entry: the monitoring of countryside borders and border crossing points, the introduction of visa, police measures against smuggling and trafficking rings and identity controls inside the country.

The results confirmed conclusions that the author had already drawn in an earlier study of developments along the Schengen external borders of Saxony towards Poland and the Czech Republic [Alt 1999]: existing government measures can be circumvented. For example, how can one hope to control the approximately 66 million annual visitors, 20 million automobiles and 2 million heavy trucks that cross Bavaria’s borders, thoroughly checking everyone’s identity papers, without the border traffic coming to a complete standstill? Even forgery-resistant identity cards with biometric data are only a useful means of hindering unauthorized entry if potential fraud can be checked.

At the presentation of the 2000/2001 Federal Border Police Report, the Federal Minister of Internal Affairs claimed that “the number of observed unauthorized entries and smuggling attempts has decreased.” This statistic, however, refers only to the decrease in the detection of unauthorized entry and smuggling attempts; it does not - by nature - say anything about the ever-changing tactics of the illegal or seemingly legal migration business. As structural factors such as job offerings and

demand for 'illegal' migrants in industrial countries remain constant, and as the means for illegal migration projects to Germany remain available, the increasingly well-developed transnational networks become ever more efficient - thus lowering the transaction costs of migration projects. These costs may well be pushed up again because of state attempts at control, yet the situation remains a zero sum game.

At this point one should remark on the growing number of German citizens and legal foreign residents in Germany willing to dodge state control efforts. This may be for selfish reasons, because some would profit either directly or indirectly from cheap labor. This may be based on feelings of compassion and solidarity, or because governmental actions against 'illegal' migrants are judged to be unjust and unjustifiable, and so in his or her own way, within the realm of the possible, an individual will act to protect refugees and/or offer hospitality to the poor. These stances knowingly or unknowingly foster and support illegal migration movements and contribute to the growth of a border-crossing subculture which, while it may violate federal law, is in no way a value- or norm-free space. Many people say as much when they claim that their actions are meant to give real validity to human rights (such as giving protection to refugees) which in their eyes are being violated by the state. At the end of the day, no state can hope to realize specific policy objectives in the face of broad resistance and subversion by various segments of its own population.

Given the questionable efficiency of governmental efforts to reach its goals, it seems to the author that the attendant costs are unjustifiably high. The European Union hopes, between 2002 and 2006, to spend approximately EUR934 million for the regulation of migration. The yearly expenditures for German border patrols surpass EUR1.5 billion. Every year Germany spends EUR521 million just to patrol the eastern German border with Poland and the Czech Republic. One should also mention the 'collateral damage' arising from these efforts, which are arguably politically and socially unacceptable. Three examples:

- The increasing efficiency of control methods raises the prices that migrants have to pay to smugglers and traffickers when they choose, despite everything, to cross the border. This makes them all the more dependent on loan sharks, and this indebtedness and the pressure to repay means that they may well need to get money 'by any means', including crime.
- Borders increasingly lose their function as bilateral 'pressure regulating valves'. Migrants no longer move back and forth; rather, they lengthen their stay in Germany out of fear that, should they leave, they may not be able to return.
- Sterner measures of control increase the acceptance of higher levels of risk on the part of migrants and their smugglers and traffickers. Incidents of death or injury in connection with unauthorized border crossing are relatively high.

Among researchers today there is a growing consensus that rich countries can no longer hope to close their borders to migrants if, at the same time and for other reasons, they wish to make their borders more porous. In early 2003, J. Bhawati put it thus in the well-respected Journal of Foreign Affairs: "The reality is that borders are beyond control and little can be done to really cut down on migration."

## **More appropriate means for dealing with ‘illegal’ migration**

According to migration researchers D. Massey et al.

rather than trying to stop international migration through repressive means, the more successful (and realistic) approach might be ... to encourage its desirable features while working to mitigate its negative consequences.

To this end there exist numerous suggestions about national and bilateral measures. Some of these are ‘classic’: for example, the rededication of resources from on-the-ground border patrols to migration prevention and improved policing of trafficking organizations, a liberalization of trade, programs to rotate temporary workers, or greater attention to factors which cause illegal migration in the first place by formulating and implementing new migration policies and laws (e.g. to adjust laws governing family reunion to the larger concept of “family” existing in non-European cultures, which exceeds father, mother and minor children).

The author’s present study has brought to light further areas of potential reform. For example, in the matter of the considerable sums of money that ‘illegals’ earn in Munich and send back to relatives in their homeland, one should examine the mediating structures and search for new possibilities in order to eliminate blatant profiteering by middlemen. One should also reconsider the current regulation mechanisms of the illegal migration with a view to improving their functioning, especially in those cases where state intervention distorts or hinders the intended results. After all, there are many factors that have far more influence on the decisions of migrants to come, to stay, or to return home than border policing or passport controls: the actual conditions in the job market, the cost of housing, the cost of living, health issues, the inclusive or exclusive function of networks, etc. For all these reasons, there are always ‘illegals’ who would very much like to return to their homeland, yet who have no money for the trip, or who fear imprisonment in detention centers and the whole process of deportation.

The treatment of ‘illegals’ actually living in Germany must take into account the actual causes, motivations and mechanisms of illegal migration. A primary consideration, which ought to be held to be the cornerstone for all improvement, is the protection of social rights, among which the following are centrally important: basic health care, the schooling of children, fair pay for executed work, protection from exploitation and crime. There is already a legal basis to these entitlements, which are rooted in articles of the German constitution (Grundgesetz); they are also enshrined in the U.N. Convention for the Protection of Migrant Workers and their Families, effective from the 1<sup>st</sup> July 2003.

However, even though Germany was among those states that passed the convention in the UN General Assembly, it has refused to sign or ratify the convention - as have all other industrialized states, for fear of a ‘pull effect’. In addition, a discussion of various approaches to legalization is needed. Here, too, options are available that are,

under certain assumptions and perspectives, far more sensible policy measures than others that are actually under discussion. If, for example, one's capacity and desire for social integration were really central criteria for authorized immigration, then one should honor the quite impressive accomplishment of assimilation and integration that 'illegals' undertake out of survival necessity. Those states that would draw upon this already present workforce for their own ends would thereby save themselves the trouble of judging the same factors among aspiring migrants who have, as yet, no contact with Germany and whose admission onto German soil would open new migration bridges between Germany and the respective countries of origin.

Along with previously mentioned issues, there is also the question of institutions, i.e., whether national "territory, tariff and rights" structures will continue to be the primary horizon against which standards are defined, exercised and defended. Politicians of various countries may wish to continue old schemes and efforts that would primarily hold unauthorized migration in check by legal and administrative (police) means. This, however, has proven to be an illusion. More appropriate alternatives to the problem of illegal migration suggest a break with centuries-old traditions and conceptions based upon the Nation State – although this will be a challenge to everyone involved.

In order to lower public fears, many new measures might be implemented temporarily and ad experimentum so that one might see whether their effects are more efficient and successful than presently existing methods. Compromises in this area are unavoidable as one seeks to find the best alternatives among the many bad ones. In this matter, not to decide is itself a decision; those who argue against improvements to the incentives offered to those 'illegals' willing to return home by claiming that such incentives reward illegal activity, and thereby promote further law-breaking, must also admit that their policy stance will certainly lead to more criminal activity arising from the extreme neediness of those who, because of this decision, are forced to remain in Germany without official status or perspective of betterment.

### **The difficulties concerning the introduction of more appropriate means**

It would be too easy to place all of the blame for the current problems concerning illegal migration squarely on the shoulders of the government and politicians, even if these do carry a greater responsibility for the inauguration of a solution-seeking social political dialogue, given their privileged access to information, their insight into the complex conditions and their policymaking powers. However, the author is newly convinced that more citizens than he had ever previously assumed have a good understanding, both qualitatively and quantitatively, of the presence of 'illegal' migrants in Germany. For example, the survey he conducted in Munich included 16 cleaning ladies, each of whom worked in from five to seven households, and eight women involved in child or eldercare. These women were present in over 100 households to date.

One must further consider the relatives, acquaintances and neighbors of the employers, who either know or strongly suspect the fact of illegal work. One must also consider the employers for whom the 'illegal' ladies worked previously as well

as the households in which friends and relations of the 'illegal' person, with whom she shares her flat, work, etc. Additionally, there is growing interest in the media and among researchers who study illegal migration. Finally, one can cite a growing number of public declarations by charitable institutions, churches and other groups which join the public discussion and take positions on such related themes as immigration, employment or asylum policy.

In spite of all this, why is it that this theme is so much more difficult to address in Germany than it is in other countries? There are both obvious and less obvious explanations for this. It is quite obvious, for example, that the present tendency of avoidance concerning this theme has much to do with the fact that the weak position of the migrants is so useful to so many people that it is difficult to garner a decisive majority for new policies that would change the status quo. It is equally obvious that many citizens, social workers, doctors, school directors, pastors, union officials and others are tight-lipped about the nature and extent of their positive engagement for 'illegals' out of fear that the help they offer to unauthorized residents is potentially punishable (by fines or imprisonment) under Germany's Alien Law.

In the end, it is perhaps due to the general tendency of human beings to simply extend current policy measures

straight into the future, and indeed whither conditions cannot yet be measured.... Non-linear thinking is poorly developed, for until recently it was not helpful for the survival of the species. This is probably not true as far as the future is concerned, and for this reason we must needs occupy ourselves with non-linear systems and learn to think in complex systems. [Fritsch/Erdmann]

## **Conclusion**

Migration researchers D. Massey et al have said that

[t]hese are formidable challenges indeed, but they will have to be met, for international migration will surely continue. Barring an international catastrophe of unprecedented proportions, immigration will most likely expand and grow, for none of the causal forces responsible for immigration show any sign of moderating.

The development of relevant and efficient immigration policies in an era of global network society is one of the most challenging tasks facing humanity and ranks with matters of peace, ecology, poverty, trade, debt, organized crime, etc. This is especially true because most migration movements are the unavoidable consequences of failures in these many key political areas.

Concerning the question of whether or not one million 'illegals' are already living in Germany, a number of remarks can be made. To the author, however, this very

question seems to be irrelevant in the face of the qualitative problems that any single ‘illegal existence’ entails. Under this perspective, each ‘illegal migrant’ is one too many. The fact of the matter is that, because of the constant hushing up of the question in Germany, the situation continues to deteriorate until one day it may well become uncontrollable. Presently, it is the creativity of migrants, their supporters and “helpers” in the migration business that means that circular and temporary migration projects are still possible, and that there has not yet been a sharp increase in criminal activity for the sake of survival. This could quickly change, however, if, out of fear of terrorism, repressive policing mechanisms are insisted upon.

It is absolutely urgent that constructive alternatives to the present conditions be developed. It is urgent that in Germany, too, public servants, civic associations and individual citizens come to understand what it really means to live today in a globalizing world. Even Germany must face the fact that, in this age of the global network society, no country in the world is an island, protected from and invulnerable to the consequences of political failure. Rather, each land is more and more just one more knot among many in the network of transnational processes. This process can neither be stopped nor reversed, and so it requires a rethinking of all efforts to control the sources and to shape the effects of migration. Some final questions that arise here are: according to which criteria should these processes be regulated or steered? Is the dignity of human beings the highest criterion for political decision-making? Is consideration focused upon (or limited to) the protection of German or European people? Or will it be the securing of profit or the interests of financial capital that dictates the direction we take?

The author’s research presents clear evidence that, in today’s world, unauthorized migration can only be ordered and controlled if the development of political measures includes the participation of all interested parties, most specifically those who will be affected by these measures: countries of origin and transit, ‘traffickers’ and ‘illegals’, and all those people mentioned above who, for ideological or practical motives, support these migration structures. Only then will the agreed-upon measures have a chance of being accepted and supported. If the interests of all those involved continue to be ignored and excluded, then migrant people will continue, in their own way, the “pursuit of happiness” for themselves and theirs.

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