
Controlling Migration in southern Europe (Part 1): Fencing Strategies (ARI)

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Theme: Reducing irregular migration cannot be achieved by tougher border controls only, as shown by the experiences of Italy, Spain and Greece.

Summary: Dealing with irregular migration has emerged as a policy priority at both the national and the EU level, although EU countries are not all affected by this phenomenon in the same way. Countries at the geographical periphery of the Union, and, in particular, southern EU member states that are close to important migration source and transit countries, face significant inflows from their land and sea borders.

This ARI discusses critically the policies adopted by different countries in southern Europe (Italy, Spain and Greece) for managing irregular migration, with a view to showing that reducing irregular migration cannot be achieved by tougher border controls only. Discourses of politicians and the media in announcing ‘floods’ or ‘waves’ of irregular migrants crossing the EU’s external borders and, on the basis of these ‘floods’, considering or indeed approving tougher border enforcement measures as the main means to effectively combat irregular migration need to be questioned by voters as well as by experts.

Analysis:

Dimensions of Migration Control

Reducing irregular migration requires a comprehensive migration policy regime that brings together both border controls and lateral enforcement mechanisms, within a country and outside its borders. In order to better analyse regimes for the control of irregular migration, we can make two sets of distinctions that are useful for understanding policy choices (Vogel, 2000). The first distinction is to be made between external and internal migration policies: external migration policies are those directed at potential migrants outside the regulating state and at the border, while internal migration policies are those which concern migrants who are already inside the nation’s borders.

Secondly, irregular migration control policies can be distinguished on the basis of whether they follow a ‘fencing’ or a ‘gate-keeping’ strategy: gate-keeping strategies aim at restricting practical legal access to a nation and its institutions, while fencing measures actively target illegal migrants in order to arrest and then expel them. Typically, gate-

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keeping involves paper controls of people who seek to enter a country or who come voluntarily forward, while fencing involves detecting persons in hiding and trying to deter/stop those who seek to enter without appropriate authorisation.

This paper argues that the success of external fencing activities (upper right sector of Table 1 below) is largely overestimated in public and political discussions, while their functioning is highly dependent on the other three sectors in the figure. In this short paper I shall discuss the external fencing policies of Greece, Italy and Spain with a view to establishing what has worked and what has not in terms of border management in them. These three countries find themselves at the geographical periphery of Europe and neighbour –with sometimes the mediation of water– important migrant transit and origin countries. These three countries also share a general culture of tolerance towards irregularity, and host large shadow economies which, though they preceded the phenomenon of large scale migration, have also operated as important pull factors for it and have been further fuelled by it (Baldwin Edwards, 2001). The gate-keeping policies and practices in these same countries and how fencing and gate-keeping strategies are combined, is discussed in Part 2 of this paper.

Figure 1. Dimensions of Migration-Control Regimes

	Gate-keeping	Fencing
External control policies	<ul style="list-style-type: none"> • Visa procedures • Carrier sanctions • Paper controls at ports of entry (land border or sea border or airports) • Procedures to deal with asylum at the border • Cooperation with countries of origin and transit to prevent irregular migration 	<ul style="list-style-type: none"> • Border controls outside ports of entry, at land or sea • Cooperation with transit or origin countries for readmission and expulsion procedures
Internal control policies	<ul style="list-style-type: none"> • Regularisation of illegal status • Asylum procedures within the country's territory • Labour market checks and controls of access to welfare and other services 	<ul style="list-style-type: none"> • Internal controls at public places, detention, deportation and other procedures to enforce return

Source: the author on the basis of Vogel (2000, p. 397).

Fencing Strategies in Southern Europe

Italy, Spain and Greece, the three Mediterranean borders of the EU, are disproportionately affected by irregular crossings at their land and sea borders compared with other major EU immigrant destinations like Germany, the UK or the Netherlands, which are geographically situated much farther from migration source and transit countries. Irregular frontier crossing was important as a source of migration in the 1990s for all three countries. Spain was mainly affected by irregular entries through the Gibraltar strait, mainly of Moroccans, while Italy and Greece experienced massive inflows of Albanian citizens through the Otranto strait (Italy) and through the Epirus mountains (Greece). All three countries have intensified their border controls in these 'hot' areas and have actively pursued the cooperation of the neighbouring source countries, albeit with varied results.

In Spain, after the deployment of the SIVE (*Sistema Integrado de Vigilancia Exterior*) –a sophisticated surveillance electronic mechanism initiated in 1999 and since then expanded to cover the southern coast of Spain and the Gibraltar strait and, more recently, the Canary Islands– and the beginning of effective collaboration with Morocco regarding

its nationals, irregular entry from Morocco was greatly reduced, while boats were systematically detected and their passengers returned to Morocco (González Enríquez, 2008; Carling, 2007).

Greece set up a special corps of Border Guards in 1998, particularly to tackle irregular migration through the mountainous Greek-Albanian border. During the 1990s, especially, people crossed on foot (with or without the assistance of smugglers) or were smuggled by speed-boats through the Ionian Sea to the north-western Greek coastline and the island of Corfu. The Border Guards naturally also helped to patrol the northern land borders connecting northern Greece with Bulgaria, the Former Yugoslav Republic of Macedonia (FYROM) and Turkey, which at the time were also prominent avenues for irregular migrant inflows (Antonopoulos & Winterdyk, 2006, p. 453).

Italy also intensified the patrolling of its sea border with Albania in 1997 through the operation *Operazione Polizia Interforze* for the patrolling of the Otranto straits and the dismantling of smugglers' networks involved in preparing crews and speed-boats for illegal night crossings (Martin, Martin & Pastore, 2002).

During the last decade, all three countries have been faced with persisting problems related to the management of their borders. The focal points of migration pressures however have shifted somewhat. Thus, for Spain, unlawful entry has become the main challenge for effective policing of the sea borders, with special reference to the Canary Islands. Until 2004, the Moroccan authorities refused to re-admit irregular migrants apprehended at the Spanish border coming from Morocco unless they were its own nationals. However, under pressure from the EU, the Moroccan government accepted to re-admit sub-Saharan Africans to its territory with a view to then returning them to their countries of origin. Morocco also restricted its visa allowances for sub-Saharan African countries under pressure from Spain, so as to reduce transit migration through the country (Carling 2007).

This has had an impact on the border-crossing strategies of people from sub-Saharan Africa who initially left Africa from Mauritania, and later, when Mauritania started to cooperate with EU/Spanish border forces, from Senegal and the Ivory Coast, using the Canary Islands as a transit point. Indeed, the year 2006 was a 'crisis' year with around 30,000 apprehensions of irregular migrants (data from the Spanish Ministry of the Interior data cited in Arango & Finotelli, 2008).

It is interesting to note that while sea-border patrolling and the related FRONTEX¹ operation in the Atlantic Ocean in 2006 did not have substantial results (Triandafyllidou, 2007), the Spanish government's diplomatic 'offensive' in West Africa did. Thus, during the last two years Spain has managed to sign re-admission agreements with Cape Verde, Mali, Guinea Conakry, Guinea Bissau and Nigeria and varied forms of cooperation agreements with other states in the region, with the result of a notable improvement in border management and hence a notable decrease of irregular arrivals from Africa (González Enríquez, 2009). Apprehensions of irregular migrants arriving at the Canary Islands have fallen from over 30,000 in 2006 to approximately 12,000 in 2007 (data from the Spanish Ministry of the Interior cited in Arango & Finotelli, 2008). This decrease is to

¹ European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), see also <http://www.frontex.europa.eu/>.

some extent attributable to the intensification of sea-border patrols and joint FRONTEX operations in the area which led migrants and smugglers to try alternative routes.

Border surveillance and controls would not have been effective if Spain had not managed to enlist the cooperation of Morocco, primarily, and several western African countries further south, in re-admitting their nationals. Thus, while during the period 2002-04 less than one third of the expulsion orders issued were executed, the rate rose to 92% in 2007 (Spanish Interior Ministry, 2008, cited in González Enríquez, 2009). Though Moroccans are over-represented among those expelled, Latin Americans and Asians remain under-represented because their removal costs much more money (around €7,000 for a Chinese national and €4,000 for an Ecuadorean, compared with €2,000 for a Senegalese and much less for a Moroccan, according to the *Cuerpo Nacional de Policía*, as cited in *El País*, 27/VI/2004).

Over the past few years, the most prominent irregular migration route for Greece is the one that goes through Turkey. While irregular border crossings and related apprehensions along the Greek-Albanian border account for a large part of total annual apprehensions (around 60% of all apprehensions in 2006, 2007 and 2008), these irregular flows are seen as less of a problem by the Greek authorities. The reason for this is probably that the efficiency rate for successfully executed deportations/arrests is much higher for Albanian and other European nationals (approximately 67% in 2006, 62% in 2007 and 58% in 2008) in comparison to the rate for people from Asian countries (nearly 4% being actually deported in 2006, 3% in 2007 and less than 2% in 2008) or from African countries (approximately 16% of those arrested being deported in 2006, 8% in 2007 and 5% in 2008).²

Irregular migrants that come via Turkey usually cross the narrow straits that divide the Turkish coast from several of the Greek islands in the Aegean (eg, Mytilini, Samos, Chios and Leros) or the Evros river on the north-eastern part of the border in Thrace, through the use of small boats. Vessels carrying migrants from Egypt to Crete is another route (Maroukis, 2008). The setting up of the Greek Border Guard forces and the intensification of the coastguard patrols after 1998 made it more difficult for migrants to enter Greece without help by organised networks or at least by what in US literature have been called *coyotes* –individuals who help people pass an unguarded border unlawfully–.

During the last decade there has been an increase in the numbers of irregular migrants coming from Asia, Africa and the Middle East and heading to either Greece or using Greece as a stepping-stone in their efforts to reach another European country. Indeed, some of the irregular migrants entering Greece are then smuggled to Italy (hiding in ferries) or come through Albania (hiding in trucks) or again by plane (using fake ID documents). Indeed, traffic towards Italy is intensive and during the past couple of years the western Greek port of Patras has become a hub of such traffic. More typical, however, is the case of irregular migrants who, after being apprehended at the Greek border and given an expulsion order, then continue their journey to Athens and join relations or co-nationals in the informal labour market (Papadopoulou, 2004).

² The data cited here were provided by the Ministry of Interior to the UNHCR Athens office, upon special request and then provided to the author by the UNHCR office. Percentages refer to people 'arrested to be deported' and not to total number of apprehensions.

While investment in human resources and technical means has increased in Greece in 2007 and 2008³ and FRONTEX operations have taken place in the Aegean sea and at the northern Greek borders, it is unclear whether border controls have become more effective in reducing irregular migration. According to data released by the Ministry of Interior (at our request) on 5 April 2009, apprehensions of illegally staying or entering aliens have risen from 66,000 in 2005 to 95,000 in 2006 (32,000 of which in the mainland), to around 112,000 in 2007 (30,000 in the mainland) and finally to approximately 145,000 in 2008 (54,000 of which in the mainland).

However, during the same years, the number of expulsion orders executed did not rise significantly. In 2005 there were 21,000 expulsion orders executed, in 2006 and 2007 only 17,000 and in 2008 approximately 20,000. Thus, while in 2005 overall executed expulsion orders accounted for about one third of apprehensions, in 2008 the general effectiveness rate (expelled/apprehended) had fallen to approximately 13%. Although the overall effectiveness rate has overall decreased, there are wide disparities in the effectiveness rates by region of origin. Thus, as noted above, more than half of irregular entrants who are citizens of a Balkan or Eastern European country are actually removed, while people from Asian and African countries of origin are only very rarely deported.

Part of this lack of effectiveness in deporting inadmissible aliens from Asian and African states relates to the lack of cooperation on the part of Turkey, which is the main transit country of irregular migration towards Greece along the east-to-west route. Turkey has consistently refused to implement the Re-Admission Protocol signed between the two countries in 2002. During the period 2002-08, Greece has requested the re-admission of more than 50,000 people. Only 2,278 of them have been actually re-admitted by Turkey (*Kathimerini*, 19/VII/2009, p. 8). By contrast, cooperation between Greece and Albania on this matter has been relatively smooth and relations between the two countries have generally improved.

Greece is currently (2009) in the process of signing re-admission agreements (according to a TV statement by the Deputy Minister of Maritime Trade and the Aegean Sea on 6 July 2009 on the Alter TV channel) with other source countries but it is too early to comment on these agreements and their implementation.

As far as Italy is concerned, the critical entry channels include the Italian-Slovenian border, which is mainly crossed by Eastern European citizens, but also by migrants who come from Central Asia, the Middle East, the Indian sub-continent and East Asia, and the Italian-French border through which African migrants arrive, after having entered Spain and travelled through Spain and France. In addition, migrants land on the shores of eastern and southern Italy travelling by boat either from the former Yugoslavia and Albania or from North Africa. In recent years, the unauthorised inflows from the Balkan area have substantially fallen –following the gradual stabilisation of the area and the increasing efforts of joint sea-patrolling by Italy and Albania– while those from Africa, and from Libya in particular, have sharply increased. These latter flows are composed of migrants from North Africa (Morocco, Libya, Algeria, Tunisia and Egypt) but also from sub-Saharan Africa and from the Horn of Africa (Fasani, 2008).

³ The country is reported (*Athens News*, 22/VI/2009) to have received €13.7 million from the European Border Fund in 2008 to bolster its coast guard fleet and to hire additional border patrol guards at the northern border.

During the last few years, the main irregular migrant entry channel to Italy has been the crossing from Tunisia and Libya to Sicily and Lampedusa. There, sea patrols appear less effective because when boats carrying irregular migrants are detected they are too close to Italian shores and hence have to be brought into harbour. Moreover, there is a controversy between Italy and Malta as to the patrolling of the larger sea area south of Malta and south of Italy. The Italian authorities have accused their Maltese counterparts of not guarding Italian sea waters effectively (Mainwaring, 2008).

Italy's cooperation with Tunisia and Libya has intensified over the last few years despite rising concerns about the lawfulness of the Italian government's re-admission practices. The Italian government was vehemently criticised at the beginning of 2009 for organising charter flights of sub-Saharan Africans to Libya without ensuring the conditions of their treatment and further re-admission to their countries of origin (Pastore & Trincerri, 2008). Despite the harsh tactics of the Berlusconi government (which had also cooperated in deportations by charter flight to Libya during its previous mandate in 2002-06) the passage from Libya to Italy appears to remain the preferred route for sub-Saharan African irregular migrants, compared with the Canary Islands or the Gibraltar strait, from which entries have been sharply reduced.

Although the 2002-06 Berlusconi Administration has been characterised by an increasingly restrictive immigration policy, this policy does not seem to have been more efficient in terms of effectively detecting and removing irregular aliens. While the number of people apprehended within Italy has substantially increased, the expulsion rate has fallen from 37% to 20% in 2006 (Pastore, 2008).

Thus, there is an apparent contradiction in both Greece and Italy, where more intensive border controls are not matched with an increased efficiency in removing irregular aliens, as has happened in Spain. Our analysis shows that apprehending people at the border does not make much sense if the authorities are unable to process cases, including giving a fair hearing to possible asylum applications, and deport inadmissible aliens. In sum, fencing policies alone cannot deal with irregular migration effectively.

Conclusion: Border controls attract the public eye but do not manage to tame the flows, especially given that once irregular migrants arrive in a country they are often non-deportable because their identity cannot be established. Moreover, when the source or transit countries from which they come do not cooperate, returning the migrants to their countries of origin becomes virtually impossible, so that the only thing to do is set them free after a prolonged period of police detention, as occurs in Spain, Italy and Greece. Thus, irregular migrants continue their journey to the informal labour markets and migrant networks of these countries, or some country further west and north in the EU. Moreover, the conditions of arrest and detention when illegally crossing a border raise important human rights issues if the emphasis is put on controlling migration without due attention to human dignity and the possible protection needs of asylum-seekers. As the Greek experience has shown in the last couple of years (Pro Asyl, 2007; Triandafyllidou & Marouf, 2008), there is a risk that border controls are costly, ineffective and violate the human rights of irregular entrants.

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