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Migration policies and irregular migration into Europe

A review of the current
knowledge base

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Summary

This short report reviews current knowledge on irregular migration between Africa and Europe, and European policy measures used to regulate this migration flow. We focus on migration policy measures that aim to shape potential migrants' aspirations or opportunities for migration, as opposed to the more traditional migration policies linked to border controls, return policies and asylum. Such policies are often implemented beyond the EU, in partnership with or delegated to non-member states, NGOs or international organisation, in what scholars often refer to as the external dimension of EU migration policies. We give particular attention to the migration flows from Morocco to Spain along the Western Mediterranean route, where nationalities that are rarely granted asylum under the current asylum practises in Europe dominate.

Irregular migration between Africa and Europe

In the formulation of migration policies it is common to distinguish between legal migration on one hand, and irregular migration on the other. In academic literature, however, this distinction between legal and irregular migration is less apparent. This might reflect the more fluid relationship many migrants have to irregularity, where some move in and out of regular and irregular statuses during a journey and stay abroad.

There are four main findings in the literature on migration from Africa to Europe that are particularly relevant importance to the development of migration policy, and that we wish to emphasise here;

- The number of migrants who arrive irregularly in Europe from Africa has steadily increased over recent decades. This growth in numbers of migrants can largely be accounted for by the population growth rate on the African continent; the number of migrants who go to Europe as a share of the total population has remained stable, or even gone down in most African countries in recent decades.
- Among the African migrants that are staying irregularly in Europe today, it is likely that most arrive by sea and enter the country irregularly, although some studies contest this finding, as we detail in the report.
- A substantial proportion of the migrants who arrive in Europe by irregular means, and stay and work irregularly for a period, are able to obtain a work permit and a legal right of residency within a few years. However, some never get documents allowing them to live and work legally in Europe, but still intend to keep living in Europe long term.
- A majority of irregular migrants in Europe report that life as an irregular migrant in Europe is better compared with the life they had in their country of origin, not only in terms of the economic conditions under which they live, but also in terms of social relations, emotional wellbeing and personal security. This tendency for irregular migrants to report that their conditions of life improve upon moving to Europe, is easily overlooked when their conditions of life and work in Europe are

described relative to the conditions of life and work of the majority population, and not relative to what they left behind in their country of origin.

Policies addressing irregular migration

In this report, we describe three types of policy measures that aim to reduce irregular migration, and review current knowledge on their effectiveness. These are policies addressing *root causes of migration*, policies addressing *pull factors for migration*, and deterrence policies aiming to reduce *opportunities to migrate* by making migration more difficult.

Policies that address *root causes and push factors* often aim to reduce poverty and underdevelopment, as these are assumed to increase people's motivation to migrate. There is, however, no simple linear link between economic development and emigration, neither on the level of the individual nor on the level of the country, and we identify a broad agreement in the literature that poverty-reduction policies are most likely *not* going to reduce migration aspirations in poorer societies. However, this literature rarely looks specifically at how poverty reduction influences *how* people migrate, or on their likelihood of migrating irregularly.

European migration policies are increasingly addressing *pull factors* in the shape of labour market opportunities that tempt potential migrants to go to Europe irregularly. Several European countries rely on cheap flexible irregular workers in certain sectors of the economy, and many migrants who enter Europe irregularly come with an aim of entering the informal labour markets in Europe. Although these pull factors have long been overlooked in migration policy debates, they are now increasingly put on the agenda, for instance with the European Employers Sanctions Directive from 2009. The directive is explicitly framed as a tool to reduce the pull factors of irregular migration and represents a change of focus from criminalizing the workers for working illegally, to criminalizing the employers hiring irregular workers. However, there is large variation between European governments in how this directive is implemented, and in some countries both controls and sanctions are too weak to have an effect on employers' behaviour. European governments also often engage in information campaigns that aim to change the knowledge the potential migrant gains about opportunities in Europe, thus reducing *the pull on irregular migrants*. We identify little evidence that a substantial part of the irregular migrants who come to Europe are significantly misinformed about the conditions of life for irregular migrants in Europe, nor that potential migrants are likely to trust in information campaigns over information conveyed through personal networks. As we detail in the report, there are numerous methodological challenges associated with assessing how realistic migrants' expectations are before they leave for Europe.

The migration policies that receive the most attention and economic resources tend to be those aimed at reducing *opportunities* for reaching Europe without legal documents. Policies aiming to reduce opportunities for migration across the Western Mediterranean route have gradually been introduced over the last 20 years, following Spain's entry into the Schengen cooperation. Following the rise of irregular arrivals by sea, interceptions at sea expanded, and border management infrastructure and capacity has greatly expanded in cooperation between Moroccan and European governments. Current knowledge suggests that strengthened border controls, interceptions at sea, and externalization of migration policy through cooperation with transit countries for irregular migrants most likely contribute to keeping the numbers of irregular migrants low, although the evidence of their effectiveness along one route should be contextualized with opportunities opening or closing elsewhere. However,

research also shows that some of the deterrence policies come with a substantial humanitarian cost.

Meanwhile, the migrants who are able to cross into Europe are often able to improve their conditions of life substantially, whether they seek work in the informal labour market, or are able to access a regularized status through marriage or asylum. For many, the potential gains on the other side will make it worthwhile to take the risks of crossing the Mediterranean, in spite of deterrence policies that aim to make it even more difficult to cross irregularly. A better understanding among policymakers of the push and pull factors that make the migrants willing to take these risks, could potentially inspire a more humane, but still effective, migration policy.

1 Introduction

This short report reviews current knowledge on irregular migration between Africa and Europe, and the policy measures used to regulate this migration flow. We examine relevant research with an aim to identify areas of general consensus and discuss the extent to which this knowledge is reflected in current migration policies. Migration policies have traditionally had two main functions: to identify and stop migrants without valid travel documents at the border and to remove migrants from the territory of a state if they do not have the necessary documents giving them right to stay. Border control and return policies are still the cornerstones of European migration policies, but over the last decades, *indirect* means of migration control that address factors expected to shape potential migrants' aspirations or opportunities for migration have increasingly become a feature (Pécoud 2010). Such indirect migration policy measures are often linked to initiatives and policies beyond the EU and can be implemented in partnership with or delegated to non-member states, NGOs or international organisations. This involvement of third party actors and governments is often referred to as the *externalisation* of EU migration policies (Lemberg-Pedersen 2019). These indirect or externalised dimensions of European migration policies are our main focus in this report. Furthermore, as our main interest is in the migrants who enter Europe without concrete opportunities for immediate regularisation, and thus will stay illegally in Europe for a period of time, we give particular attention to the migration flows from Morocco to Spain along the Western Mediterranean route, where nationalities that are rarely granted asylum under the current asylum practises in Europe dominate.

In this report, we describe three types of policy measures that are implemented to regulate migration. These are policies addressing *root causes of migration*, policies addressing *pull factors for migration*, and deterrence policies aiming to reduce *opportunities to migrate* by making migration more difficult. Some of these policies target irregular migration specifically, others target migration and migrants in general. We ask what effects these policies can be expected to have on regulating migration flows and the extent to which they can pose challenges in terms of legal and humanitarian ideals and commitments. Policies on immigration and integration can also be adapted with an aim of shaping migration flows (for instance hoping to make it more or less attractive to choose a particular country). The role of policies of immigration and integration will, however, not be a central topic here.

We start out with a short discussion of the core concepts of irregular migrants and irregular migration, followed by a description of our methodology for the review and a discussion of some methodological challenges for research on irregular migration. The second chapter describes patterns and changes in irregular migration from Africa to Europe. Chapters three through five discuss the different types of migration policies that aim to regulate the immigration of irregular migrants through indirect means, by shaping desires and opportunities for migration. Finally, in chapter six, we summarise our review and suggest avenues for future research.

1.1 Irregular migrants and irregular migration

Irregular migrants are migrants who stay in a country without legal permission to do so. Some will have entered the country illegally and without valid documents (i.e. engaging in irregular migration) while others enter with a valid visa that they subsequently overstay. Some migrants¹ may enter a country irregularly and shortly after arrival be granted asylum or gain regularisation through other means. This latter group is not our primary interest. In this review, we focus on migrants who come to Europe with an intention of staying irregularly for some time. However, there is no easy way to distinguish between migrants that can, or intend to, gain regularised status in Europe and those who cannot. Among the migrants who enter Europe irregularly, many have an ambition of being regularised through asylum, work or marriage, and some are able to secure such regularisation after a few years in Europe, even if it is far from certain if and how this should be secured when they set out on their journey (Van Meeteren, Engbersen, and Van San 2009).

1.2 The relationship between irregular and ‘regular’ migration

In European policy documents, there is a general consensus that the mobility of people is largely beneficial; it can be good for receiving countries that need migrant workers for labour market and demographic reasons, good for sending countries that export their workers in exchange for remittances, and good for the migrants themselves, who get access to better income opportunities. However, there is also a general consensus in these documents that this migration must be regulated, and that irregular migration and the presence of irregular migrants in Europe is undesirable (Pécoud 2010).

Although this distinction between legal avenues for migration on the one hand and irregular migration on the other² may be clear in much policy development, it is less apparent in academic research on migration from Africa to Europe. There is a substantial body of literature on migration from Africa to Europe addressing drivers, motives and aspirations for migration, but despite irregular migrants making up substantial parts of these migration flows, the literature tends not to examine irregularity specifically and rarely distinguishes between or compares migrants who go by regular and irregular means. The limited focus on what distinguishes irregular from legal migration flows may reflect a tendency among the migrants themselves not to distinguish clearly between irregular and legal migration strategies. However, this implies that relatively little is known of what factors shape *how* migrants organise their journey and how irregular migrants differ from migrants who travel with a valid visa and work permit within the same region. As we will discuss below, this poses challenges for developing and evaluating policies that aim to channel irregular migrants into legal channels.

¹ We choose to use the term migrant to refer to all groups who move from one location to another with an aim of staying for more than three months. Using this terminology, refugees are a subgroup of migrants, defined by their right to protection under the Refugee Convention.

² In line with common practice in academic publishing, we here distinguish between ‘legal migration’ to denote the ones who cross borders with necessary legal documents to do so, and ‘irregular migration’ about the ones who enter in other ways, to avoid denoting some migrants as illegal (see for instance Triandafyllidou 2017).

1.3 The sources and methodology used in this report

The report reviews existing academic literature, surveys, and policy reports on migration from Africa to Europe, emphasising literature dealing with irregular migration. It is not our aim to map the entire body of relevant literature, nor to provide an extensive description of all forms of irregular migration. We use an applied generic purposive sampling strategy (Bryman 2016), which means that we have chosen a selection of articles in order to answer our research question. We examine aspects of irregular migration in a large and heterogeneous body of literature contributed by scholars of Demographics, Economics, Public Health, Human Rights, Industrial relations, Africa studies, Refugee Studies and Migration Studies. A full review of all references to irregular migration in this literature is beyond the scope of this report. Rather, we aim to identify some of the overarching mechanisms described in the literature, with a particular focus on literature that is relevant for understanding how migration policy shapes migration flows and migration aspirations. We have identified studies that address the organisation or facilitation of irregular migration without singling out any particular discipline. Instead, we have aimed to identify relevant empirical and theoretical work in a broad sense. We have searched for studies in Google Scholar and the online platforms of large migration journals, but also in the reference lists of those papers we have identified. The literature review is supplemented by information from email correspondence and telephone interviews with Norwegian and EU bureaucrats involved in the development and implementation of migration policy.

1.4 Challenges for knowledge production on irregular migration

Although there is a large and growing body of literature on irregular migration in general, and on migration from Africa to Europe in particular, there is still a great deal of uncertainty surrounding what shapes irregular migration flows. There are several reasons for this. First, irregular migration is notoriously difficult to study using quantitative data. Due to the clandestine nature of irregular migration and many of the income-earning activities associated with it, irregular migrants often seek to avoid being identified. This means that studies that estimate the number of irregular migrants, or use statistics to describe the characteristics of irregular migrants, will most likely fail to capture a full and accurate picture, and need to be interpreted in light of this. For instance, Frontex statistics on irregular migrants show the number of migrants who are detected as they try to reach Europe and do not reflect the numbers of irregular migrants who cross into Europe undetected. Fluctuations in these numbers may reflect changes in the agency's search and rescue strategies or changes in the strategies of smugglers and migrants in addition to actual fluctuations in numbers of irregular migrants trying to reach Europe. Similarly, survey data on irregular migrants in Europe rarely use probability samples and usually cover only small subgroups of the overall population of irregular migrants (see for instance UNDP 2019, UNHCR 2019a, Van Meeteren, Engbersen, and Van San 2009).

Because of the challenges associated with survey data on irregular migrants, much of the knowledge we have about irregular migration from Africa to Europe is based on smaller qualitative studies involving fieldwork of varying extensiveness among potential and actual irregular migrants (for instance Optimity Advisors and SEEFAR 2017, Crivello 2011, Eboraka and Oyefara 2016, Prothmann 2018). Although such stud-

ies contribute important insights into the mechanisms that shape irregular migration, they cannot on their own describe, for instance, the diversity of strategies and outcomes associated with variation in migrants' social backgrounds, genders and countries of origin. However, by looking at the body of qualitative studies as a whole, we can identify some overarching trends.

A final problem associated with studies of irregular migration is the highly politicised nature of this research field. Although there are numerous studies produced at high academic standards that are not strongly influenced by the politicised field that they are part of, a substantial part of the knowledge production is financed and/or produced by NGOs, activists and governments with a clear political agenda. Some of the key international actors and knowledge producers in this field are organisations such as IOM and UNHCR, both of which are advocates for migrants' rights but also depend on fundraising from national governments for their activities, including their research.

Omission (sample) bias and interpretation bias should always be considered when reviewing research; some level of bias will almost always exist in social science research. However, for studies of irregular migration, these biases are particularly pronounced, as the methodological challenges described above create 'soft' data that are more vulnerable to political manipulation and differing interpretations than social science research in many other fields.

How, then, can we trust academic and expert knowledge on irregular migration? In the following review, our emphasis is on presenting inferences about irregular migration and related policies that are consistently supported by several studies and data sources. In the cases where reliable empirical data are unavailable, we try to make explicit the sources of uncertainty and potential biases in existing data, to specify how the data can or cannot be used as empirical evidence.

2 Irregular migration between Africa and Europe

This chapter assesses current knowledge on irregular migration patterns between Africa and Europe, including the most common routes of entry, with a particular emphasis on migration along the much-used Western Mediterranean route. It also reviews insights from the academic literature on whether and how migrants who arrive in Europe by irregular means seek regularisation and/or long-term residence in Europe.

2.1 Increase in irregular migration from Africa to Europe is lower than population growth in Africa

Over recent decades, there has been a steady increase in the number of migrants who arrive irregularly in Europe from Africa. European data on stock of migrants (numbers of migrants estimated to be in Europe) also confirm that the number of Africans living in Europe is increasing³. This growth in numbers should not be interpreted as an increase in interest in wanting to leave Africa, as the increase in migrants reaching Europe is not larger than the population growth rate on the African continent. The number of migrants who go to Europe as a share of the total population has remained stable, or even gone down in most African countries in recent decades⁴. Africans have not become more mobile; there are simply more Africans. In all African countries, potential migrants make up a minor subgroup of the overall population. Even in the countries with the largest share who express aspirations to migrate, most people (two thirds or more) still say they do not consider emigrating at all (Sanny & Rocca 2019)

2.2 Irregular arrival across the Mediterranean is a major route of entry

Most migrants and asylum seekers who arrived in Europe in 2019 using irregular migration routes did so by crossing the Mediterranean Sea. According to IOM, only one fifth of the people who arrived in Europe in a clandestine manner in 2019 crossed a

³Based on data from the United Nations Population Division, Sanny and Rocca (2019) estimate that the total number of international migrants from Africa has increased by almost 80 per cent between 1990 and 2017. Flahaux and De Haas (2016) estimate that in 1960 there were 1.8 million migrants originating from Africa registered in Europe, and that this had increased to 5.4 million by 1980 and 8.7 million by 2000.

⁴Flahaux and De Haas (2016) estimate that between 1960 and 1980, the share of the African population living in Europe increased from 0.6 to 1.1 per cent and has remained relatively stable at a little over 1 per cent until 2000. Based on UN data, Sanny and Rocca (2019) show that the proportion of the continent's total population that are staying in Europe decreased from 3.2 per cent in 1990 to 2.9 per cent in 2017.

land border to get into the EU.⁵ Some studies claim that most of those who are irregularly in Europe today originally entered with legal documents that they subsequently overstay (see for instance de Haas 2008, Morehouse and Blomfield 2011). There are, however, no reliable data that can be used to estimate how irregular migrants have actually entered Europe (Vickstrom 2019). A UNDP study based on interview data on irregular migrants already in Europe claims that 91 per cent arrived by sea.⁶ Regularisation data from Italy indicate that less than 20 per cent of the migrants regularised in 1998 had originally entered with a valid visa. Some researchers also suggests that migrants from the Maghreb region and West Africa are more likely than migrants from other regions in the world to enter Europe with falsified documents (and thus never had a legal valid visa) (de Wenden 2016).

2.3 The largest group of irregular migrants arriving in Spain are North-African

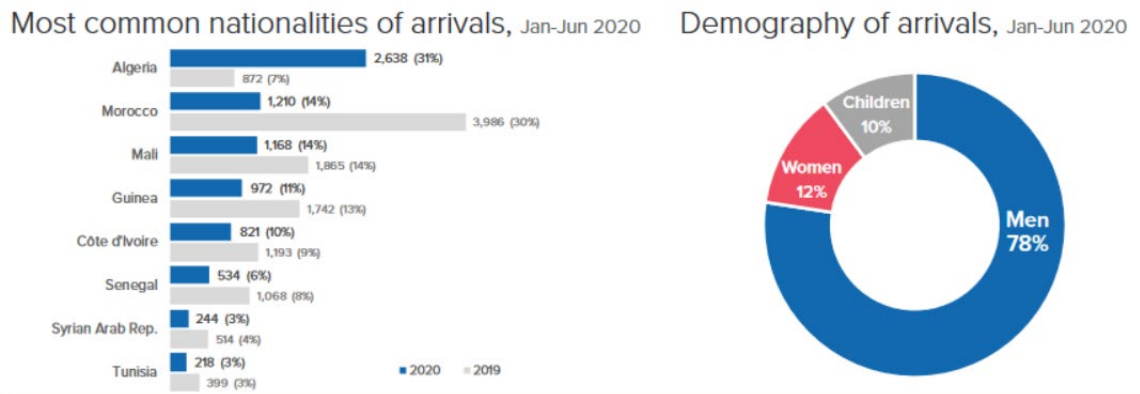
In 2019, 26,200 migrants were detected arriving by sea in Spain along the Western Mediterranean route without the legal documents to do so⁷. Of the top eight nationalities arriving irregularly in Spain in 2019, four were from West African countries, one from the Middle East, and three from North Africa. However, the North African countries by far outweigh the others in numbers – 40 per cent of the migrants arriving in 2019 and 48 per cent of the migrants arriving in the first six months of 2020 were from the three Maghreb countries, Morocco, Algeria and Tunisia. Based on nationality of migrants and current asylum practices in Europe, UNHCR estimates that approximately 13 per cent of individuals arriving in Spain in 2018 can be assumed to be granted protection if they apply for asylum upon arrival in Europe (UNHCR 2019b). This implies that most of the migrants who crossed the Mediterranean for Spain in 2019 will most likely not be granted asylum if they apply for this when they arrive in Europe.

⁵ Estimates of migration flows based on numbers of detected migrants must be interpreted with care, as we do not know how many come to Europe without being detected. In conversations with representatives of both Médecins Sans Frontières and Frontex, it has been suggested to us that irregular migrants increasingly try to reach Europe undetected, in response to stricter control and treatment of migrants arriving by sea in Italy and Spain. However, there is to our knowledge no systematic study to confirm this.

⁶ The UNDP study is based on a convenience sample of 1,970 irregular migrants across Europe. We know little of how representative the sample is of the population of irregular migrants in Europe at large.

⁷ In the first six months of 2020, the number of arrivals was down to 7,306, only 65 per cent of the number of arrivals from the year before. The reduction in detections is assumed to be because of COVID-19, probably because of fewer migrants setting out on this journey due to contractions in the labour market in Europe. It is also possible that the number of detections is reduced due to a pause on search and rescue and other activities that secure the registration of arriving migrants.

Figure 1 Detected arrivals in Spain 2019 and 2020



Source: UNHCR data portal. Spain sea and land arrivals Jan-Jun 2020

Spain has a long history as a country of emigration, but since the turn of the millennium has also had some of the fastest-growing immigration numbers in the world. Morocco is a major transit country for onward migration to Europe from Africa and the Middle East, but is also a country of emigration (especially to Europe), as well as a destination country for migrants. For migrants from Morocco, Spanish territory is the closest point of entry into Europe, and Moroccans constitute one of the largest groups of immigrants in Spain.

2.4 Restrictions in Spanish immigration policy has not stopped the migration flow

Up until 1991, when Spain signed the Schengen Agreement, migrants from the Maghreb countries could enter Spain visa free, and control of immigration into Spain was not very stringent (Stalker 1994). Before this, much of the labour migration to Spain is believed to have been circular, as residents from the Maghreb region could travel freely back and forth to work in agriculture, construction, or other low-skill fields in Southern Europe. However, although the majority returned to their countries of origin, some of the migrants settled, and the number of these accumulated to make up sizable migrant populations over time (Castles 1986). Even after visa requirements were introduced, the flow of migrants from Morocco to Spain continued, with many entering illegally or overstaying their visas (de Haas 2014), as labour demands kept pulling North Africans to Southern Europe. Around the turn of the century, Spain's economy was surging as the country was experiencing a real estate boom, and demand for cheap migrant labour was high (Fine and Torreblanca 2019, 2).

In addition to migration *from* Morocco, transit migration *through* Morocco to Spain and the EU increased throughout the 1990s and early 2000s, most of it irregular. The Strait of Gibraltar between Morocco and Spain became an important smuggling route for irregular migrants from sub-Saharan Africa as well as from the Maghreb countries (Triandafyllidou and Maroukis 2012). The continuation of illegal crossings between Spain and Morocco, particularly during the 2006 'Cayucos' crisis, and the surge of crossings in 2017 and 2018 (after the introduction of the EU-Turkey deal led to a reduction in arrivals in Greece), have inspired some of the most marked migration policy changes in the two countries in recent times (see section on migration policy below for more details).

2.5 Change in legal status is possible for migrants who have lived irregularly in Europe

Several studies indicate that a substantial proportion of the migrants who arrive in Europe by irregular means and stay and work irregularly for a period are able to obtain a work permit and a legal right of residency within a few years. According to a poll conducted by the Spanish National Office of Statistics, 40 per cent of newly arrived migrants in Spain did not have a residency permit, while this was true for only 10 per cent of the surveyed migrants at large (González-Enríquez 2010). Another study carried out by UNDP (2019) in Europe indicates that a substantial proportion of the migrants who come irregularly to Europe are able to obtain legal documents for reasons other than humanitarian need or protection. 60 per cent of respondents that had come to Europe by irregular means (without claiming asylum) had been able to obtain legal documents to work after 9-14 years. Among the ones who had stayed 3-4 years, 23 per cent reported that they were already legally allowed to work (UNDP 2019). It is likely that three different processes work together to produce these findings. First, the survey methodology itself is likely to be biased in favour of the migrants who have obtained legal documents. Potential respondents without a permit to work may be more reluctant to participate in an interview, and if they do, to admit to working or staying illegally. Secondly, it is also possible that a selection takes place on European soil, where the ones who are not able to obtain legal work are more likely to return. However, the current body of qualitative and quantitative research combined indicates that for migrants who come to Europe by irregular means, there is a reasonable chance that their legal status will change, and that a substantial share will over time change their legal status and obtain legal documents to work.

2.6 Some irregular migrants aspire to stay even if they do not get regularised

It is sometimes assumed that the migrants who come by irregular means all have an intention of obtaining legal documents, at least if they intend to stay long term. However, the few studies that address the regularisation ambitions of irregular migrants indicate that this may not always be the case. An important study among the few that systematically differentiate between subgroups of irregular migrants according to their plans for regularisation is one by Van Meeteren and colleagues (Van Meeteren et al. 2009). The authors identify three subgroups of irregular migrants in Belgium and the Netherlands based on how migration fits into their life strategies. The first group consists of “target earners” who have an ambition of saving up money to bring back home to their country of origin and fulfil their dreams there. Some of these migrants do get work permits to allow them to work legally, but for this group, obtaining a work permit or right to stay is not an important goal. The second group come to Europe with a dream of staying long term and hope to secure legal residence through marriage, asylum, or other processes, but have no specific plans for how they will achieve this. The last group do not have ambitions or expectations of regularisation but nevertheless have no intention of returning to their country of origin. The study shows that not only is there a substantial group of migrants in Belgium and the Netherlands who do not seek regularisation, but also that some in this group intend to remain in Europe long term without being regularised.

This is a trend that we also find in other studies. In a UNDP (2019) survey among 1,970 irregular migrants in Europe (UNDP, 2019), 70 per cent of respondents said they

wanted to live permanently in Europe, and only 15 per cent said they wished to return to their country of origin at some point. The ones who had a work permit and a job were somewhat *more* likely to want to return than the ones who did not. The authors of this study interpret this to indicate that increasing access to legal documents and incomes will increase willingness to return (UNDP, 2019, p. 75). This is probably an over-interpretation of the data, as there were more migrants with work permits who did *not* wish to return than there were migrants with a work permit who did wish to return; the group of irregular migrants that did not wish to return was 4 times bigger than the group who said they wished to do so, and the difference between the two groups (the ones with work permit the ones without) was at only 15 percentage points. When controlling for other factors in a regression model, legal status has no significant effect on explaining variation in desire to remain in Europe (UNDP, 2019, p.103). The finding that the small group who want to return are somewhat more likely to have a work permit and a job can also be interpreted more in line with the study of Van Meeteren and colleagues (2009) described above—that among irregular migrants in Europe, there are groups that have different aims and goals for their journey. “Target earners” who just want to earn a fixed amount of money to be able to go back and realise their dreams in their country of origin are probably likely to accept harsher working conditions and more hardship in Europe (and thus may be more likely to have a job), compared with those who aim to live in Europe long term.

The combined literature suggests that among irregular migrants in Europe there are some who plan to stay short term and return to their country of origin once they have saved up some money, but that a substantial share of the irregular migrants who come to Europe intend to stay long term, some hoping to get legal documents, but others with an intention to stay and work in spite of not gaining legal status. However, this is an area where so far little research has been published in English.

2.7 Life as an irregular in Europe may be preferred over life in the country of origin

Numerous studies indicate that a substantial proportion of the irregular migrants who are able to reach Europe find employment, and some are also able to get regularised status to remain in Europe legally. A majority of the irregular African migrants interviewed in a survey in Europe in 2019 (UNDP 2019) claim that they are now (in Europe) economically better off than they were in their home country before they left, and only 14 per cent say they are worse off in Europe than they were at home. Also, socially and emotionally, most of the irregular migrants interviewed say they are better off or in a similar situation as at home, while an overwhelming 83 per cent say they are better off in Europe in terms of personal security. In other words, the irregular migrants interviewed in Europe for this study mostly say they are better off now than before they left their country of origin. This is not only because they earn more money, but also because many feel other aspects of their lives have improved compared with the life they lived before they left. This does not mean that life as an irregular migrant in Europe is very comfortable; it rather reflects that these migrants experienced a lower quality of life in their country of origin at the time when they left.

This tendency for irregular migrants to report that their conditions of life improve upon moving to Europe is given relatively little attention in policy documents and research on irregular migration. This may be a consequence of a change of perspective in academic research when the migrants have reached European soil. When in

Europe, their conditions of life and work are often described relative to the conditions of life and work of the majority population in Europe, and not relative to what they left behind in their country of origin. And relative to the European population, irregular migrants are often exploited and live in deplorable conditions. However, poor working conditions, exploitation of workers, harassment, lack of political rights and limited access to healthcare are not only a problem for irregular workers in Europe but can also, and perhaps even more so, be a problem among workers in many African countries.

A study by Prothmann (2018) suggests that some migrant groups would still try to go to Europe even if they knew they would not earn more than at home, as some go to escape the social stigma of working in precarious and low paid jobs at home. Based on qualitative data from Senegal, Prothmann finds that irregular migration can be a response of youth who are not able to live up to the expectations placed upon them by society and by themselves. He describes an urban, educated youth population who resist accepting the unskilled jobs available to them locally because they feel these jobs are beneath them. Since they do not work, they become dependent on economic support from relatives and family networks, a dependence that makes it impossible to move on to the next stage in life—getting married and becoming a responsible adult. Even if jobs in Europe are as precarious and low paid as the ones they shun at home, being out of sight protects them from the judgement of their kin. Prothmann's aspiring migrants see themselves as poor relative to their social networks, and they fear the loss of status that comes from having to do the same jobs as rural migrants. Prothmann's analysis illustrates how migration aspirations can also be shaped by desires to uphold status among middle-class youth. The role of relative economic performance and social mobility on migration aspirations has thus far been given limited attention in migration studies.

3 Policies addressing the root causes of migration

Policies that address the root causes of migration focus on the reasons in countries of origin that may make people want to leave. Often this translates into efforts to secure income-earning opportunities locally, to create jobs and to reduce poverty. The relationship between poverty and migration is, however, a complex one, and current research does not indicate that reductions in poverty will reduce migration aspirations in a population. In this chapter, we first describe how measures to address root causes of migration are part of migration policy, focusing especially on how these measures are used to reduce irregular migration from Morocco to Spain. We then discuss what the literature has to say on the link between economic development and emigration. We first discuss this on the country level, before looking at how poverty may shape migration ambitions on the level of the individual. This is followed by a discussion of the expected consequences of increased development assistance on migration in general and irregular migration more specifically.

3.1 Externalization of migration policy has come to include development projects in Africa

As a country that receives a lot of irregular migration, Spain developed bilateral cooperation early on with countries of origin or transit to the south. These policy measures included development aid and joint development projects, such as for instance the ‘Africa Plan’ which was developed in 2006-2008 in response to a sudden surge in irregular migration along the Western Mediterranean route to Spain in 2006, now known as the ‘Cayucos’ crisis. The ‘Africa Plan’ aimed “to work with the affected African countries to adequately regulate migratory flows, combat human trafficking, and repatriate illegal migrants” (Kemp 2016, 7). Beyond border management, readmission agreements and other measures aimed at regulating migration flows, the plan also doubled Spain’s spending on overseas development aid and initiated joint development projects in Morocco, Mali and Senegal designed to address root causes of migration.

Similar measures have long been a part of the EU policy portfolio as well, but have recently been given a higher priority as the EU has concentrated more efforts into the external dimension of its migration policy. Since the 2015 migration crisis, the EU’s agenda has been to create a more coherent policy approach to cooperation with third countries on migration issues, and therefore to include a focus on migration across policy domains, including in development policy. For instance, the European Union Emergency Trust Fund for Africa was formed in 2015 as a central part of the EU’s emerging response to the migration crisis. The Trust Fund aims to address root causes of irregular migration and displaced persons in Africa by tackling unemployment, insecurity and poverty, and in 2016 1.982 billion euros were allocated to it (Castillejo 2016).

However, this approach comes at a risk, as the incorporation of migration policy aims in development policy measures could lead to development policy being co-opted to achieve migration-management goals rather than promoting better human and economic outcomes and better governance in third countries (Collett and Ahad 2017, 9). The Trust Fund for Africa has supported 117 projects in 26 African countries, but implementing organizations such as Oxfam question whether the EU approach prioritises projects of strategic relevance to border management over poverty-reduction projects in line with local priorities, while African diplomats question whether the funds can make a significant difference (Rankin 2017).

3.2 Addressing root causes of migration in Morocco is fraught with policy challenges

As a country of emigration and a transit country for irregular migration along the Western Mediterranean route, Morocco has been able to leverage the increased European interest in border management politically both in its relationship with the EU and bilaterally with Spain, and has received extensive funding for relevant policies (Teevan 2019). Some of this funding is allocated to address the “root causes of migration”, while other parts come without such conditions. Between 2011 and 2018, the EU allocated a total of 61 million euros to support Morocco to promote the integration and juridical empowerment of migrants, implement migration policy, combat xenophobia and assist vulnerable migrants (Statewatch 2019, 17). Furthermore, the EU has recently allocated extra funds to a strategy for more inclusive economic growth in Morocco, in an attempt to address the “root causes of migration” and to deter potential migration to Europe. Morocco also benefits from relatively favourable trade agreements with EU countries.

In the case of Morocco, a transit country actively engaged in externalised European border management, human rights organizations have voiced concern that the European funds are condoning Moroccan migration management practices that involve human rights abuses against migrants and poor management of migrants in Morocco (Human Rights Watch 2014, Statewatch 2019). Anna Jacobs (2019) remarks that alleged abuses against migrants in Morocco, which include raids, arbitrary arrests and detention, and deportation of vulnerable persons (including asylum seekers, refugees, pregnant women, and minors), have resulted in more, not less, EU funding for initiatives in Morocco, as policies aim to provide assistance for the most vulnerable. In other words, as alleged abuses have increased, funding has also increased, to assist the victims of this abuse.

When development aid is linked to migration policy, donors could theoretically employ a less-for-less approach to aid spending. A less-for-less approach implies withholding funds if origin or transit countries do not control their borders or if they violate principles like human rights protection or good governance in their implementation of migration policy. Conversely, a more-for-more approach implies that donors offer new incentives for expanded cooperation rather than withholding previously pledged funds. However, there are many challenges to a less-for-less approach; restricting aid may be counterproductive to achieving migration policy aims if the situation locally gets worse, and it may turn partner countries away from the deals that are made, especially if the country is not strongly dependent on the funds (Collett and Ahad 2017, 27-28). Over the last decade, Morocco has been building a more multilateral foreign policy strategy (Teevan 2019), and is not only invested in

its relationship with the EU but also with China and countries on the African continent, as marked by Morocco's re-entry into the African Union in 2017 (Jacobs 2019, 19). Economically, remittances from migrants in Europe can be as valuable for some origin countries as foreign aid. European diplomats may therefore have to rely on a *more-for-more* approach in their attempts to regulate migration through development aid (Collett and Ahad 2017).

3.3 There is no simple linear link between a country's economic development and emigration

The EU Trust Fund along with policies intended to increase economic opportunities locally in order to prevent irregular migration have been criticised for “bestowing a false sense of linear simplicity on a tangled, multidimensional, and delicate web of factors that influence migration” (Collett and Ahad 2017). We know that in more or less all migration flows, countries of origin tend to be poorer than countries of destination (Massey et al. 2008). However, this does not mean that poverty is a major determinant of migration. Although irregular migrants tend to be poorer than the majority population in the country they *arrive in*, this does not necessarily mean that they are poor compared with their compatriots at home, or that outmigration is highest in the poorest countries. There is no simple linear relationship between economic development and migration at either the individual or the country level (Flahaux and De Haas 2016).

If we look at the relationship between poverty and migration at the country level, we see that wealthier African countries tend to have a larger share of their population living in Europe compared to poorer African countries. The Maghreb countries usually rank high on indexes of economic development relative to other African countries, and they are also among the countries with the largest diasporas. The Maghreb countries had high levels of emigration between 1960 and 1980, a period during which these countries had visa-free entry or guest worker agreements giving access to labour markets in several European countries. The geographic proximity to Europe and their strong colonial and post-colonial links to European nations are also believed to have led to more migration (Flahaux and De Haas 2016). These countries continue to have high numbers of migrants today (UNHCR 2019b). From 1980 on, there has also been an increase in the proportions living in Europe of the populations of some (relatively prosperous) West African countries such as Ghana, Niger and Senegal (Flahaux and De Haas 2016). While high proportions of migrants are found from the Maghreb countries and coastal West Africa, the poorest countries in Africa—including the mainly landlocked Sub-Saharan countries—have had lower levels of emigration to Europe (Flahaux and De Haas 2016). But this pattern of wealthier countries having higher proportions of migrants is far from absolute, as some of the poorer African countries (Gambia and Mali, for instance) currently have relatively high outflows of migrants. We can rather say there is a weak relationship between economic development and migration if we look at this at the country level. It is, however, clear that the bulk of irregular migration from Africa to Europe does not come from the poorest countries in Africa.

3.4 The uneducated and poor are less likely to migrate long distances

At the individual level, we also find that there is a weak but positive link between economic wellbeing and migration aspiration. It is not the poorest and most marginalised parts of the population that are most likely to aspire to migrate (Sanny and Rocca, 2019), nor who end up as irregular migrants in Europe (UNDP, 2019). Although poorer population groups do also migrate, they tend to do so less often, and if they migrate, they tend to do so over shorter distances (Flahaux and De Haas 2016).

Research that examines the relationship between migration and poverty rarely distinguishes migrants who travel with legal documents from irregular migrants, and the literature tends not to ask how irregularity as a strategy of migration is linked to economic development and economic growth. However, a survey by the UNDP (2019) on irregular migrants in Europe suggests that irregular migrants also tend to have above-average education compared with their compatriots at home and were often employed at competitive wage levels before leaving their country of origin. This survey does not draw on a probability sample and as such, the findings need to be interpreted with care. We know that the educated tend to have higher response rates in surveys and the highly educated are likely to be overrepresented in a convenience sample of such a marginalised population. However, there are also some qualitative studies that suggest that young, urban men with above average education do dominate in these migration flows (see for example Prothmann 2018, Flahaux and De Haas 2016).

It is worth pointing out that there are at least two countries with high emigration that do not fit into this description of the educated dominating among migrants. International migrants from both Morocco and Mexico tend to have below-average education and, in the case of Morocco, below average incomes if they were employed prior to leaving (Dustmann and Glitz 2011). Morocco and Mexico are both middle-income countries with long histories of labour migration and geographic proximity to wealthy destination countries. It is possible that different mechanisms shape migration flows in these countries, making migration attractive to different population groups compared with poorer countries with less of a history of migration. If this is the case, different policies would be necessary to address the root causes of migration in these regions. We do not have data to properly address this at present, though there are some ongoing studies that will address if and how mechanism-shaping aspirations for migration differ between countries with different levels of socio-economic development (see for instance the MIGNEX project: <https://www.prio.org/Projects/Project/?x=1791>).

3.5 Development may increase migration, but impact on irregular migration is unclear

In line with the findings presented above, some studies indicate that development and modernisation are likely to be accompanied by increased internal and international migration, and that economic growth makes people increasingly mobile and migratory (Flahaux and De Haas 2016, Zelinsky 1971). This is because economic growth is associated with higher levels of educational and occupational specialisation, modernisation and higher overall organisational complexity. People with some education tend to migrate more often and over longer distances (Flahaux and De Haas

2016). However, migration in wealthier countries takes different forms than migration in developing economies, and migrants from economically developed societies rarely rely on irregular entry or residence.

In spite of a relatively broad consensus that reduction in poverty is not likely to reduce migration aspirations, much of the available literature on irregular migration from Africa to Europe tends to explain current migration flows by pointing to macro-level factors such as poverty, unstable labour markets (in particular high youth unemployment) and a globalised world, where images of Western welfare, education, political stability, prosperity and modern lifestyles are rapidly distributed and yearned for (Baumann, Lorenz, and Rosenow-Williams 2011, Graw and Schielke 2012, Jolivet 2015, Alpes 2012). However, the literature also agrees that the conditions of aspiring migrants who plan to travel by irregular means are rarely as bad as they are portrayed in popular discourses (De Haas, 2007; Prothmann, 2018), and that poverty-reduction policies are most likely *not* going to reduce migration aspirations in poorer societies (Zaun and Nantermoz Benoit-Gonin Forthcoming). Economic development can explain the direction of current migration flows—i.e. that migrants usually go to countries that are richer than their country of origin—but not why some aspire to migrate and others do not. However, potential migrants' subjective experiences of poverty (relative to kin or own expectations) or perceptions of lack of opportunity (relative to what they believe Europe holds), could potentially hold more explanatory power.

4 Policies addressing the pull factors of migration

Policy debates on *asylum* migration in Northern Europe often focus on the pull factors of migration such as access to legal residency, employment and social benefits. Fearing that asylum seekers will choose their country over others, governments across Europe have reduced access to incomes and services in the first years after seeking asylum, in what is sometimes referred to as a ‘race to the bottom’ in reception policies for asylum seekers in Europe. However, in policy documents and debates on policy tools to reduce irregular migration, the pull factors that shape migration decisions among potential migrants who do *not* intend to seek asylum have been given less attention (beyond the mechanisms linked to processes of regularisation). Rather than addressing the opportunities perceived to be attractive for irregular migrants, policies often use information campaigns that address the knowledge the migrant gains about these opportunities. In this chapter, we first describe how European states have approached the relationship between labour market regulation and migration policies, before looking at their use of information campaigns to reduce irregular migration, to what degree the literature has documented that these interventions are effective, and the methodological challenges in identifying such effects.

4.1 Labour market protection is increasingly on the agenda in discussions on how to regulate irregular migration

The current regulation of irregular labour markets in Europe is marked by a tension between a desire on the one hand to protect labour markets and the living standards of European citizens through strict migration control, and on the other hand to accommodate the international business agenda of global economic development by facilitating access to (cheap) labour and the movement of workers across borders (Jordan 2007).

This tension may partly explain why documents describing migration policy rarely focus on the pull factors for irregular migrants who come to Europe to work in the informal economy. Formally, irregular migrants do not have access to employment in Europe, but in practice, Southern European countries, including Greece, Italy, Spain and Portugal host large informal sectors in the economy and rely on cheap, flexible (irregular) workers several sectors including childcare, elderly care, agriculture and construction (Berggren et al. 2007, Triandafyllidou 2017). With the gradual deregulation of labour markets in Northern Europe (including Scandinavia), countries that previously had very limited shadow labour markets are now seeing an increase in the number of companies that employ workers without a work permit (Friberg and Eldring 2013).

In more recent policy documents at the European level, labour market protection has been mentioned as a part of policies aiming to stop irregular migration. For instance, the 2019 annual report from the European Migration Network (EMN 2019)

refers to efforts in Italy to identify a new strategy to combat labour exploitation in agriculture as part of a policy aiming to prevent irregular migration. However, these types of policies are still given little attention compared with the other policies mentioned here—those aiming to reduce opportunities for migration by addressing root causes and those seeking to inform migrants about the dangers associated with the journey. In the next two sections, we describe two EU directives that represent comprehensive European efforts to target work opportunities for irregular migrants; the Employer Sanctions Directive and the Seasonal Workers Directive.

4.2 New EU directive targets employers who profit on irregular workers

The EU's Employer Sanctions Directive⁸ was introduced in 2009 and describes measures aimed at making it less attractive for employers to hire irregular workers. It represents a change in the approach to irregular work as it penalises the employers who profit from hiring irregular workers, and not only the migrants who work without a permit. As such, the directive holds the potential to reduce the pull factor of employment opportunities for irregular migrants, and possibly also protect migrants from exploitation in the irregular labour market. The EU has not published an implementation report on this directive since 2014. In 2014, the implementation report pointed out that the sizes of the fines given to employers who hire irregular workers varied considerably among member states, with several states having maximum fines only slightly higher than the monthly minimum wage. Thus, the implementation report raised concerns that the level of the financial sanctions in some countries did not outweigh the benefits of employing irregular migrants. It also pointed out that the low number of inspections carried out in some Member States was unlikely to dissuade an employer from hiring irregular migrants (European Commission 2014).

Due to large differences between the member states in terms of labour market conditions and the composition of migrant populations, the implementation of policies regulating the use of irregular workers has long been perceived as an area where it is useful to develop a common European policy.⁹ For instance, there is no regulation at the EU level of the role and functions of Labour Inspectorates, only of informal coordination activities, meetings and sharing of best practices. However, there is also a tendency towards increased attention to these issues in several European member states, and as the new implementation report on the Employer Sanctions Directive is expected in the first half of 2021, there might be room for strengthening European coordination on these issues.

The Seasonal Workers Directive¹⁰ is also often presented as a tool that can reduce irregular migration, as it creates opportunities for legal migration in countries that are origin countries for many irregular migrants. These opportunities for legal migration will, however, not only be available to persons who have decided to go to Europe by irregular means. When opportunities for legal migration arise, a far larger group of potential migrants will compete for these opportunities. People who would

⁸ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

⁹ This section is based on information from interviews with bureaucrats in the European Commission.

¹⁰ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

otherwise not consider migration (due to lack of opportunities to migrate legally) are likely to consider it and attempt to get these jobs. This makes it unlikely that somewhat increased opportunities for legal migration will serve as alternative migration strategies for migrants who intend to go irregularly. However, easing access to employing migrant workers legally (as the seasonal workers directive does), could give employers in Europe access to cheap migrant labour, and through this, reduce incentives for employing irregular workers. The widespread formalisation of the use of cheap migrant labour from third countries is, however, likely to be contested by unions across Europe.

4.3 Information campaigns emphasise harsh living conditions in Europe

European governments often engage in information campaigns that aim to change the knowledge the potential migrant gains about opportunities in Europe. In the 2015 ‘EU Action Plan against migrant smuggling’, it is stated that:

Raising awareness of the risks of smuggling and of irregular migration is crucial for preventing prospective migrants [...] from embarking on hazardous journeys, also from transit countries. [...] It is, therefore, important to develop a counter-narrative in the media, including social media, to uncover their [the smugglers’] lies. (European Commission 2015).

The Action Plan then recommends the launch of information and awareness campaigns in key countries of origin or transit for migrants. In the following years, numerous European governments, including Norway, funded information campaigns in African countries, aiming at informing potential migrants of the risks of the journey, the limited opportunities for regularisation and the harsh living conditions of an irregular migrant abroad (European Migration Network 2019).

Information campaigns build on an assumption that the irregular migrants who come to Europe lack information about what migration to Europe entails. The literature describing conditions of life and work for irregular migrants in Europe often emphasises the exploitation, abuse and human trafficking of irregular migrants, and this may be one reason for the widespread perception that potential migrants must have been misinformed since they decided to set out on their journey anyway. This perspective arises naturally when the working conditions of irregular workers are compared with conditions in the formal sectors of the economy. When exploitation, abuse, and powerlessness are described as widespread among irregular migrants, it is easy to assume that these migrants expected something else when they left their country of origin. However, if their situation is compared to the conditions of work and life that they left behind in their country of origin, the same migrants’ situations will often appear to be more or less the same as what they left behind. For some it may even have improved (Tyldum 2015). This focus on the conditions of life and work—relative to the majority population—is likely to have contributed to the widespread conception that irregular migrants come to Europe because they are overly optimistic and must have been misinformed about the opportunities abroad. This idea also underlies the belief in information campaigns as a policy tool to reduce irregular migration.

The popularity of information campaigns may also be attributed to the fact that they constitute one of the less intrusive policy measures that can be implemented to regulate migration, and have limited potential to cause harm. They are also believed to protect migrants against exploitation and abuse and are sometimes argued to

counterweigh the more controversial deterrence policies. As they are developed on these grounds, they can also be funded by development aid budgets (Pécoud 2010). Pécoud (2010) suggests in his study of international agencies and migration policy that the widespread use of information campaigns is driven by IOM, who not only argue the need for information campaigns but are themselves the main implementing agent in many major campaigns run by European governments.

Some studies point out that migrant workers lack information about how to protect themselves from exploitation and what to do to receive assistance while abroad, and argue the need for information campaigns to target this (Sanchez et al. 2018). Rather than highlighting the need for information campaigns about the conditions of work in countries of origin, these studies call for campaigns informing migrants that are already in Europe about how to get help to improve their conditions of work and life while here.

4.4 The evidence of the effects of information campaigns on migration flows is scarce and uncertain

There is no clear evidence that such information campaigns have an actual impact on migration behaviour (Browne 2015). As Carling and Hernández-Carretero (2011) point out, information campaigns will have limited effects on migration behaviour when the migrants perceive themselves as better informed about the risks than the ones producing the campaigns, as is often the case with potential migrants with networks abroad. Empirical studies of the impact of information campaigns show that people are often reluctant to believe in information that they expect is financed by European governments with vested interests in stopping them from going, and rely more on the stories they hear through their own networks (Optimity Advisors and SEEFAR 2017). Finally, such information campaigns about risks may be irrelevant to prospective migrants who consider the risk worth taking in light of the potential they see in for improvement once they reach Europe (Carling and Hernández-Carretero 2011).

Measuring the effect of information campaigns on actual migration flows can be methodologically challenging (Browne 2015), and existing evaluation focuses rather on changes in responses to survey questions on intentions to migrate. Using such effect indicators, there are some studies that identify reductions in expressed migration aspirations among migrants who have been exposed to the information campaign (European Migration Network 2019, IOM 2019). We do not know if this actually translates into changes in behaviour or if the information campaigns mainly change how people talk about migration—in conversations with outsiders in particular.

4.5 Measuring the effect of specific information campaigns can be challenging

The belief in information campaigns as a tool to regulate migration builds on two assumptions. First, it assumes that some or all migrants who engage in irregular migration are misinformed about their opportunities in Europe and/or the risks associated with the journey. Second, there is an assumption that if they had more accurate information, some migrants would not go. Neither assumption is clearly founded on the available research, nor easy to assess empirically.

Studies that look at how well informed the migrants are generally conclude that they are relatively well informed but that how well informed they are varies between

migrant groups and for different types of information. For instance, one study among migrants in Italy finds that many know little about Italy and other countries in Europe, but that those with friends and family in Europe often had better information than others (IOM 2019). Another study conducted by Optimy Advisors and SEEFAR for the European Commission (2017) indicates that most West African migrants who are in transit to or planning travel to Europe are relatively well informed about both the risks and opportunities associated with the journey, but that there are substantial differences between migrant groups. Migrants from wealthier countries are often better informed than others. The previously mentioned UNDP study (2019) of irregular migrants in Europe asked if the migrants expected the journey to be as dangerous as it turned out to be. Half of the men and two thirds of the women said they experienced the journey as more dangerous than they had expected. However, only 2 per cent say that they would have changed their mind and not travelled to Europe this way had they known how dangerous the journey would be (UNDP 2019).

To assess if information campaigns are needed, we need to know if migrants have realistic expectations of what the journey entails and what they can expect from life in Europe. However, it is methodologically challenging to study how realistic migrants' expectations are before they leave for Europe. In order to assess if a migrant has realistic expectations of what awaits them, we need to have a benchmark for what realistic expectations actually are. At present, we still know too little about how various subgroups of irregular migrants actually fare in Europe to produce a reliable benchmark. As we will come back to below, several studies indicate that a substantial share of irregular migrants in Europe are able to find work and even a work permit and a legal right of residency after a few years in Europe. They also often report that their life situation has improved in terms of both social relations and security, but also emotionally, after arriving in Europe (UNDP 2019). How well a person will actually fare as an irregular migrant in Europe probably depends on the kinds of resources, networks and competences the person holds. Meanwhile, the risks associated with the journey depend on numerous decisions regarding how to travel and on the economic resources, networks and language skills the migrant possesses.¹¹ The complexity in assessing risks and probability of success makes it difficult to evaluate how well informed people are. It is unclear how the existing studies actually define what it means to be well informed, although the studies we have looked at appear to apply a one-size-fits-all benchmark.

Another consideration that complicates the analysis is that the way people talk about risks and opportunities of migration is likely to be coloured by the migrants' own migration intentions. Interview respondents who report having made a decision to go abroad may be less likely to acknowledge in the same interview that they are aware of the risks and dangers associated with such a journey. Such confirmation bias (Nickerson 1998) will make people with concrete plans for migration more likely to express an optimistic outlook and minimise the risks associated with migration when they talk of their own migration plans in an interview situation, even if they possess the same information as people with no migration plans. People without migration plans can, on the other hand, be expected to over-emphasise risk over benefit, to legitimise their decision not to go. This means that confirmation bias can be a key

¹¹ For instance, some migrants may travel with smugglers that come recommended and vetted by numerous family members or acquaintances who have travelled before them, and that they know they can trust. Others seek out smugglers and decide on routes when they arrive in transit towns further north in the continent (Optimty Advisors and SEEFAR 2017). This demands skills in obtaining and assessing information—but also involves a greater risk of being fooled.

mechanism behind some studies that find that people with migration aspirations are less likely to talk about risks than people without such aspirations.

5 Policies addressing opportunities to migrate

When migration policy is formulated, the policies that receive the most attention and economic resources tend to be those aimed at reducing opportunities for reaching Europe. Looking back, we see that such policies to reduce opportunities for migration have gradually been introduced over the last 20 years, and in this chapter we describe some of the main developments in this area after Spain entered the Schengen agreement in 1991. We also discuss whether these changes in migration policy have had identifiable effects on migration flows, and whether they have had positive or negative consequences for migrants' access to protection and for countries in terms of migration control.

5.1 Expansion of Schengen increased the importance of the Western Mediterranean route

With Spain joining the Schengen zone, the sea crossing between Morocco and Spain became a focal point for European migration policy. Early initiatives established databases, satellites and land and sea operations designed to prevent boat migration. This included the construction of the Integrated External Surveillance System (SIVE) in 2002, a control system established by Spain in the southern Iberian peninsula and later off the Canary Islands (Lahlou 2015, Lemberg-Pedersen 2019). SIVE consists of fixed and mobile sensors which provide early warnings of arriving boats and predicts their estimated time of arrival and the number of people on board (Kemp 2016, 5). The Spanish Guardia Civil and the Moroccan Gendarmes established a collaboration in 2004. In the same year, the European Border and Coast Guard Agency Frontex, was established and given the task of promoting and coordinating border management along Europe's external borders. Following this, the EU also started to include a focus on migration management in its cooperation with non-member states along its southern border.

In the 90s and early 2000s Morocco did not have an explicit migration policy, but this changed when the EU decided to include a clause on joint management of migration flows in any cooperation, association or equivalent agreement (Lahlou 2015, 4). Morocco adopted its first law on emigration and illegal immigration in 2003. The law reflected European calls to reduce irregular migration from the country and combat human trafficking between Morocco and Europe, and is therefore widely understood as adopted in response to European pressure. With the new law, migrants could be issued fines or imprisoned for illegally leaving Morocco via land, sea or air, and foreigners could be expelled from the Moroccan territories under certain provisions.

5.2 Externalised migration policy made illegal access to Europe more difficult

According to the Moroccan Ministry of Interior's own statistics on irregular migration from Morocco, the number of Moroccans migrating irregularly from Morocco began to decline steadily in 2003, the same year the migration law was passed (Lahlou 2015). The statistics from the Moroccan Ministry of Interior also show that irregular migration by foreigners (non-Moroccans) from Morocco to Spain continued. However, the heavily used routes shifted, as both Morocco and Spain began working to block irregular migration at the borders between the Spanish enclaves of Ceuta and Melilla and around the Strait of Gibraltar.

The third nearest Spanish territory that irregular migrants can reach are the Canary Islands off the western coast of Africa. Irregular migrants had been arriving on these islands in small boats called *pateras* since 1994, but a number of factors combined to change this migration pattern in 2006. Due to overfishing, the fishing industry off Senegal collapsed in 2005, destroying the livelihoods of many African communities and producing a surplus of larger boats that were repurposed to smuggle migrants to the Spanish islands in the hope of finding work. In 2006, tens of thousands of West African migrants attempted the 100 km crossing to the Canary Islands. This shift in migration routes to the south of the Moroccan border in 2006 indicates that "Moroccan migration policy and the country's active partnership with Spain made transit through its territories extremely difficult" (Lahlou 2015, 10). In one way, this can be regarded as a successful policy change, but at the same time, it mainly displaced the problem of irregular migration.

The situation between West Africa and the Canary Islands developed into a humanitarian crisis, often referred to as the 'Cayucos' crisis (named after the fishing boats). The IOM estimates that around 6,000 migrants lost their lives in 2006 while attempting the crossing to the islands.

5.3 Interceptions at sea expanded after the Cayucos crisis

Faced with the dilemma of whether or not to improve search and rescue operations at sea—which would save lives but could also encourage more migration along this sea route—the Spanish authorities decided to conduct rescue missions, but they also pursued a strategy of interception at sea outside Spanish waters (Kemp 2016, 5). The Spanish Coast Guard and Guardia Civil's operations relied on the SIVE system installed in the years before. On request from Spain, the EU provided support in the form of vessels and aircraft from Italy, Portugal, and Finland through the Frontex-coordinated operation Hera II. Spain also established bilateral agreements with Mauritania and Senegal that enabled Spain to patrol these countries' waters, and thus the interception area patrolled by Spain and Hera II in 2006 came to include Cape Verde, Mauritania, Senegal and the Canary Islands. According to the International Peace Institute's report, *Learning from the Canaries: Lessons from the "Cayucos" Crisis*, these operations:

led to increased rescue at sea, but also increased interceptions, since the main aim of the operation was to detect vessels departing from Africa toward the Canary Islands and divert them back to their point of departure. (Kemp 2016, 5)

Under international maritime law, states can intercept vessels (take control of vessels to prevent them from entering territorial waters or reaching shore) in their territorial

sea as well as in the ‘contiguous zone’ between territorial seas and high seas in order to combat certain types of crime, including human smuggling and trafficking (UN General Assembly 2000). However, interception has also been described as an “assault on the institution of asylum” as it can prevent entry for persons with legal claim to protection under the refugee convention (Brouwer and Kumin 2003, 6).

To assess the legal right of entry for the irregular migrants that were arriving, Spain cooperated with foreign nations. Countries of transit and origin provided the assistance of embassy staff and the Frontex operation Hera I mobilised expert teams from other European countries to the Canary Islands. Since most of the migrants did not fulfil the legal requirements for entry and residence in Spain, the Spanish authorities made use of its re-admission agreements with countries like Algeria, Guinea-Bissau, Mauritania and Nigeria, and conducted highly publicised forced returns (Kemp 2016, 4).

5.4 Border management infrastructure and capacity has been greatly expanded

As mentioned above, the ‘Cayucos’ crisis also spurred closer bilateral cooperation between Spain and countries of origin or transit to the south, formalised in the 2006-2008 ‘Africa Plan’. The plan included extensive measures to increase capacity in law enforcement and border management in West Africa, including new equipment, information sharing and new readmission agreements. The Africa Plan also facilitated agreements (that are still operational) allowing Spain to station Guardia Civil personnel in West Africa and the Maghreb countries where they carry out joint patrol with local forces in the coastal regions in these countries.

Another outcome of the ‘Cayucos’ crisis was greater cooperation between Spain and other EU states in the form of Operation Seahorse Atlántico (2006-2008)¹² which focused only on border management and was financed by the EU’s AENEAS¹³. Measures in Operation Seahorse included capacity building through training courses, initiating a network of liaison officers, conducting joint patrols and information exchange with the purpose of combatting the smuggling of migrants off the West African coast (Statewatch 2019, Kemp 2016). The EU contributed more than 65 million euros in budgetary support for border management to the Seahorse Network (Statewatch 2019, 8). Building on the Seahorse Network and similar border control operations in other areas, the maritime border surveillance system known as EURO-SUR was established with the aim of providing pervasive surveillance of external EU borders and the ‘pre-frontier’ area (Statewatch 2019, 8). In sum, the first decade of the 2000s saw the creation of border management infrastructure across and beyond the EU’s external borders, and established networks of cooperation between countries of origin, transit and destination in Europe and Africa.

¹² Which later turned into the Seahorse Network and the Seahorse Coordination Centers.

¹³ AENEAS Programme was established by European Commission decision of 12 November 2004 with a view to provide financial and technical assistance to third countries in the areas of migration and asylum.

5.5 New pressure on Morocco to implement migration policy reform and recognise refugees

Between 2011 and 2018, the EU stopped initiating and funding border security projects in Morocco and instead focused on Morocco's implementation of migration policy reform (Statewatch 2019, 11). As a destination country of migration, Morocco has pledged to ease access to residency permits, the job market, health and education for migrants in Morocco (Jacobs 2019, 4). Several think tanks and NGOs have voiced concern that the externalisation of migration policy is reducing refugees' opportunities to seek protection, given Morocco's weak implementation of its own refugee protection policy and the country's alleged record of human rights abuses against migrants (Kemp 2016, Jacobs 2019, Human Rights Watch 2014). In 2013, Morocco began a reform of its migration and asylum system, announcing that the country would adopt a "humanitarian approach" (Jacobs 2019, 4). A government department of migration affairs was created, and the 2014 "National Strategy on Immigration and Asylum" included a status regularisation programme for undocumented migrants in Morocco. The government began to ease access to residency for undocumented migrants, asylum seekers and refugees, as Morocco established the first national asylum system in the MENA region (Ibid).

However, Morocco's promised new policy has not been fully implemented. Critics also note a discrepancy between policy statements promising a humanitarian approach and the continued use of repressive practices that allegedly target human trafficking and irregular migrants: raids against sub-Saharan migrants, the beating of migrants and burning down of their homes by police, and the arbitrary detention and expulsion of migrants (Human Rights Watch 2014). According to one Moroccan human rights advocacy group, Moroccan authorities detained and displaced 6,500 migrants in 2018 (Jacobs 2019, 8).

5.6 Effects of the various policy tools on migration flows are uncertain

In 2006, the number of illegal migrants arriving in Spain suddenly dropped to half that of the previous year and remained fairly stable until 2010 (Lahlou 2015). We do not know if this can mainly be attributed to increased border control measures, reduced demand for labour due to the economic crisis in Europe, or information campaigns and policies addressing the "root causes".

In 2017 and 2018, irregular migration from Morocco to Spain increased again, this time due to the strengthening of the EU's external border with Turkey (with the EU-Turkey agreement) and off the Italian coast (through Italy's cooperation with the Libyan coastguard) which pushed more migrants towards the Western Mediterranean route, through Morocco. Spain followed the externalisation strategy and sought to outsource the control of the new migration flow to Morocco rather than conducting search and rescue operations on the Spanish side. To achieve this, Spain put pressure on Morocco to prevent irregular migrants from crossing or jumping the border at Ceuta and Melilla, and for the Moroccan Navy to conduct search and rescue operations in areas close to Morocco, while cutting back on Spanish rescue operations and blocking humanitarian rescue ships at Spanish ports (Fine and Torreblanca 2019, 5-6). The EU again provided funding for Moroccan border management, amounting to 140 million euros in 2018, which included funds for new equipment for land and sea border

surveillance, including drones and IT infrastructure (Statewatch 2019, 13-14). Evaluations of these EU-funded projects are not publicly available. Although arrival numbers in Spain declined after 2018, it is estimated that the share of people dying in attempts to cross the Mediterranean went up (Fine and Torreblanca 2019).

5.7 The policies employed to reduce migration opportunities have humanitarian consequences

People from the African continent continue to try to cross the Mediterranean illegally with the aim of finding work or simply seeking a better life in Europe. The main policy tools we have discussed in this chapter have successfully reduced the opportunities many of these migrants have for reaching Europe in a safe manner, and as long as migrants continue to try to cross illegally, these policies can have severe humanitarian costs. As shown in this chapter, a combination of new border management policies and targeting of smugglers has increased chances of lost lives as people attempt to cross the Mediterranean. Practices like interceptions at sea or detaining migrants in transit countries could also undermine refugees' right to protection, as discussed in this chapter, by preventing persons who flee persecution from reaching the border of a country that honours the principle of non-refoulement. The externalisation of migration policy also delegates migration control to local governments in countries like Morocco with less respect for human rights, while continuing to incentivise their cooperation with EU funding despite human rights abuses against migrants, as discussed in chapter 3. In sum, it appears that the externalization of European migration policy allows for treatment of migrants that would not be possible on European soil. These humanitarian costs of the current policies to regulate migration have contributed to making European migration policies more controversial in Europe.

6 Concluding remarks

The current trend in EU policy development is that power is moved from EU bureaucrats to the political level. Smeets and Beach (2020) argue that this is different for migration policies. In this field, politicians are more likely to delegate the development of migration regulation to bureaucrats in the commission than they are for policy development in other areas (they base this on an analysis of the process behind the EU-Turkey deal). This is, they argue, because politicians perceive issues related to migration policies as too ‘hairy’ and believe they have little to gain from taking ownership of them. One consequence of this is that concrete migration policies are given relatively little attention in public discourse. In this review, we have sought to inform the conversation by highlighting current knowledge on irregular migration between Africa and Europe, particularly along the Western Mediterranean route, and on three categories of policies that have been implemented with an aim to reduce this migration.

If we take as our starting point—as many policy documents do—that Europe needs migrant workers, but only those who come with legal documents to stay and work, this invites a structuralist approach to migration policy development. Such an approach focuses on the structures that create migration opportunities and shape migration aspirations, and aims to change these structures to channel migration into legal channels. To do this, we need to know what shapes current migration patterns and how irregular migrants differ from other migrants. Despite the clear policy distinction between irregular migration on the one hand and legal migration on the other, much migration research does not distinguish clearly between the two. Thus, we still know little about how migrants who enter Europe irregularly differ from migrants who use legal migration channels, in terms of their aims and goals for migration and their conditions of life and work in their country of origin prior to leaving.

Up until now, migration policies aiming to reduce migration aspirations in African populations have mainly focused on the push factors for migration. Policy programmes to reduce poverty and increase employment opportunities in origin countries in Africa are still being implemented, despite limited evidence that poverty alleviation will lead to less migration. Recently, there has also been increased focus on the pull factors of migration, where the labour market opportunities for irregular migrants in Europe are addressed. Several studies have indicated that when there is a contraction in demand for labour in Europe, there are also fewer arrivals of irregular migrants. There was, for instance, a drop in the number of arrivals in 2009 and 2010, when most European economies contracted following the financial crisis. The link between labour market opportunities and irregular migration is, however, still underexplored in migration research.

Strengthened border controls, interceptions at sea, and externalisation of migration policy through cooperation with transit countries for irregular migrants most likely contributes to keeping the numbers of irregular migrants low, although the evidence of the effectiveness of these measures along one route should be contextualised with opportunities opening or closing elsewhere. However, some of the deterrence policies come with a substantial humanitarian cost. The migrants who are able

to cross into Europe are often able to improve their conditions of life substantially: either they seek work in the informal labour market or else they are able to become regularised through marriage or asylum. For many, the potential gains on the other side will make it worthwhile to take the risks of crossing the Mediterranean, despite deterrence policies that aim to make it even more difficult to cross irregularly. A better understanding of the push and pull factors that make the migrants willing to take these risks could potentially inspire a more humane, but still effective, migration policy.

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Migration policies and irregular migration into Europe

This short report reviews current knowledge on irregular migration between Africa and Europe, and European policy measures used to regulate this migration flow. Such policies are often implemented beyond the EU, in partnership with or delegated to non-member states, NGOs or international organisation, in what scholars often refer to as the external dimension of EU migration policies. We give particular attention to the migration flows from Morocco to Spain along the Western Mediterranean route, where nationalities that are rarely granted asylum under the current asylum practises in Europe dominate.



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