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A Proposed Framework for the Study of Illegal Migration

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Abstract

In this article an attempt is made to introduce a comprehensive framework for the study of illegal migration that incorporates all factors related to this phenomenon. The proposed framework integrates macro-level, meso-level, and micro-level factors. In addition, the framework incorporates factors and routes of migrants in the countries of origin, transit, and destination. The framework incorporates the factor of illegality in human mobility which is not considered in the existing migration theories.

Keywords: illegal migration, irregular migration, migration theories, migration framework

1. INTRODUCTION

Illegal migration is motivated by the will of the individuals in less developed countries to move to a new land, settle down and work in the host country in order to improve their living standards and socio-economic conditions and escape poverty in their origin. “Illegal migration is badly viewed by people and officials alike. It is considered a negative move that should be combated” (Ennaji, no date: 1). Illegal migration is a longstanding phenomenon; one may attribute its roots to the rise of the Nation State in the 19th century; where the state is a political and geopolitical entity while the nation is a cultural and/or ethnic entity. The term "nation-state" implies that the two geographically coincide. Hence, geographical barriers were replaced by political borders that determine who cross the borders and who should be denied border crossing. With the rise of the term “Welfare State” in the West, and the introduction of strict visa systems and border surveillance, as well as the economic imbalances between the South and the North, attempts to overcome such barriers have increased.

Illegal migration could be regarded as a cheap source of labor, especially, in the informal economy of receiving countries, since illegal migrants accept low wages compared to nationals and legal migrants. In addition, illegal migrants are not entitled to benefits such as social security or health insurance. As for the migrants themselves, while illegal migration might provide migrants with some livelihood benefits, it might also pose larger negative challenges including: uncertain travel methods, unsecure transfers of remittances through informal channels and unregulated labor standards that might be worse than those of their home countries as a result of seeking available labor without formal documentation in the informal labor markets.

In this article an attempt is made to introduce a comprehensive framework for the study of illegal migration that incorporates all factors related to this phenomenon. The proposed framework integrates macro-level, meso-level, and micro-level factors. In addition, the framework incorporates factors and routes of migrants in the countries of origin, transit, and destination.

1.1 Terminology

In this study, I use the term “illegal migration” rather than the term “irregular migration” or the term “undocumented migration.” I acknowledge the fact that the term “illegal migration” has its connotation with criminality and the fact that most of illegal migrants are not criminals (Koser 2005), but at the same time, one cannot ignore the fact that these alternative terms are as problematic as the term “illegal” (Schrover, eds. 2008). The term “illegal migration” in the context of this study applies to the actions of entry, exit, or residence violating the rules set by countries of origin, transit, and destination at the time when actions take place. The term “illegal” describes behavior, rather than individuals.

1.2 Typology of illegal migration

There are different types of illegal migration or illegal status regarding persons’ movement and residency. Migrants could cross international borders without appropriate documents, or sometimes they cross borders through legal documents but they overstay their visas in the country of destination. Hence, they are considered as illegal migrants. In other situations,

legal migrants could be labeled as illegal migrants due to changes in legislations related to specific nationalities or the change of the regulations related to work permits or residence. Main types of illegal migration could be summarized in the following list:

1. Illegal international Borders Crossing: Illegal border crossing from the country of origin to the country of destination, directly or through a transit country, without appropriate documents required by the authorities of the transit country, if applied, and the country of last destination.
2. Overstaying Visa: Legal border crossing from the country of origin to the country of destination, directly or through a transit country, with appropriate documents required by the authorities of the transit country, if applied, and the country of last destination, but overstaying the duration of issued visa.
3. Illegal Work: Legal border crossing from the country of origin to the country of destination, directly or through a transit country, with appropriate documents required by the authorities of the transit country, if applied, and the country of last destination, but working illegally when the visa is issued for other purposes such as tourism, medical treatment, or any other reason that doesn't permit visa holder to join the labor market of the country of destination.
4. Illegal Stay due to Changes of Laws and Regulations: Legal border crossing, legal residence, but the laws that regulate residence have changed to affect a proportion of legal migrants and label them as illegal migrants, usually with a deadline for this category to legalize their status or to leave the country.

1.3 Legalization

There are different ways for an illegal migrant to become a legal resident in the country of destination. These ways vary from one country to another according to the legal framework. Legalization could be attained individually – case by case – or through group legalization programs:

Individual Legalization:

Individual legalization is usually obtained through immigration lawyers. Despite the fact that governments in the destination countries tend to follow rigorous roles in the process of

regularization of individual cases, illegal migrants tend to follow different routes toward legalization. Marriage of a national in the destination country, asylum seeking, and securing a work contract are among the routes towards legalization.

Group Legalization:

In the last two decades, Spain, Italy, Portugal and Greece have run at least 15 legalization programs of illegal immigrants. With little domestic opposition, Spain legalized nearly 600,000 of the African, Latin American and eastern European workers (International Reporter 2008). The United States legalized the status of 3.7 million illegal migrants through different legalization programs between 1986 and 2009 (Kerwin, 2010). The need for foreign labor and the economic considerations, as well as political pressures are the main factors that affect group legalizations.

2. MIGRATION THEORIES AND ILLEGAL MIGRATION

One can justifiably ask: why we need a new framework for the study of illegal migration? Aren't there arrays of multi-disciplinary theories that explain human mobility? The simple answer to this question can be explained through the fact that most of existing migration theories, if not all, assumes a free movement of humans. Barriers in the theories of migration are geographical – such as distance and natural barriers – or economic – such as the financial cost of migration.

Migration theories since Ravenstein's laws of migration (1885, 1889) until the latest economic theories of migration such as the "new economics of migration" (Stark, 1991), passing through Lee's theory of migration (Lee, 1966), the dual economy model of development and migration introduced by Lewis (1954), later extended by Fei and Ranis (1961), and the work of Todaro and Harris in this domain (Todaro, 1969; Harris and Todaro, 1970) were developed where free movement of humans and border crossing were relatively easy. So that such theories didn't consider the current situation of illegal migration. Moreover, existing theories of migration gave more attention to the labor market imbalances between origin and destination without incorporating the welfare system and the sharp divide

between living conditions in origin and destination as factors to push people to the attempt to overcome legal barriers.

Hence, there is a need to develop a framework to guide scholars and researchers to study illegal migration taking in consideration the fact that this type of migration entails crossing borders of one or two countries (countries of origin and destination) illegally or staying in the country of destination illegally. The framework provided in this article attempts to incorporate the legal/illegal and policy aspects to the migration system between origin and destination, passing through a transit country, if applied.

3. A PROPOSED FRAMEWORK

In this section I explore the basic components of the model as well as the analysis of the components of the model, then I explore data required in order to apply the model. The relation between the framework components are illustrated in Figure 1 and Table 1.

3.1 Basic components of the framework

Given the complexity of the illegal migration phenomenon, the basic components of the framework are interlaced; they include the following layers:

1. Level of analysis:
 - a. Macro level analysis,
 - b. Meso level analysis, and
 - c. Macro – individual – level analysis.
2. Geographical coverage:
 - a. Country of origin,
 - b. Transit country, and
 - c. Country of destination.

3.2 Analysis of the components of the framework

Level of analysis:

Macro level analysis

Macro level analysis related to the illegal migration phenomenon should take into consideration the *political framework* in both countries of origin and destination. The political framework in the country of origin includes political stability and democracy. A fragile state is expected to have less control in its borders. Migrants' smugglers are expected to find it easy to recruit more potential migrants to cross borders illegally. Democracy gives hope to potential migrants to stay in their homeland. It also means the respect of human rights by the state and the work towards fulfilling the needs of youth in the society so that the propensity of migration – illegally – decreases. Political framework in the country of destination includes the state's attitudes regarding immigration and the forces pro or against migration.

The analysis of the *economic framework* in the country of origin includes factors related to labor market regulations, unemployment rate, and welfare system (pension plans, social security system, health insurance, etc.). Such factors affect the propensity of illegal migration negatively or positively according to the economic performance of the country and its ability to create productive work opportunities for the youth and fresh graduates. The analysis of the economic framework in the country of destination includes factors related to labor market regulations, unemployment rate, welfare system, and the structure of the economy (formal versus informal economy). It is well-documented that illegal migrants are absorbed in the informal economy of the country of destination (Bade, 2004; Ceschi et al. 2005). This may explain why countries like Italy and Spain, with a large informal economies, are the main countries of destination for illegal migrants from sub-Saharan Africa and North Africa.

The analysis of the *legal framework* in the country of origin includes factors related to international, regional, and bilateral treaties and agreements that manage human mobility from the country to other countries, and the repatriation agreements between the country of origin and countries of destination. With respect to destination countries legal framework includes all the above mentioned factors in addition to regulation schemes, naturalization, and integration. This category includes also the legal framework in the transit country

Meso level analysis

The meso level includes the analysis of migration networks and the contact between migration networks in origin and the national diasporas in the countries of destination. It is well documented in the literature that migration networks play a major role in stimulating migration streams between a specific country of origin and countries of destination (Boyd, 1989; Faist, 1997; Haug, 2008).

Micro – individual – level analysis

The micro level is the most problematic level in the proposed framework since it deals with individual migrants and potential migrants. Factors in the micro level analysis of origin include *socio-demographic framework* and *economic framework* in both countries of origin and destination. Factors related to the socio-demographic framework in the country of origin include individual characteristics (age, sex, education, employment status, marital status, etc.). Moreover, this level of analysis includes household characteristics, and migration intentions. Economic framework includes the cost of migration. Factors in the micro level analysis in the country of destination include socio-demographic framework factors: individual characteristics (age, sex, education, employment status, marital status, etc.), legalization, and coping strategies of migrants in the destination (Zohry, 2009). Economic framework factors include remittances of migrants to their home country.

Household surveys are the most appropriate tool to collect data to cover factors related to the micro level. Anthropological techniques could also be employed to collect data. These techniques include case studies, participant observations, focus group discussions, and individual interviews.

Geographical coverage:

Illegal migration takes place between two or more countries. Hence, the analysis of this phenomenon should cover countries of origin, transit, and destination. This could make the proposed framework problematic. However, close cooperation between research centers, researchers, and policy analysis institutes in these countries very important to analyze this phenomenon.

3.3 The illegal migration outcomes

When potential migrants attempt to leave their origin to cross the borders towards another country illegally, they aim for a successful endeavor. However, experience of illegal migrants indicates that the outcomes of their endeavors vary. Illegal migration attempts could have any of the following outcomes:

1. Migrants being arrested inside their country of origin by police or border surveillance forces in the border area or in the territorial waters of the state,
2. The journey ends in the high seas – in case of using boats to reach a transit country or the destination country – due to end of supplies or damage in the means of transportation,
3. Migrants being arrested upon crossing international borders of a transit country or country of destination by border surveillance forces of another state then they may be transferred to detention camps. In this case the following outcomes can be envisaged:
 - a. Migrants could be repatriated/deported to their country of origin if a repatriation agreement is signed between the country of origin and country of destination.
 - b. Migrants could be repatriated to the transit country they come from, if applicable, if a repatriation agreement is signed between the transit country and country of destination.
 - c. Migrants could be allowed to enter the destination country under certain conditions – such as minors in case of Italy.
4. The journey end successfully and migrants enter the country of origin, but they are considered illegal residents
5. The journey end successfully and migrants enter the country of origin, but migrants could be arrested, sooner or later, because of their illegal residence
6. The journey ends successfully and migrants manage to regularize their status by different means stated above.

All of these trajectories should be born in mind while analyzing illegal migration.

3.4 Application of the model and data required

The application of the full model introduced in this article needs a huge amount of data and data collection effort at the macro- meso- and micro-levels. In addition, data collection is

supposed to take place in the countries of origin, transit, and destination. Hence, a full application of the model needs a close cooperation between research and policy institutions and an array of data collection methods that includes country level, household level, and individual level surveys. One can't expect that an individual researcher can do this effort alone, but researchers can apply this model partially.

4. Conclusion

In this article, I presented a framework for the study of illegal migration. The model considers three levels of analysis; the macro level, the meso level, and the micro level. In addition, the model considers both country of origin and country of destination, as well as transit country – if applicable. The framework considers an element that was ignored in the migration literature, which is the illegal aspect associated with crossing the borders of the country of destination illegally.

Despite the fact that the application of the full model proposed in this article needs a massive field research in origin and destination among potential migrants in origin, illegal migrants in destination, and regularized *formerly* illegal migrants in destination; it could be considered as a theoretical framework that guides researchers in understanding this growing phenomenon.

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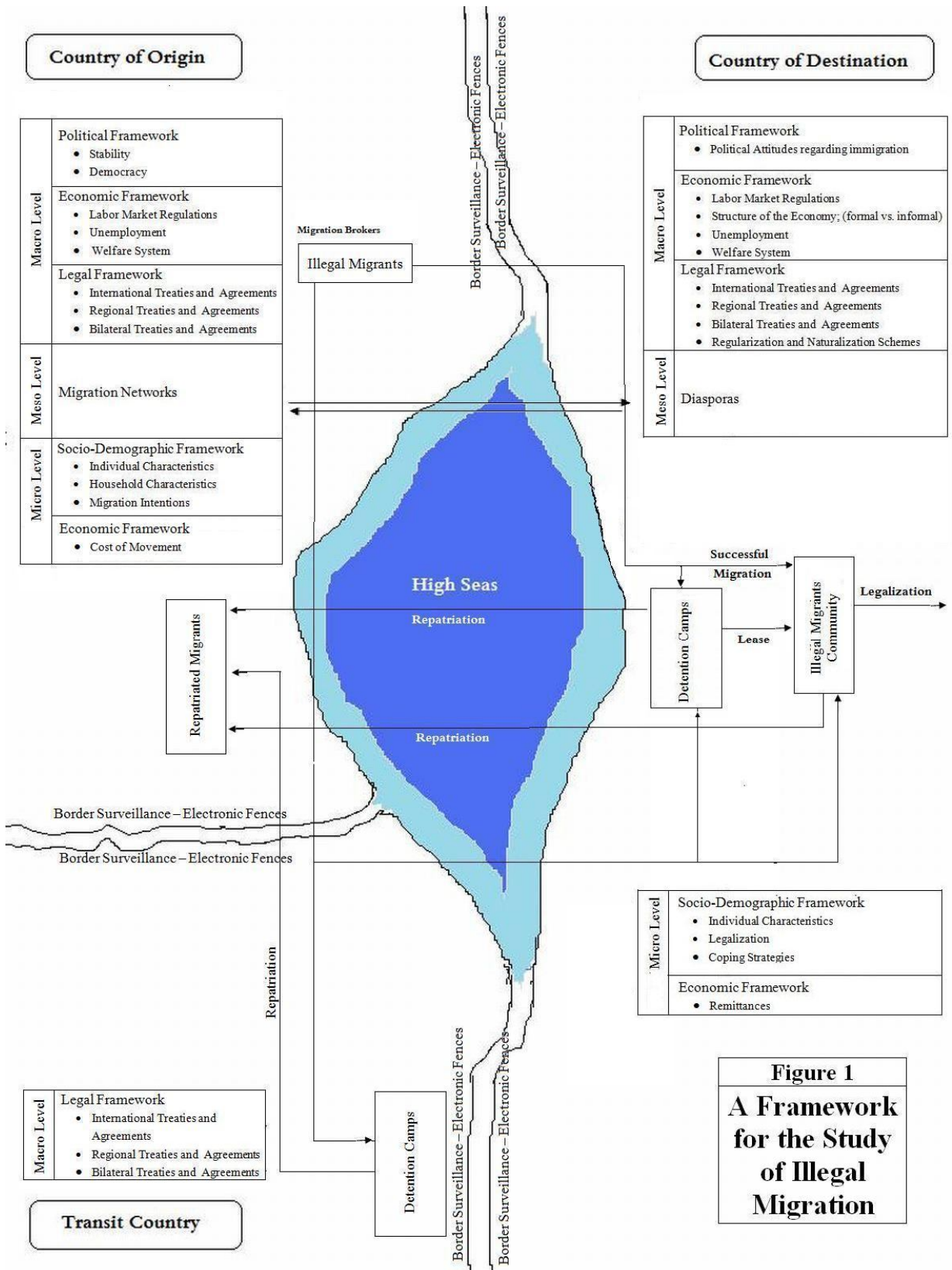


Figure 1
A Framework for the Study of Illegal Migration

Table 1
Factors Related to Illegal Migration in Countries of Origin, Transit, and Destination

Level	Country of Origin	Transit Country	Country of Destination
Macro Level	Political Framework <ul style="list-style-type: none"> • Stability • Democracy 		Political Framework <ul style="list-style-type: none"> • Political Attitudes regarding immigration
	Economic Framework <ul style="list-style-type: none"> • Labor Market Regulations • Unemployment • Welfare System 		Economic Framework <ul style="list-style-type: none"> • Labor Market Regulations • Structure of the Economy; (formal vs. informal) • Unemployment • Welfare System
	Legal Framework <ul style="list-style-type: none"> • International Treaties and Agreements • Regional Treaties and Agreements • Bilateral Treaties and Agreements 	Legal Framework <ul style="list-style-type: none"> • International Treaties and Agreements • Regional Treaties and Agreements • Bilateral Treaties and Agreements 	Legal Framework <ul style="list-style-type: none"> • International Treaties and Agreements • Regional Treaties and Agreements • Bilateral Treaties and Agreements • Regularization and Naturalization Schemes
Meso Level	Migration Networks		Diasporas
Micro Level	Socio-Demographic Framework <ul style="list-style-type: none"> • Individual Characteristics • Household Characteristics • Migration Intentions 		Socio-Demographic Framework <ul style="list-style-type: none"> • Individual Characteristics • Legalization • Coping Strategies
	Economic Framework <ul style="list-style-type: none"> • Cost of Movement 		Economic Framework <ul style="list-style-type: none"> • Remittances

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