The Politics of Migration and Immigration in Europe

Andrew Geddes
Southern Europe: Immigration Politics in Newer Immigration Countries

CONTENTS

Informality and irregularity  151
Immigration policy  155
The EU’s impact  156
Migration and foreign policy  165
Immigrant policies  166
Catch-up or exceptionalism?  167
Immigration and crime  170
Conclusion  171

Europe’s migration frontiers have moved south and east since the 1980s. This represents a geopolitical conceptual widening with new types of migration and new forms of state response. This chapter explores the politics of migration and state responses in Greece, Italy, Portugal and Spain. It distinguishes between specific features of these countries that contribute to a domestic politics of immigration in each of them. It analyses factors that link them, in particular the relatively high levels of economic informality (or underground economy) and irregular immigration. It also assesses the impact of European integration.

How can policy developments in southern European countries be explained? Is the politics of migration in southern Europe distinct because these are newer immigration countries? This temporal dimension could imply catch-up as they become more like older immigration countries. Perhaps the politics of migration differ in southern Europe differs because these are southern European countries and in some way exceptional (and likely to remain so)? Underlying this could be the dubious assumption that these countries are in some sense ‘backward’ and not capable of dealing with the issues in the same way that older immigration countries have
(for one thing this assumes great success and attainment of objectives in these older immigration countries). Giuseppe Sciortino (1999) is critical of the southern European exceptionalism school of thought which, he argues, runs as follows: weak border controls, leading to a tolerance of illegal immigration, creating havens for clandestine immigration. He argues that there has in fact been a remarkable turnaround in southern European immigration policies with the adoption of a ‘stop and contain’ approach centred on external frontier controls that is similar to other EU member states. That said, the perception that southern Europe remains Europe’s ‘soft underbelly’ will not have been helped by events such as those in Sicily in March 2002 when – accompanied by a Europe-wide media frenzy – more than 900 Kurds arrived in the port of Catania.

That said, there are measures that aim to secure the external frontiers of southern European countries, which in an integrated Europe will become the EU’s external frontiers. The Spanish police, for instance, are developing with EU financial support a $150 million ‘electronic wall’ that will cover 350 miles of Spanish coastline from Huelva in south west Spain to Almeria in the south east that will be able to detect boats (particularly from North Africa) containing would-be migrants that are 7 miles out to sea and then dispatch police to intercept them (Migration News, September 2000). This arises from concern about the small boats packed with clandestine immigrants who make the perilous journey from North Africa to Spain. Concerns about porous borders have been evident in Italy where substantial efforts have been made – more money and a reorganisation of the frontier police – to increase the capacity to control the country’s external frontiers at vulnerable points such as the land border with Slovenia and the coastline of the southern region of Puglia (Pastore, 2001b).

The external control dimension is only part of the story. What happens within these states is equally as important. The underlying issues in southern Europe have been the persistence of relatively high levels of economic informality and irregular migration. Maria Baganha (2000: 170) has written that economic informality is ‘a distinctive feature of Southern European migratory processes’ and creates spaces for irregular migrants. This is not to say that informality and irregularity are unique to southern Europe. There is informality and irregular immigration in older immigration countries too, but not on the same scale. Tackling informality through tough labour market regulation raises issues that go wider than immigration and touch upon state-society relations and social control more generally. Put bluntly, external controls impact on foreigners who can’t vote; internal controls affect citizens who can.

A key aspect of the internal response to immigration in southern Europe has been the regularisation of the status of irregular migrants. These regularisations have more to do with prevailing informality than with EU policy. Indeed, if regularisations encourage further immigration, as some argue they do, then a principal policy instrument employed in southern Europe runs counter to the EU policy frame and is determined largely by domestic factors.
This chapter also develops two other issues that have been discussed in earlier chapters. First, links between migration and security/insecurity as both a perceived threat to borders and to internal cohesion within these states. The politicisation of migration as a security problem has provoked ‘emergency’ responses with an emphasis on external frontier control and the co-option of neighbouring and sending countries into these control measures. Second, connections between international migration, foreign policy and ‘international migration relations’ as the conceptual and spatial widening of the migration issue affects politics within states and relations between states. This is not new, but as Sarah Collinson (2000: 316) puts it, international migration and its impact on southern Europe and the Mediterranean countries reflects ‘a new, more dynamic, geopolitical configuration, but also itself is playing a part in shaping that new configuration’.

Informality and irregularity

Economic informality and irregular migration connect southern European countries, although other factors are at work too. Russell King (2000: 8–12) develops a model that captures the dynamic context underpinning migration into southern European countries:

- Diversion effects initially contributed to immigration in southern European countries because of stricter controls in north western Europe since the mid-1970s.

- Southern European countries are accessible because of the centrality of cities such as Athens, Lisbon, Madrid and Rome to global communications networks. Many ‘illegals’ enter legally, as tourists for instance, and then over-stay, take employment when they don’t hold the appropriate permit, or fall foul of bureaucratic procedures.

- Colonial ties linking Italy, Portugal and Spain have underpinned some migration to these countries. That said, newer migration flows lack such strong political-historical structuring factors and have led to a multiplicity of national origins of migrants in southern Europe. An interesting feature of the 2001 Portuguese regularisation was that 33 per cent of the 76,000 people who had regularised their status by July 2001 were from the Ukraine. Portugal and the Ukraine can hardly be characterised as countries with close ties. The perception of Portugal as a country where it is relatively easy to live and work – and the communication and the transmission of such images within migration networks – has played a part in structuring this migration (Migration News, September 2001; Baganha, 2000).
• The rapid economic development of southern European countries has created labour market shortages. Moreover, the relatively large informal sector has created spaces for irregular migration.

• Domestic labour market changes have meant that immigrants (employed either formally or informally) are needed to do the jobs that native workers seem no longer willing to do. In Italy there are high levels of unemployment in the south, but southern Italians are less willing to move north or outside Italy in search of work. High unemployment can co-exist with immigration, which suggests dual labour markets with migrants inserted into those economic activities that native workers are less willing to do.

• A sharp demographic frontier has low-birth rate southern European countries on one side and high-birth rate North African countries on the other.

Economic informality is a key aspect of King's model. Economic informality can be defined as income earning activities that are not regulated by the state in situations where similar activities are regulated (Castells and Portes, 1989). A person can be employed on a building site or as a domestic worker either formally (taxes and social contributions paid) or informally (taxes and social contributions unpaid). Immigration did not cause informality. In the case of Italy, Reyneri (1998) argues that a heritage of informality has been linked to labour market rigidities, high labour costs, strict working regulations, low productivity growth, lax enforcement by public bodies, and low levels of social control, all of which lead to a tolerance of free riders. Mingione and Quassoli (2000: 32) argue that informality is 'an element of continuity in the mode of [Italian] national economic organisation'. Martinez Viega (1999: 105) makes a similar point in relation to Spain when arguing that 'informal employment' has 'revitalised old traditions'. The irony is that this occurs when immigration could be seen as indicative of Spain’s entry into a more advanced stage of capitalist development. Figure 7.1 illustrates the links between the constitutive markets of the economy.

Levels of informality are, of course, difficult to judge although some estimates – or to be more precise, ranges of estimates – can be provided that give an idea of the prevalence of informality as an economic form in southern Europe (see Table 7.1).

The advantages of informality and irregular migration arise from the trade-off between the lower costs for employers who avoid tax and social costs and for the migrants the opportunity to obtain employment and earn more than they would in their country of origin. For states the tolerance of some illegality can be less costly than strict controls and tight social regulation. Moreover, small and medium sized enterprises can have a more precarious cost base, depend on hiring and firing flexibility and thus benefit from the hiring of irregular workers. These can thrive if the
FIGURE 7.1 The constitutive markets of an economy
Source: Baganha, 2000: 176

<table>
<thead>
<tr>
<th>Country</th>
<th>Range of estimates (% GNP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>7–13</td>
</tr>
<tr>
<td>Germany</td>
<td>4–14</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5–14</td>
</tr>
<tr>
<td>France</td>
<td>4–14</td>
</tr>
<tr>
<td>Spain</td>
<td>10–23</td>
</tr>
<tr>
<td>Italy</td>
<td>10–26</td>
</tr>
<tr>
<td>Greece</td>
<td>29–35</td>
</tr>
</tbody>
</table>

Source: Reyneri, 2001: 22

workplace inspection system is lax. In some economic sectors such as construction, the household economy, agriculture and tourism there are particularly high levels of informality related at least in part to the continued demand for migrant workers and the difficult to regulate nature of these sectors.
The disadvantages of informality and irregularity can be listed under five headings (Jahn and Straubhaar, 1999):

- Informal workers are outside of the tax system, but use welfare state services.
- Informality can bring the state's regulatory capacity into disrepute.
- Irregular migrants jump the queue ahead of those who go through the proper channels. The fact that the regular channels can be a bureaucratic nightmare while there is a demand for migrant workers may also help explain irregular migration.
- Irregular migrants are pushed into areas of the economy where they are more open to abuse in terms of pay and work conditions.
- Irregular migrants can fall into the hands of traffickers who exploit the demand for admission by offering control-busting and risky entry into southern European countries.

The most commonly used mechanism to address irregularity has been regularisations. Table 7.2 provides data on regularisations in Greece, Italy, Portugal and Spain. Regularisations seek to manage the flow from the informal to the formal sector. The persistence of a pool of irregular migrants could encourage employers to switch activities to the informal sector. At the same time, frequent regularisations can encourage more irregular migration. To be effective regularisations need to at least have the impression of being one-off events. If regularisations are like buses – there'll
be another one along soon — then migrants can enter irregularly and be reasonably confident of regularising their status in the not too distant future.

Immigration policy

Southern European workers were, of course, an important component of the ‘reserve army’ of labour that fuelled post-war economic reconstruction in countries such as Belgium, France, Germany and Switzerland (Castles and Kosack, 1973). There were also important internal migrations within southern European countries. Italy stands out in this respect for the scale of the movement and also because it managed to create the category of illegal internal migrant. A fascist law of 1939 (repealed in 1961) sought to curb urbanisation, but meant that many of the hundreds of thousands of people that moved from the rural south to urban northern cities in the 1950s fell into the category of illegality. This further weakened their social and economic position (Ginsborg, 1990: 218–9).

Since the 1980s, southern European countries have become destination countries for international migrants even though, as Table 7.1 shows, the legally resident foreign population in these countries remains relatively small.

Four other issues need to be factored into the analysis. First, figures such as those above do not show irregular migrants. The numbers of people who have availed themselves of regularisation programmes gives some idea of the extent of irregular migration into southern European countries (see Table 7.2). Second is the diversity of the immigrant population: in 2000, Moroccans were the largest immigrant group in Italy, but constituted only 11.7 per cent of the legally resident foreign population. It
takes 14 different nationalities to arrive at 50 per cent of Italy’s foreign population (Caritas Roma, 2001). Third is the gendered character of migration into southern Europe: the labour market participation of male and female migrants differs markedly. Migration by women and their employment in the household economy (house cleaning, elderly care etc.) are important features of migration into southern Europe. Fourth, as Table 7.4 shows, the number of asylum seekers remains low.

One reason for the low number of asylum-seekers (around 28,500 in southern Europe in 2000) is that alternative migration routes are available. Migrants that in a country such as the UK would probably be classed as asylum-seekers are more likely to fall into the category of irregular immigrant in southern Europe. This is illustrated in the case of Italy when the top nine countries of origin of clandestine immigrants apprehended while trying to enter Italy in the southern provinces of Calabria and Puglia are considered. These are countries that don’t readily spring to mind when the words ‘safe countries of origin’ are uttered. It’s interesting that Afghanistan, Iraq and Turkey are all in the top-five origin countries for UK asylum-seekers (Home Office, 2001: 3).

The EU’s impact

What impact has the EU had on policy development? EU migration policies suggest an external influence on policy development derived from adherence to the requirements of ‘Schengenland’ and the normative expectation to restrict ‘unwanted’ immigration that goes with EU membership. Cornelius (1994) argues that immigration policy in Spain arose almost entirely as a result of EU pressures. Pastore (2001: 1) argues that
the links between Italian and EU policy are ‘systematic and profound’. Freeman (1995) and Baldwin-Edwards (1997) both argue that EU pressures have been a general feature of policy development in all southern European countries. Indeed, Baldwin-Edwards (1999) goes further when arguing that EU practices have been a major source of ‘wrong policy’ with misfit in both economic terms (migrants are still needed) and political terms (implementation problems). Southern European countries are expected to make the strong EU commitment to restriction a part of their domestic political priorities in line with their Treaty obligations. In the case of Italy, Zincone (1999) contends that the EU’s impact has been particularly noticeable on the ‘repressive’ aspects of policy such as external frontier controls. This was echoed in an interview with an Italian government minister in January 2001 who argued that the new Italian immigration law was needed to make sure that Italy stayed in line with EU requirements (Corriere della Sera, 2001).

If EU requirements are generally acknowledged as such a shaping force on policy development then what role does this leave for domestic political factors? Two common linking factors rooted in domestic contexts are economic informality and irregular migration. These in turn touch upon the more general question of state-society relations and suggest a domestic social and political dimension to these discussions. A number of analysts of southern European migration policy have also suggested ways in which domestic contexts also make a difference.

**Responses in Italy**

Migration by *clandestini* became a hot political issue after the election of Silvio Berlusconi’s right-wing coalition in 2001. The coalition contains the ‘post-Fascist’ *Alleanza Nazionale* and the populist *Lega Nord* that both take a hard-line anti-immigration stance, plus more centrist and Christian Democrat influences. The arrival of more than 900 *clandestini* in Catania in March 2002 prompted the *Lega Nord* leader and minister of institutional reform, Umberto Bossi, to demand their deportation. The President of the Republic, Carlo Azeglio Ciampi called on Italians to remember their own emigration history when considering the arrival of newcomers. The issue demonstrates the capacity of migration to strike at the often fragile Italian party system, to affect Italy’s relations with other EU member states, as well as with non-EU member states such as Turkey and the Lebanon that are seen as central to the people smuggling networks that can move Kurds across the Mediterranean to the EU.

Italian governments have adopted the key elements of EU policy and in 1998 joined Schengenland. To its chagrin, Italy was not a founder of Schengen because there were some doubts among the founding five members about Italy’s capacity to attain Schengen obligations. Italy became a full member of Schengen in March 1998. During the 1980s,
Italian immigration policy concentrated on legalising and regularising migrant flows rather than reducing them (Pugliese, 1998: 5–28). This laissez faire approach was called into question with the murder in 1989 of an immigrant in the southern region of Calabria, which led to a public outcry and calls that ‘something must be done’. The Martelli law of 1990 extended the right to asylum to include people from non-Soviet bloc countries and initiated a new regularisation. Other provisions were more repressive, such as the use of visas to limit migration flows from sending countries, increased emphasis on external frontier controls and provisions for increased deportations. The basic failing of the Martelli Law as identified by Reyneri (1998: 314) was that it failed to tackle irregular immigration – because Zincone (1999: 53) argues, trade unions and pro-migrant NGOs helped shape the law. The result was that the law sent out the message that Italy was relatively open to illegal immigration.

Attempts to manage policy were undermined by the arrival of large numbers of Albanians after 1990 with renewed flows after 1997. It was, however, difficult to legislate between 1992 and 1996 because of the political transition from the first to the second republic following the mani pulite (clean hands) corruption scandals of the early 1990s. A 1995 Decree introduced by the technocratic government of Lamberto Dini mainly dealt with expulsions and frontier controls. The Dini decree was renewed either in part or in full five times during 1995 and 1996 but never acquired the parliamentary approval necessary to become law.

The Turco-Napolitano law of 1998 introduced by the centre-left government maintained the repressive elements linked to Italy’s EU obligations through reinforced measures dealing with entry, residence and expulsions. Reception centres were introduced for irregular immigrants. The right-wing parties had wanted illegal entry to be classed as a crime. The left resisted this. Reception centres were a compromise and were open to significant regional variation in implementation. The more liberal elements of the Turco-Napolitano Law included provisions for the ‘sponsorship’ of new immigrants by Italian citizens, legally resident foreigners, regions, local administrations, unions and voluntary organisations. Sponsored migrants would be issued with a temporary permit. Provisions on family reunification were also broadened to include relatives of the ‘third degree’ such as uncles, aunts and great grandchildren. The law also established provisions for residence permits to be granted to prostitutes prepared to denounce pimps and people traffickers. Italy, Belgium and the Netherlands offer permits to women who denounce their pimps. The Italian authorities issued around 2000 permits on these grounds in 2000 and around 1500 pimps were identified (Migration News, September 2001).

The Berlusconi government introduced a new immigration law (Law 795) in 2001. The new law links work and residence permits in the form of a contratto di soggiorno. These permits will last only as long as the contract of employment. The new legislation also proposed that sponsorship be abolished. The length of time during which suspected illegal entrants
could be detained in reception centres was to be increased from 30 to 60 days. If undocumented migrants were arrested for a second time then they could face between six months and a year in prison. A third arrest could lead to between one and four years behind bars. The provisions on family reunification were also tightened. Only foreigners with work contracts would be able to back family members for admission. Finally, it was proposed that the period for the acquisition of permanent residence be increased from five to six years.

Along with the legislation there were proposals for regularisation of domestic workers because they had become central to the delivery of care to the elderly, for instance, in many Italian families. There was also a counter-mobilisation against the legislation that denounced what it called the racist legislation and capitalised on the fact that the government was fighting on many fronts, as well as having to deal with the management of a diverse coalition of governing parties. In January 2002 an estimated 100,000 people marched in Rome to protest against the legislation.

The main focus of immigration policy measures has been external controls. The Italian government has increased its spending on border controls, collaborated with other states on controls, accessed EU funds to develop schemes to enhance border controls, developed new control technologies, and reorganised its frontier police (Pastore, 2001). This still leaves open the issue of internal controls and what Sciortino (1999) calls the ‘Pandora’s box’ of state-society relations that could be opened if Italian governments attempted to tackle high levels of economic informality that provide the context for the economic incorporation of irregular migrants.

As has already been argued, implementation has an external dimension (external frontier controls and relations with sending states, for instance) and an internal dimension (regulation of society and the labour market, for instance). Jahn and Straubhaar’s (1999) analysis of the political economy of illegal immigration focuses on the ‘economic market’ for migrants and the ‘political market’ for regulation. If we accept this conceptualisation of the policy process – with some echoes of Freeman’s (1995) work – then debates about illegal immigration will centre not so much on the content of legislation, but on the extent to which it will be implemented as a result of balancing the interests of those who call for more migrants and those who call for tighter regulation. If this is the case, then some irregular migration will be tolerated because up to a certain point the costs of control outweigh the costs of illegal immigration. This could be seen as relevant, in the case of Italy, in the sense that well-entrenched informality and a continued demand for migrant workers impinge very directly on the political market for regulation in ways that could hinder the state’s ability to tackle economic informality. The internal controls necessary to tackle relatively high levels of informality could be politically costly because they would impinge on the lives of ordinary Italian citizens. As Sciortino (1999: 249) puts it: ‘To focus on internal control is to take a political risk’.
This gives us a slightly different take on Hollifield’s (2000b) argument that domestic ideas and institutions will constrain the control capacity of states and lead them to prefer external measures such as EU co-operation where these constraints are less pronounced. Hollifield’s reference point is France where state penetration of society is far deeper than in Italy. Yet, in Italy too ideas and institutions can inhibit control capacity, albeit as a result of a lower level of state penetration of society creating more space for informality and irregular migration.

Sciortino (1999: 256) also injects a note of healthy caution when considering the ‘crisis’ of control, which he links to unrealistic expectations and vicarious fears (of immigrant criminality and ensuing moral panic, for instance) rather than a structural feature of the real processes. At the same time, he acknowledges that the problem in Italy (and in other southern European countries too) remains the relatively weak internal controls, which point to the ‘special, well-entrenched mode of relationship between the Italian state and Italian society’. This is a theme that recurs when we explore responses in Greece, Portugal and Spain.

**Economic informality, irregular migration and strict controls in Greece**

Greece combines high levels of economic informality and irregular migration with stringent control legislation. For geographical reasons it is central to many of the people smuggling networks within the EU and on its borders. This is compounded by the sheer scale of Greece’s external frontiers that make control in the strict sense of the term well-nigh impossible. These high levels of informality and irregular migration are also coupled with public hostility towards migrants. The survey of attitudes towards minorities by the EU Monitoring Centre on Racism and Xenophobia suggested that Greek respondents had negative attitudes towards minorities that were above the EU average, were less willing to accept refugees, and linked migrants with economic competition and crime (EUMC, 2001: 12). Greek laws have been draconian. The 1991 Immigration Law made illegal immigration an offence punishable by between ten days and five years in jail. Yet, high levels of irregular migration persist. The numbers of irregular migrants were estimated at between 400,000 and 500,000 in the late-1990s, or around 10 per cent of the Greek labour force (Fakiolas, 2000). The large-scale presence of irregular migrants is coupled with a public intolerance of their presence in Greece.

There was some post Cold War ‘return migration’ by Pontian Greeks from the former USSR. A key issue has been migration from Albania. The militarisation of the Greek-Albanian border is redolent of the ‘border games’ played on the US-Mexican border – another border of poverty separating relative prosperity from high levels of deprivation (Andreas, 2000; King, Iosifides and Myrivili, 1998). Albanian migrants have been linked to crime and the stereotype of the criminal Albanian immigrant has
acquired resonance in social and political debate. It’s true that Albanians are more evident in police arrest figures and Albanian gangs have been evident in the smuggling of people, drugs and guns. That said, the high level of arrests of Albanians also reflects police targeting of areas with large Albanian populations and the fact that many Albanians are irregular immigrants and thus breaking Greek law because of this irregular status. In addition to this, there is a spatial concentration of the migrant population, many of whom live in Athens, which has become a prototype for the trends towards informalisation of work and the increased social inequality and restructuring of consumption into high-income and very low-income strata’ (Losifides and King, 1998).

For Linos (2002) the ‘puzzle’ is why Greek governments have continued to tolerate irregular migration when the public are intolerant of this irregularity? She argues that this toleration arises because the Greek ‘cartel’ party system with dominance by the Greek Socialist Party (PASOK) and some Conservative rule makes it difficult for challengers to break through, consolidates the dominance of the executive branch of government and allows the dominant parties to co-opt state institutions. The outcome is that the dominant parties become less dependent on voters’ preferences with the result that it is ‘possible to conduct unpopular policy with less fear of electoral loss’ (Linos, 2002: 20).

An important issue is whether it is the formally highly restrictive policies that are unpopular or whether the issue is the implementation of policy and the regulation of society. The immigration law introduced into the Greek parliament in 2000 maintained the highly restrictive basis of Greek immigration legislation. The Bill links work and residence in a way that seems destined to maintain high levels of irregularity, particularly because it increases the dependency of migrants on the workings of the Greek bureaucracy, which had major problems coping with the numbers of people who came forward in the first regularisation of 1998. The legislation was also controversial because it limited family reunion and access by irregular migrants and their children to essential public services such as health and education. The legislation failed to tackle many of the issues that arose from the 1998 regularisation. The 1998 regularisation allowed irregular migrants to apply for a temporary ‘white card’ permit and then for a more permanent ‘green card’. The green card process was riddled with bureaucratic obstacles and requirements that many migrants found impossible to fulfil. This led to calls for a second regularisation because of the numbers of people who managed to register with the Greek Organisation for the Employment of Human Resources, but did not manage to submit their application due to the onerous bureaucratic requirements. At the same time, a further regularisation may not improve the situation for those who arrived after the 1998 regularisation or cannot prove the number of years that they have been living in Greece. There is a continued demand for migrants and a large informal sector in which they can find work. Greek policy has, however, been harsh and unprotected
and social attitudes hostile (Lazaridis, 1996; Triandafyllidou, 2000). The result has been an inability and/or unwillingness to deal with the major administrative and political issues that concerted attempts at the regulation of economic informality would have for migrants and Greek citizens.

**Informality and irregularity in Portugal**

Portugal became an immigration country in the 1980s. It has attracted migrants from former colonies, as well as growing numbers from countries with which Portugal does not have strong ties, such as eastern European countries. In some respects, Portugal is an unlikely immigration country: it's relatively poor, has a low qualified work force, and low social security benefits. At the same time, the Portuguese economy is generating labour demands for both skilled and unskilled workers that immigrants meet. What is more, their economic insertion is taking place in both the formal and informal sectors (Baganha, 1998, 2000).

The centre-right coalition elected in March 2002 pledged a tougher line on immigration, but in doing so highlighted implementation issues that are central to southern European migration policy. Portugal is a Schengen state and was quick to put immigration legislation in place in the early 1980s. This was linked to the transition from authoritarian government, administrative modernisation and EU membership rather than to large-scale immigration at that time. Two new laws in 1993 brought Portuguese law into line with Schengen obligations and illustrate the ways in which formal policy developments have been influenced by EU obligations.

Why does Portugal have relatively high levels of informality? Research suggests that it is relatively easy to live and work in Portugal without the necessary permits and that this will continue so long as ‘existing government agencies maintain their traditional inefficiency in controlling labour’ (Baganha, 1998: 276). There is little stigma attached to informal work and sometimes even the state can be an informal employer. The result is that the informal economy is an integral part of the Portuguese national economy. The economic insertion of migrant workers is also gendered with men tending to work in sectors such as construction and building while the economic participation of female migrants is directed towards sectors of the household economy. Around 65 per cent of the immigrant population live in the metropolitan area of Lisbon.

The formal adherence to EU requirements has also been accompanied by regularisations, which are driven by domestic priorities. In 2001, Portugal launched a new regularisation programme, which by August 2001 had seen 90,700 work permits issued. Around 30 per cent of those regularised were Ukrainians. The numbers of people regularised could cause us to reflect on the idea of ‘fortress Europe’. There has been continued large-scale migration into southern Europe despite the introduction of restrictive immigration legislation. But these issues of enforcement and
implementation raise other questions that relate to state capacity, as well as to expectations about the role of the state. Baganha (2000) argues that there is less expectation in Portugal that the state will be able to regulate society. State-avoidance can be more common, which suggests a different mode of state-society relations: that the social, economic and political costs of regulation can be high and that they relate more generally to social control.

From low to higher intensity immigration politics in Spain

Spain too became an immigration country in the 1980s and joined the EU in 1986. In a Financial Times article in October 2000 it was argued that the Spanish ‘melting pot’ was beginning to bubble. By this was meant that immigration was becoming a hotter political issue with important implications for what Arango (2000: 247) argues had been a ‘low intensity, low tension model of immigration in the 1990s’. Spain had adopted a fairly liberal policy approach. In 1991, for instance, it recognised that it was a country of immigration. This becomes more startling when it is borne in mind that it had barely become one, while other longer-standing countries of immigration such as Germany could not at that time bring themselves to admit this. Spain has followed a similar pattern to other southern European countries, in the sense that it has brought its immigration and asylum legislation into line with that of other EU member states and thus accords with the practical and normative pre-disposition to restrict, which is the hallmark of this policy.

The accordance with EU requirements was seen as the driving force behind immigration policy development (Cornelius, 1994). Arango (2000) also identifies the EU’s role on policy development. Yet, as already discussed, the EU frame tends to impinge most directly on external frontier controls rather than to open the ‘Pandora’s box’ of internal controls and state-society relations.

Between 1985 and 2000 the number of immigrants in Spain increased fourfold. The legislative frame was put in place very early. Arango (2000: 267) linked the 1984 Asylum Law to more general administrative modernisation because there were very few asylum-seekers in Spain at that time. The rules of the game for the entry, admission, residence and work of non-EU foreigners was regulated by the 1985 Ley de Extranjeria (Foreigners Law). As Solé et al. (1998: 339) argue, the effect of the legislation was to create ‘the legal category of “immigrant”, which in turn created the category of “illegal” immigrant because most immigrants were unable to regularise their situation’.

The 1985 law created three routes into Spain. First, applying for a visa from abroad with evidence of a job offer. The application would be made to the Spanish consulate in the country of origin and then passed to the
Spanish Foreign Ministry. The Foreign Ministry would then forward the application to the Ministry of Labour and Social Security, which would request a report from its office in the province where the migrant proposed to work. For the permit to be issued the investigating authorities would have to be satisfied that there were no Spaniards or EU nationals capable of doing the job. Second, Spain has employed a quota system for new migrants. Third, regularisations ushered irregular migrants from the informal to the formal economy.

Spain has also experienced political mobilisation around the immigration issue both on the pro- and anti-side of the debate. There was, for instance, a strong element of anti-immigration sentiment in the response to the murder of a 26 year old woman in the town of El Ejido by a young man identified by witnesses as being of Maghrebi origin. The monitor of Spanish public opinion provided by the Centre for Sociological Research shows that the immigration issue had acquired increased salience. The number of respondents that included immigration as one of the two or three most important issues in Spain rose from 6.7 per cent in September 2000 to 31.1 per cent in February 2001 before dropping back to 9.9 per cent in December 2001 (CIS Barometro surveys 2001). There were also much-publicised tensions in the summer of 2001 in the small village of Las Pedroneras where 2000 undocumented migrants arrived in a village of 5000 people in pursuit of around 700 garlic picking jobs (Migration News, September 2001). At the same time, there has been a pro-migrant counter-mobilisation. Arango (2000: 267) argues that this can be connected with a civic associational culture linked with Spain’s transition from authoritarian government to liberal democracy ‘characterised by a wide espousal of the universalistic and progressive values associated with democracy’ as articulated by trade unions and by NGOs.

Legislation promulgated in early 2000 had been criticised for encouraging illegal immigration because it gave undocumented migrants access to health and education and also to political rights such as union membership. This legislation was approved at the time when the centre-right Partido Popular (PP) lacked an absolute majority in Parliament. The result was that the PP relied on the support of other parties such as the Catalan nationalists who heavily influenced the shape of the legislation with the result that the PP ended up with more liberal legislation than it had wanted.

The legislation was then changed in a more restrictive direction when the PP won an absolute majority in the 2000 general election. The subsequent immigration law of August 2000 removed the rights of irregular migrants to union membership, the right to association, to demonstrate and to go on strike. The new law also sought to increase the numbers of expulsions, which directly threatened the 30,000 or so people that had been denied regularisation in 2000. The prospect of deportation led 700 irregular immigrants to go on hunger strike. The left, trade unions and pro-migrants NGOs mobilised in support of the hunger strikers in ways
that were redolent of support for the *sans papiers* in France. In August 2001, the Spanish government announced that irregular immigrants who can prove that they have been working in Spain since January 2000 can obtain legal residency. In future it is planned that a quota system based on labour market needs will regulate flows.

**Migration and foreign policy**

Spain is also interesting because policy developments indicate links between migration and foreign policy. Movement by people from one state to another does, of course, affect politics within and between states. What is new is the changed geo-political configuration, the altered perceptions of security, migration's entry into the realm of 'high politics', and the impact of European integration. Spain has seen its relations with Mediterranean states as a foreign policy opportunity which could allow Spain to 'co-operate as a first division European country, and by doing so, facilitate its eventual ascent into the lead group of EU countries' (Gillespie, 1996: 195). Spain has been a leading player in co-operation organised within the Barcelona Process that involves the 15 EU member states and 12 Mediterranean states. Since 2000 the Barcelona Process has evolved to include Justice and Home Affairs issues. Spain has also negotiated bilateral agreements with north African countries that provide for the return of irregular migrants. The agreement signed with Morocco on July 25 2001 sets an annual quota of between 10,000 and 20,000 immigrants and provides that irregular migrants can be returned within 72 hours. The Spanish government was dissatisfied with the agreement because it applied mainly to labour issues and they had wanted to include policing. By the end of 2001 the agreement had still not been implemented because of a major disagreement between the Spanish and Moroccan governments about the western Sahara. This led the Moroccan ambassador to Spain to be absent from Madrid for much of 2001 (Gillespie, 2002). The problem with regulating the flow is that Spain and Morocco are separated by only 14 km at their nearest point. More than 50,000 Moroccans were returned in the first seven months of 2001 compared to 11,000 in the whole of 2000 (*Migration News*, September 2001).

Spain has not been alone in seeking agreements with sending countries. Italy has negotiated an agreement with Albania (as well as north African and Baltic states). In 1997 the Italian government was even able to send Italian naval vessels into Albanian territorial waters in an effort to prevent boats full of would-be migrants departing for Italy. Italy has also participated in the Central European Initiative through which it co-operates with Austria and 14 central and east European countries on illegal immigration, terrorism and cross-border crime.
Greece too has particular concerns because it is at the hub of people smuggling and trafficking networks. In November 2001, Greece and Turkey signed an agreement that will allow Greece to send back illegal immigrants that entered the country through Turkey within 14 days of their arrival. International migration relations between the two countries had become tense. In September 2000, the Greek authorities arrested 1200 Turks accused of being involved in people smuggling and of charging up to $1000 per person for illegal entry to Greece. On December 3 2001 the Greek authorities forcibly returned 34 of a group of 89 Afghans and Iraqi Kurds to Turkey without allowing them to apply for asylum. Amnesty International expressed the concern that these people could then be forcibly returned to their countries of origin where they might face serious violations of their human rights.

To sum up, southern European countries have all adopted their national legislation to account for EU requirements. This has led to increased emphasis on external frontier control and an increased capacity to control these external frontiers, as well as an increased willingness to expel illegal immigrants (and establish agreements with third countries to facilitate these expulsions). The EU has provided a policy frame that heavily influenced the repressive elements of southern European policy with the accompanying normative disposition to restrict. There is, of course, the lingering counterfactual: would these countries have done these things anyway if it had not been for the EU? The development of immigration and asylum policy could be explained as part of more general administrative modernisation (although here too the impact of EU membership plays a part) or as a response to immigration that would have occurred with or without EU membership (although the EU has provided the frame for adaptation). In formal terms, there is a reasonable 'goodness of fit' between EU objectives and domestic policies and institutions centred on control of external frontiers. If we turn our attention to the issues of economic informality and irregular migration then we see more divergence. A key feature of migration into southern Europe has been the economic insertion of migrant workers in the informal sector. The response to this – regularisations – runs counter to the restrictive objectives of EU policy if they lead to further irregular migration in expectation of the next regularisation. Yet, to tackle informality and irregularity has implications for state-society relations that go far beyond the immigration issue. Indeed, as is shown in the next section, informality and irregularity also have implications for immigrant policies in southern European countries.

**Immigrant policies**

The typical reference points for debates about immigrant integration tend to be the nation state and national society (Favell, 2001). European countries
have conceptualised the integration of immigrants in relation to the
distinct institutional settings provided by these nation states. The typical
response in older immigration countries has been an attempt to 'nationalise'
migrant populations in relation to prevailing institutions and the
ideas that animate those institutions. This also assumes the sovereign
capacity of these states to realise this 'integration' and the supposition
that facilitating institutions such as the welfare state are central to this
project.

Catch-up or exceptionalism?

Are southern European countries following the approach adopted in older
immigration countries? These nation states and national societies face
pressures from European integration and more general pressures arising
from the internationalisation of economic and political life. There are also
significant regional variations within southern European countries. The
EU's impact on immigrant integration was until the late 1990s very limited,
although this is likely to change when the June 2000 directives on race
equality and on direct and indirect discrimination in the workplace are
incorporated into national laws.

There's another issue too, and one that relates to the discussion of eco-
nomic informality and irregularity discussed above. We have so far taken
our point of reference to be European states where the state's penetration
of society (in social democratic welfare states, for example, or highly
organised societies) is at a fairly high level. What form do debates about
immigrant integration take when the state's penetration of society is
not at such a high level, where state avoidance, lax enforcement and free-
riding are more prevalent, and where expectations of the role of the state
and its capacity to 'deliver' benefits for its citizens are not as deeply
embedded?

There is a temporal element at work linked to the fact these are relatively
new immigration countries. Debates tend to centre on day-to-day issues
associated with first generation immigrants, such as housing and employ-
ment. There has been less attention paid to cultural rights and identity or
on participation in formal political institutions, although these debates do
exist and are likely to become more central in years to come as permanent
settlement leads to the formation of ethnic minority communities.

As we have already seen, informality and irregularity have played a
key role in social responses to migration. Irregular migration has implica-
tions for external frontier controls, but also for internal social controls. The
irregular status of many immigrants leaves them in a structurally weak
position that fundamentally affects their relations with the institutions of
receiving societies, mediates their welfare state inclusion and exclusion,
and has played an important part, for instance, in the social construction
of the 'immigrant criminal' (Quassoli, 2002).
Another key variable that relates closely to the integration of immigrants is the organisation of the welfare state. It has been argued that there is a southern European welfare state model derived from a combination of occupationalism (a maintenance system) with universalism (health care system) that is not found in other parts of Europe (Ferrera, 1996). Because of relatively low levels of coverage there can be a reliance on non-state institutions such as voluntary organisations, as well as moral obligations within the family that particularly fall on women. For instance, Saraceno (1994) argues that the Italian ‘familialist’ welfare system is based on the perception of the family as unit of income and resources with women having a primary responsibility in the provision of care. In addition to this, informality leads to high levels of tax evasion and also to state avoidance strategies. This can lead us to think about the relationship between state and society and the implications for migrants that these types of welfare system and the levels of informality that co-exist alongside them can have.

In her analysis of the social rights of migrants in Portugal Maria Baganha (2000) argues that the problems for migrants are the immediate questions of poor housing, low welfare state protection, high levels of informality, the role played by the Catholic church and voluntary organisations, as well as significant regional variations. But these are not issues that are confined to migrants. They also affect Portuguese citizens and have implications for state-society relations and the perception of citizenship as a process and thus as more than just a formal status. Baganha argues that part of the problem in Portugal is that Portuguese citizens have not ‘internalised’ their own social rights in the sense that they tend to view the state as unreliable and to take their own social protection measures and engage in state avoidance strategies. Baganha then argues that if Portuguese citizens have not internalised their own social citizenship then there may not be an expectation that similar rights be extended to migrants. Informality thus has implications both for state-society relations and for citizenship as a process of inclusion. It demonstrates that we need to consider the characteristics of the local, regional and national units that mediate inclusion and exclusion and their relationship in southern Europe to irregularity and informality.

In Italy as in other southern European countries there has been a remarkable local divergence because much of the responsibility for dealing with migrants falls on towns and cities that can be more or less well equipped to deal with these issues. In Italy, Zincone (1999) argues that the diversity of the response had the beneficial effect of allowing a thousand flowers to bloom and for some of the better ideas from the periphery to inform practices at the centre. Yet there was little funding to support these plans. The brightest of bright ideas are likely to lose some of their brilliance if there is no money to actually implement them.

The Spanish government published a ‘Plan for the social integration of foreigners’ in 1994, but this was a statement of good intentions rather than a practical plan of action. There was little political mobilisation around
immigration in the 1990s – although there were mobilisations against the August 2000 immigration law – and debate that the most direct struggles concern the day-to-day issues of housing and employment. It’s then argued that migrant groups have adopted different responses to Spanish society and institutions:

- Concealment and minimisation of differences.
- A double link based on transnational ties allowing people to survive in the receiving country and be equipped to return home some time in the future.
- The creation of ghettos with limited contacts outside of the family and community of co-nationals.
- Pluralised insertion with mobilisation for equal rights (Solé et al. 1998: 343–4).

Across southern Europe, as in Spain, the main concerns have centred on the immediate issues that face first generation immigrants. Legally resident immigrants are extended rights of denizenship with usually the same formal workplace and welfare state rights as nationals. Irregular migrants are in a more precarious position with regards to the social and political institutions of the receiving society. In Italy the 1995 Dini decree extended access to emergency health care, the treatment of serious accidents and free preventative medicines to irregular migrants. Greece, however, has taken a very tough line in trying to deny access to basic public services to irregular migrants. In Italy, the 1998 Turco-Napolitano law extended the right to free public health care to include the children of irregular migrants. The Turco-Napolitano law also proposed to extend local voting rights to legally resident foreigners, although this was ruled unconstitutional by the Legal Office of the National Assembly and the plans dropped. The January 2000 immigration law in Spain also extended workplace rights to migrants such as the right to join a trade union and strike, although these provisions were removed in the August 2000 legislation.

The role of the Catholic Church has been important in migration into Catholic countries such as Italy, Portugal and Spain. The Catholic Church has acted as a kind of employment agency for Catholic migrants. Many of the women from south and central America and from the Philippines that have found work in the household economy moved within migration networks with a strong Catholic Church influence.

The religious identity of immigrants has been a subject that has caused some concern and became much polemised in Italy following the September 11 2001 terrorist attacks on New York (most notably in Fallaci, 2001). Loyalty and disloyalty were much debated, as was the position of Islam in Italian society, particularly following the arrests of suspected
militants at the Islamic Cultural Centre in Milan. As in other European countries, it has been difficult to find an authentic voice for the diverse community of Muslims in Italy. This has two effects. It makes it more difficult to co-opt. It also means that the most extreme voices can emerge as falsely representative of Muslims.

Immigration and crime

Another key issue has been the issue of ‘immigrant criminality’, which, in turn, is linked to the ‘immigrant-irregular-marginal-criminal’ construction (Quassoli, 2001). In Greece, the perception of the Albanian criminal has had a powerful influence on debates about immigration, on perceptions of security/insecurity, and on public hostility to immigrants. Albanians in Greece do figure higher in arrest figures, and the activities of Albanian gangs have caused concern, but the arrest figures are distorted by the targeting of areas where Albanians live and the fact that many Albanians are illegal immigrants, which is an offence in Greece. This is not to say that immigrants don’t commit crimes, but that the irregularity and marginality of migrants are closely linked to the construction of immigrant criminality.

In Italy too there are strong perceptions of immigrant criminality. According to the EUMC, 72 per cent of Italian respondents perceive immigrants as being more disposed to criminality than Italians. But what are the components of this social construction of immigrant criminality as a source of insecurity? To answer this requires analysis of the social position of migrants, of which their participation in the informal economy is a key element, and the perception of migrants by the legal and judicial process. In these terms, we account for both the structural weakness of the migrants’ position and for the ‘cognitive and moral dimensions’ that inform the work of the legal and judicial process. These can also become entangled with judgements about migrants’ cultural, ethnic or national traits (Quassoli, 2001: 150–1).

Insertion in the informal economy has been seen as contributing in a crucial way to the perception of ‘immigrant criminality’. In the Italian courts, a key variable used to explain deviance or normalcy is whether the migrant has a regular job. As Quassoli (2001: 153) argues ‘The coupling of normalcy and formal employment plays a key role in the evaluation of the defendant’s personality and the circumstances under which the crime took place. Thus their legal status and their integration in the formal and informal labour markets determine the position of migrants vis-à-vis the courts’. Similar factors are also at work in other southern European countries because of the high levels of economic informality and the associated structural weaknesses that this can lead to for migrants when engaging with the forces of law and order in the societies in which they live.
Conclusion

This chapter's analysis of southern Europe has demonstrated the importance of examining the categorisation of migrants and the ability of institutions and organisations to shape understandings of migration and migrants. Migration policy issues have centred on both external and internal policy dimensions, but with a particular focus on irregular migrants and economic informality. Informality and irregularity have important implications for immigration and immigrant policies, but these categories are not just synonyms for 'backwardness' in the sense that southern European countries are more open to migration than northern European countries. Southern Europe is proximate to areas from which there are migration pressures, there is demand for migrant workers, while the area is closer to some of the world's trouble spots. The point is that migrants can be viewed differently in southern Europe— as illegals, rather than say as asylum seekers in older immigration countries— and processed in different social and political contexts.

The persistence of irregular migration could be attributed to the absence of effective external controls and a lack of fit with EU policy. In these terms, we could suppose that the EU's impact on law and policy in southern European countries has been limited. This perception would be mistaken. Southern European countries have adapted to the restrictive elements of EU policy, which have focused on external controls, with the result that legislation in southern European countries accords with that in other member states. There is, of course, the point that perhaps southern European countries would have developed such policies anyway irrespective of the EU's influence because of increased immigration since the 1980s, but this is not a particularly convincing argument. The policy frame provided by the EU has had a decisive influence on the 'repressive' elements of policy in these countries. The EU was also a more general pressure for administrative modernisation in Greece, Portugal and Spain. In addition to this, we can also see attempts to externalise these controls and forge closer links between migration and security that are also prevailing features of the EU response.

The adherence to EU policy is, though, only part of the story. These external controls also need to be considered alongside internal controls. It is here that informality and irregularity suggest some divergence with an EU model predicated on external and internal control and in turn, it could be argued, that makes assumptions about the organisation of society and the regulatory capacity of member states. Southern European countries are not as highly organised, the penetration of society by state institutions is at a lower level, while expectations about the state's role differ. Moreover, a key feature of the policy response in southern Europe—the frequent use of regularisations— has been largely governed by domestic responses to economic informality and irregularity than by EU policy.
Irregularity and informality also impinge on the issue of immigrant integration. If we take older immigration countries as a reference when discussing immigrant integration, then we tend to bring with us other elements of the conceptual baggage derived from highly organised societies, coupled with citizens' expectations about state capacity. This implicit reference to older immigration countries doesn't work quite so well in southern European countries where state-society relations are configured differently and where state capacity and, equally importantly, expectations about state capacity can differ. These points are developed more fully in the following chapter which explores responses in central and eastern European countries that are not yet EU members, but whose migration policy development have been largely driven by the obligations of future EU membership.