

Introduction: theoretical framework and plan of the book

This book is about a group of topics – irregular migration, migration control and the effects of migration – that has gained great prominence among the policy concerns in First World countries. But it is also one over which much confusion prevails. Concepts such as ‘illegal immigrant’, ‘economic migration’, ‘bogus asylum seeker’ and even ‘global terrorist’ have entered debates, often without clear definition, research evidence or careful analysis. Nowhere is this more obviously the case than in the UK, where a series of ‘moral panics’ about asylum seeking peaked in the early days of September 2001, with media stories about people from Afghanistan, Iraq and Somalia ‘storming the Channel Tunnel’. When these, in turn, were driven off the front pages by the attacks on the World Trade Centre and the Pentagon in the USA, the Home Secretary immediately announced a plan to improve internal security through identity cards, and an overhaul of the asylum system.

The events of 11 September 2001 prompted a reappraisal of an emerging consensus in Europe around migration control. Institutions that had evolved in response to the worldwide rise in asylum seeking in the 1990s were being reconciled with the need for new recruitment, in response to skills shortages, bottlenecks in the supply of unskilled labour, and demographic imbalances. The crisis over terrorism and security added a dimension to the task of designing a multipurpose system.

So there are certain fundamental tensions at the heart of all attempts to manage the movement of population in today’s world. Business is transnational, and so increasingly are the lives of those who strike its deals, transact its processes, market its products and research its outcomes. But politics is still national, despite the emergence of supranational institutions and international organisations of many kinds. Hence, international business demands unimpeded movement of people across borders, but nation states, which give priority to the security and protection of their citizens, and to competition with other states, need border controls. Taking account of wars, internal conflict, persecution of minorities and now global terrorism, the dilemmas are self-evident.

This book aims to provide a theoretical framework for the analysis of transnational migration, and the policy issues at stake for the UK and other

European Union (EU) member states. It draws on our research, conducted between 1996 and 2001, on people working in the UK without proper immigration status, on the organisations that support refugees and immigrants, and on immigration control agencies and the public services. It also draws on parallel studies of immigrant workers and control agencies in Germany and other EU countries. Since the mid-1980s (Ardill and Cross, 1987) ours has been, as far as we are aware, the first study to be carried out in the UK on this group of related topics.

Both economic migration and asylum seeking have been important parts of a long history of population movements into, through and out of Europe. By no means have all of these involved migrations by poor people, or from poorer countries to richer ones. At many times, those who moved were skilled workers, responding to demand for their services in expanding cities or regions (Sassen, 1996, pp. 23–5). During forced migrations, as a result of wars or persecution, it was usually better-educated and better-off people who managed to move. The mass migration of refugees after the Second World War made a significant contribution to Europe's postwar growth (Kindleberger, 1967). The relationship between economic migration and asylum seeking has changed over time, but both have been perceived as positive for receiving countries in certain periods.

Accelerated movement of people between countries is intrinsic to a period of world economic development in which transnational exchanges of all kinds are growing more rapidly than production itself (Grimwade, 1989, ch. 2); indeed this is what is meant by 'globalisation' (Held and McGrew, 1994). Most of such movements take place within the immigration categories of tourism, study or business visits, and the policies of European governments promote and facilitate them. Neither these, nor longer-term transfers of staff between branches of transnational companies or international organisations, are seen by governments as problematic. Indeed they are perceived as responses to a reduction in the barriers to transnational exchanges, from which all benefit.

THE SIGNIFICANCE OF MOBILITY

The model of the world economy that underpins all these developments asserts that openness increases efficiency, promotes growth and allows poorer regions to catch up with richer ones. It is based on a simplified version of economic life, focused on production and exchange, in which movements of people, like movements of capital, overcome local surpluses and scarcities in the supply of productive resources. 'In a world with no national borders and no limits to the internationally free movement of labour, migration is welfare improving for the world as a whole' (Straubhaar, 2000, p. 17).

Since this is the model that has driven most of the changes in the world's economic institutions in the past 20 years, we might expect the barriers to migration, like those to trade and capital movements, to be coming down, leading to a new international regime of free mobility for all people. In fact, there has been a growth in border crossings, but there has also been – especially in Europe – a tightening of the rules restricting residence of people from outside one country (or group of countries, such as the EU). By definition, this means that there has been an increase in irregular migration. More mobility plus more restrictions equals more breaches of migration law.

The reasons why states limit migration can be traced to factors not taken into account by the simplified model of the world economy. In the real world, some people own capital and others do not, some have many skills and others few. In addition, there are collective goods, shared between populations of a locality or a state. Gains from mobility are not equally spread between individuals and groups – there are losers as well as winners. Just as individuals choose to move only when it is to their advantage, so states try to reserve the benefits of mobility for their citizens, and to avoid the costs. In a globalised economic environment, inequalities have increased, because some individuals have been able to make enormous gains from greater mobility, and some states have followed successful strategies over attracting productive resources and skills, and protecting public infrastructures.

Migration rules reflect political struggles, both between those individuals and groups who have gained advantages from greater mobility and those who have lost out, and between states over how to maximise gains and minimise losses for their citizens. People who break migration rules must therefore be seen as acting, both individually and collectively, to deal with the consequences of these struggles on their lives.

These responses form part of a wider social phenomenon, now closely studied by geographers, sociologists and anthropologists, and referred to as 'transnationalism', 'transnational communities' and 'globalisation from below' (Portes, 1998; Smith and Guarnizo, 1998). This research acknowledges that the present unrestrained form of capitalism – 'turbo-capitalism' (Luttwak, 1999) – erodes all social formations, but draws attention to the new economic activities and social networks that now straddle political boundaries. These follow the logic of capitalism itself, but allow their participants alternative ways to adapt to its destructive consequences. 'Transnationalism' is a concept that embraces an enormous diversity of relationships (Vertovec and Cohen, 1999; Vertovec, 2001) and 'social spaces' (Faist, 1999), including entrepreneurial initiatives, informal exchanges and resistance movements. Common themes are sustained ties across borders, and adaptation to global economic conditions.

Our aim in this book is to relate this rich and detailed literature – to which our study of irregular migrants in London in Parts II and III makes a contribu-

tion – to economic theory of mobility and to policy studies and political theory on migration. Irregular migration is a part of the emergence of transnational communities, but transnationalism itself must be understood within a broader analysis of how individuals and groups respond to globalisation (Kennedy and Roudometof, 2001) – moving between communities, forming and joining associations, clubs and networks. More generally, it raises the question of whether such movements across jurisdictions and among groups represents an alternative to collective action and political participation within them. In particular, when millions of individuals from countries that are poor and oppressive arrive in countries that are relatively rich and free, does this constitute a kind of claim for justice? And what does it tell us about the relative payoffs for democratic activity and for ‘voting with the feet’ under the new world order that has prevailed since the end of the Cold War in 1989?

Asylum seeking is the most visible and politically sensitive aspect of transnationalism. As globalisation proceeds, opportunities for migration grow. Improved transport, communication links and commercial exchanges provide the pathways for movements of people. Most migrants travel in disguise, as the very business people, tourists and students who make capitalism’s routine journeys. Saskia Sassen pointed out that migration flows follow the reverse path of foreign direct investment; migration to the USA in the 1970s and 1980s was from exactly those countries in which the USA invested most, in both export-processing zones and export-orientated agriculture (Sassen, 1988). Irregular migration uses the covert ‘weapons of the weak’ (Scott, 1985) to evade states’ barriers against those who (because of the colour of the skin or the poverty of their countries of origin) have not been selected for recruitment. ‘In a world of winners and losers, the losers do not simply disappear, they seek somewhere else to go’ (Stalker, 2000, p. 2).

MOBILITY AND MEMBERSHIP

Our analysis starts from the idea that *mobility* is fundamental to the microeconomics of production and exchange on which the world’s economic system is based, but this is in tension with ideas of *membership* on which the economics of welfare and distributive justice is founded. This tension was disguised in the postwar period, when the notions that societies corresponded to economic systems, and that members were linked together in reciprocal relationships within such systems, could be credibly sustained. In an integrated world economy, the nation state is notoriously less able to implement redistributive policies for the sake of justice, because of the threat that citizens will move their savings out of the country, and firms will choose not to

invest in it. Politicians who favour markets, and those who espouse 'Third Way' versions of social democracy, are keen to remind their electorates of these constraints, in order to discourage them from making claims through collective action.

If free trade and unrestricted mobility are potentially welfare-enhancing for the world as a whole, it should, in principle, be possible to establish global regimes to distribute these benefits fairly. These might be seen as the counterparts to the institutions under which trade and capital movements have been liberalised now – the World Trade Organisation (WTO) – and to the agreements struck, such as the recent General Agreement on Trade in Services (GATS). The main objectives would be to set up systems through which the 'externalities' from increased mobility (positive or negative effects of actions on other people, for which the actors themselves do not have to pay) were adjusted, losers were compensated, and – above all – polarisation of welfare, through cumulative gains or losses of advantage, was prevented (Straubhaar, 2000).

In the real world, however, no such international institutions yet exist, and the tendency is for greater mobility to undermine national systems of solidarity among citizens, making groups such as unskilled workers more vulnerable to competition from their counterparts in lower-wage economies, through the penetration of cheaper imports from abroad. So there are strong incentives for states to try to capture the gains from mobility, by attracting not only international capital to complement their labour forces, but also mobile, high-skilled migrant workers, who can boost the productivity of their most advanced sectors. This can lead to a 'brain drain' from developing countries (Bhagwati and Wilson, 1989), which would far rather promote the migration of their surpluses of less-skilled workers. Hence, instead of promoting greater equality within the world economy, the policies of states can produce polarisation and a cycle of disadvantage for the weaker economies.

Furthermore, this polarisation process operates also within states, through competition between local authorities and regions. From the perspective of individuals and households, each jurisdiction represents a system of membership, in which the price of collective infrastructural goods (everything from local leisure amenities to public transport systems, schools and hospitals) is signalled by the cost of housing plus the local rate of taxation. Mobile individuals go in search of the most attractive bundle of collective goods they can afford, treating these local authorities as 'clubs' (Buchanan, 1965). Within these, members seek to share most advantageously with chosen others, and to distance themselves from fellow citizens with whom it would be more costly to share, because of their needs and disadvantages.

Public choice theorists have argued that this allows mobility to provide the counterpart to consumer sovereignty in markets for the public sector of eco-

conomic life. The democratic justification is that such choices stem from the preferences of individuals, voting with their feet by moving to those local authorities whose tax rates and mix of services fit their particular incomes and tastes. The attraction of this approach for national governments is that it is claimed to 'tame the Leviathan' of government spending and official controls (Oates, 1972, 1985), by creating active, informed citizens, who take responsibility for their own welfare, rather than looking to the state for protection

However, this approach has contributed to and reinforced the tendency of First World societies, and especially the USA and UK, to polarise into districts containing residents of similar incomes and tastes (it is largely intended to do so), and in particular to create least-favoured neighbourhoods with concentrations of poor residents and social problems. Such citizens have access to more-favoured districts only for menial employment (as cleaners, cooks, refuse collectors, odd-jobbers, servants or carers), or for opportunistic informal activity and crime. In a parallel way, those who leave the poorer states in the world system, and who follow the pathways of globalisation, come to the First World as the invisible service sector staff of global cities (Sassen, 1991). Despite their often superior education and employment experience, they arrive to fill these roles as tourists or students, by clandestine channels or, in the last resort, as asylum seekers and refugees. The polarisation of First World societies, and the marginalisation of many minority ethnic residents, facilitates those processes, allowing irregular migrants who perform useful service roles a discreet anonymity in their host societies.

Hence, the concepts of 'irregular migration' and 'economic migrants' need to be defined and elaborated within a model of mobility in an integrated world economy; but citizenship as exclusive membership needs, in turn, to be analysed as containing elements of mobility within and between states. Systems for the management of migration are increasingly concerned with facilitating those forms of economic migration (intra-firm transfers and foreign recruitment, as well as business-related visits) that are required for the smooth functioning of global production and exchange, but blocking those not specifically required.

The dimension added by global terrorism cuts across this distinction. As far as can be ascertained, the people who hijacked the commercial airlines and flew them into the twin towers and the Pentagon were *legal* immigrants to the USA. Their occupations, as technicians and computer experts, or students of these subjects, made them typical of the recruits that are being sought by US and European firms. Several had spent time in Germany as students. Instead of being part of the underground of clandestine migration, or the closely supervised processes of humanitarian protection, they followed the legitimate channels of the global economy, and used its everyday instruments against it.

ECONOMIC MIGRATION

Irregular migration is generally assumed to have economic motivation; it is seen as a response to some combination of incentives through higher potential earnings and access to collective benefits and services. But economic migration is only irregular when it is in violation of border controls, and border controls have political as well as economic justifications. Hence, the analysis of irregular migration is inseparable from the evaluation of fairly complex economic and political arguments for various kinds of controls and restrictions on the transnational movement of people.

Our adoption of an economic approach as our primary framework for the book is in line with the recent shift, both in theoretical debates and in government policy deliberations in Europe, towards a more positive assessment of economic migration. As shown in Chapter 2, the highly restrictive approach to border control policies in the EU and its member states in the 1990s is giving way to cautious relaxation, especially in relation to certain kinds of labour-market recruitment. In the UK, where economic migration was officially associated with 'bogus' asylum seeking as late as 1998, government ministers have been speaking of the benefits of economic migration (Roche, 2000, 2001).

Both the activity of international capitalist corporations and the adaptations of transnational networks offer economic opportunities and incentives for irregular migrants, arising from the differentials of advantage created by state boundaries. Although stemming from impoverishment and the decay of institutional structures in their countries of origin, individual decisions to migrate are prompted by demand for labour in First World economies, and especially for supplies of adaptable and mobile low-wage labour (Portes and Guarnizo, 1990; Portes, 1996, 1998), in agriculture and domestic service, catering and garment 'sweatshop' work.

Although transnationalism and transnational communities represent responses to these common conditions under globalisation, the actual social relations in these networks, including those between irregular migrants, are extremely varied. Our empirical study of undocumented workers in London, and the reactions of host society organisations to them, reveals how differently migrants from Brazil, Poland and Turkey explained their reasons for coming, interpreted their experiences, and interacted with each other and with UK institutions. It also shows how asylum seeking is embedded in complex ways in the linkages and structures of transnational entrepreneurship, informal economic activity and the shadow labour markets of the host economy.

It may be helpful at this point to summarise the main themes and questions explored in the book, and how they are located within the text.

THEMES OF THE BOOK

1. Mobility of labour is a key element in the achievement of efficient allocations of resources through markets. From the perspective of the global economy (and global efficiency) migration across borders is simply a form of labour mobility. Yet theories of trade suggest that national economies can most efficiently specialise in production, with different ratios of capital and labour. If trade is taken into account, is it possible to reach reliable conclusions about the economic consequences of migration? (Chapters 1, 9 and 10)
2. Political units are territorial, and attempt to develop their land to its most efficient productive capacity, and to optimise distributions between members of their communities. Can the economics of welfare within political units, seeking advantage in competition with other units, be reconciled with global efficiency in production and exchange? (Chapters 1, 3, 8 and 10)
3. The opportunity and the freedom to choose in which community to live and work are key principles, both in the economics of labour markets, and in liberal theories of political justice. They are also important in public choice theory on the efficient allocation of collective goods. Are these principles compatible with national border controls? (Chapters 1, 2, 3, 6 and 10)
4. Migrants have incentives to cross borders without proper status because of global and regional inequalities of income. It is often better-educated and better-qualified people who migrate, yet the work they take is unskilled. Are there ways of channelling economic migration more efficiently? (Chapters 4, 5 and 9)
5. Welfare systems (including systems for humanitarian protection) distort economic incentives for migration in various ways, and allow governments to justify border controls. Welfare provision for asylum seekers cannot be insulated from irregular economic activity. Which institutions can promote labour-market flexibility, yet provide appropriate and effective public services? (Chapters 3, 5 and 8)
6. Irregular migration occurs because border controls restrict entry. Can border controls be justified in any version of global distributive justice? (Chapter 10)

PLAN OF THE BOOK

In Part I of the book, we present our overall framework for the analysis of irregular migration and migration control systems. The key concepts are

mobility and membership. We argue that the presence of irregular migrants from the Second and Third Worlds in affluent First World countries exposes an unresolved issue in economic theory and that the economics of production and exchange knows no boundaries or borders, while the economics of welfare is about distributions among finite membership groups. It also reveals the limits of orthodox political theory of justice, which concern roles and resources in a society, conceived as a system of economic co-operation. Globalisation, which intrinsically involves accelerated mobility of people across borders, accentuates the shortcomings of both economic and political theory in these respects.

As we have already suggested, the influence of public choice theory on public policy, in the USA and the UK particularly, both clarifies the problems and highlights these deficiencies. In principle, mainstream public choice theorists can fill this gap in economic and political theory by supplying a self-regulating model of mobility and membership. Just as an invisible hand moves market actors towards optimal allocations for purposes of efficiency, so some similarly benevolent force propels them between jurisdictions, to form membership groups around collective services. The task of deciding how to regulate this process of choice through mobility, and membership based on voting with the feet, becomes a largely technical exercise, much like the task of regulating market exchanges. However, no such comprehensive theory, capable of providing a basis for migration management regimes, is yet available from this source. This is not surprising, given the preoccupations with national identity and 'race' that have dominated immigration laws and regulations of the First World states.

In Chapter 1 we set out these issues in economic theory, and the dilemmas they pose for governments, hitherto concerned mainly with managing ethnic diversity and 'race relations'. In Chapter 2 we introduce the current policy background in the European Union, the way that migration management systems have been evolving and how these relate to labour supply and welfare policies. In Chapter 3 we consider the working of labour markets, and their relation to unemployment, poverty and social exclusion. Throughout Part I of the book irregular migration is analysed as an aspect of mobility, both within and between states, and understood both as a consequence of new attempts to improve economic efficiency, and as a challenge to new versions of social justice.

In Part II we use the UK as a case study of these processes. Drawing on our empirical research, we examine why migrants who have spent time in London as undocumented workers chose to come here in the first place, how they survived and what they planned to do in future. What our research reveals is that the motives for and justifications of irregular migration are diverse, and that they vary between the migrants' countries of origin. We studied people

from Brazil, Poland and Turkey, three very different societies without strong historical links to the UK (though there is a postwar refugee community from Poland, and a concentration of immigrants from northern Cyprus and from Turkey in north-east London). What all these migrants had in common was the fact that they were rather well-educated, hardworking and motivated to improve their lives. What almost all of them were doing was working in occupations which were well below those indicated by their education and previous work experience – mainly in textile factories, or in cafés and restaurants, or cleaning houses, or in construction.

What distinguished them was therefore not what they did but the kind of justifications they gave for their irregular activities. The great majority of them had entered the country and stayed legally, and their only immigration offence was to work without proper status. Others had decided to stay and work only when their visas had expired. They challenged the immigration rules, and their implicit grounding in notions of global justice, in three broad ways. The first was to claim a right to visit the UK to study and gain work experience, in order to return to their home countries with improved c.v.s; this would allow them better chances in the labour market. Most of those who made this claim were Brazilians. The second was to argue for rights to work, earn and save, in order to provide essential items (houses, cars, the funds for businesses) on their return. Poles and other Brazilians considered that they should have this right, as participants in a global economy where their chances of doing this at home were almost zero. The third was to claim political freedoms that were absent in their home countries. Nearly all the migrants from Turkey challenged the restrictiveness of systems for granting asylum applications with such claims, and argued that they were only working in breach of the regulations because these were designed to reinforce restrictions, yet at the same time supply cheap labour under exploitative conditions.

In Chapter 4 we set out in detail the migrant interviewees' accounts of why they came to London, in terms of these three justificatory arguments. In Chapter 5 we go on to analyse the consequences of their actions, and the strategies they used for survival in the UK. Here we show that irregular migration in the present context of a deregulated labour market and large shadow economy of very low-paid work has adverse consequences for the migrants themselves, and for the host society. Whichever of the three main justifications for coming they deploy, they risked becoming trapped within the world of shadow employment, and those who wanted to return were usually forced to stay longer than they planned.

In Chapter 6 we turn to the response of organisations that support immigrants and refugees to these issues around irregular migration. Here we show that they have developed strategies and structures which were shaped by two

main issues – the discrimination against black and Asian immigrants in the UK's laws and policies, and the restrictiveness of decisions on asylum. Thus, although their practice put them in frequent touch with undocumented migrant workers, issues around work were seldom directly addressed. This meant that many groups of irregular migrants have little representation; indeed, migrants from Poland and Brazil were hardly ever in contact with such organisations, though those from Turkey were (as asylum seekers) far more likely to be represented, and to be members of cultural or political associations in London. But this greater involvement served to integrate them into situations of disadvantage and exclusion, within under-resourced 'communities of fate'.

In Part III of the book we analyse the response of the host society's institutions to the presence of irregular migrants, whose basic strategy was to disguise themselves as members of minority ethnic groups, and to make themselves inconspicuously useful in low-paid shadow-economy roles. What distinguishes the UK from other EU states is the less-regulated, more 'flexible', nature of the labour market, and the ease with which such migrants can get employment and accommodation on arrival. Internal controls, identity checks and systems of registration are all much lower key or absent, in comparison with Continental states. There is also a stronger culture of anti-discriminatory practice in public services, which makes it easier for irregular migrants to assimilate to minority groups.

In Chapter 7 we investigate the operation of those systems for control that act within the country, to enforce the immigration rules. These were based on a small unit in the Home Office's Immigration and Nationality Directorate (IND), the Immigration Service Enforcement Directorate (ISED). We show how the ISED's operations depended on co-operation with the police and the fraud investigation service of the Benefits Agency. However, not only was this co-operation fragile; undocumented work was also a low priority for the service, whose main targets were asylum overstayers. This was in line with long-standing government policies, directed primarily at limiting black and Asian immigration.

Other public services were suspicious of or hostile to the IND, and tried to practise in a way that combated racial discrimination. In Chapter 8 we show how staff in health, education and community services offered explanations of their practice, which precluded co-operation with the enforcement of immigration rules, for these reasons. However, welfare provision for asylum seekers was – even before the Immigration and Asylum Act of 1999 – already minimal and deterrent. Irregular migrants' accounts indicated that they were able to get health service treatment and – in some cases – education for children. But, despite the efforts made by public service staff on their behalf, welfare provision largely served to consolidate their disadvantaged economic

role, while probably further weakening the overstretched infrastructures of these poverty-stricken neighbourhoods.

In Chapter 9 we briefly review developments in the recruitment of foreign labour under work permits. This has been expanding, and is promised to develop further, in the other EU states as well as in the UK. From interviews with work permit holders, we show that this process distinguishes their pay and conditions strongly from those of irregular migrants, and raises questions about how these differences can be justified. We consider the possible future modification of rules restricting economic migration, and new measures for absorbing some irregular migrants into the workforce, in the light of the UK's broader long-term strategy in the world economy.

In the final chapter of the book, we return to the theme of global justice, and the challenge to notions based on membership that is posed by migration. The right to choose in which community to live and work is fundamental to liberal democratic versions of distributive justice. Within such polities, other rights to welfare benefits and services, and other systems for economic management, have to be reconciled with this entitlement of individuals. Political communities protect their versions of distributive justice when they fear the destabilising influence of unrestricted entry. But the present threat lies chiefly in a globalised economic environment in which the 'exit option' has become a principal means by which individuals seek to improve their welfare. We argue that the pursuit of a better balance between exit, voice and loyalty (Hirschman, 1970) in political communities worldwide is more consistent with principles of justice than border controls.

This has already been an issue in the EU, as it has taken in new and poorer members from the periphery; and it is again an issue with the enlargement to include the former communist states of Central and Eastern Europe. Free movement within the EU has had to be balanced by measures that give populations good reasons to remain in their countries of origin, because their security and welfare is adequately protected. It is this approach that is likely to provide viable long-term solutions to issues of irregular migration.