

More Barbwire or More Immigration, or Both? EU Migration Policy in the Nexus of Border Security Management and Neoliberal Economic Growth

by Peo Hansen

Since the late 1980s a growing number of scholars, journalists, and NGOs have been employing the metaphor fortress Europe to depict what are allegedly disastrous migration policies enacted within the framework of the European Union. Today, fortress Europe has matured into a politically footloose charge, which means that Brussels and member state governments no longer enjoy the luxury of brushing it aside as the mere cry of the idealistic and hyperbolic do-gooders on the left. Rather, the portrayal of the EU as a fortress, dead set on repelling migrants from the less fortunate places of the world, now also holds sway within much of the global news media's neoliberal punditry.

On one level, the fortress Europe charge is both understandable and laudable. It represents a moral and political refusal to retreat into complacency before the almost daily news images of capsized refugee boats in the Mediterranean, and the equally frequent reports of drowned Africans floating ashore on the beaches of Spain, Malta or Italy. It also represents a sobering response to the EU's twenty-year-old assertion that the migration crisis somehow can be solved, or at least alleviated, by throwing more security measures at the problem; that is, more militarized border controls, barbwire, thermocameras, patrol boats, helicopters, external camps, and cooperation with countries such as Morocco and Libya to combat so-called illegal immigration.¹ After all, the EU's sustained investment in security-oriented migration measures has coincided with the steady increase of migrant casualties in the Mediterranean and elsewhere.

For all its merits, however, I have to confess my growing unease with the unreserved employment of the fortress Europe metaphor. The concern is how we would make empirical and theoretical sense of the fact that the steady reinforcement of fortress Europe, from the mid-1980s onwards, has gone in tandem with an equally steady growth in precisely that which the fortress is intended to prevent,

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namely illegal immigration, or better, irregular immigration? Current EU estimates put the number of illegal—or irregular—migrants in the EU-25 at about 8 million.² This increase in irregular migration is largely resulting from a labor market demand, as in many EU countries the cheap and flexible labor provided by irregular migrants has become a structural necessity. More precisely, irregular migration has been enabled by the past decades' neoliberal transformations of the EU's social relations and political economy.³ At first sight, there is a glaring contradiction between the EU's stated objective of fighting illegal migration on the one side, and its neo-liberal economic objectives on the other. That is to say, the latter objective's translation into more flexible labor markets, which often are made to rely on a steady increase of cheap and casual migrant labor, has acted to offset the former objective. In the early 1990s, research started to attend to this condition and was able to demonstrate that

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many EU governments that claimed to be fighting illegal immigration, were in actuality quite aware of and even content with the fact that their economies were profiting from the cheap labor performed by illegal or irregular migrants.⁴ In this sense, what we are dealing with may not be so much of a contradiction after all. Instead

we are better off conceptualizing the connection between migration and political economy—between fortress Europe and neoliberal Europe—in terms of a dynamic relation, thus acknowledging and accounting for the fact that migration cannot be understood in isolation from the wider political economic orientation of European integration.

My main objection to the fortress Europe metaphor thus lies in its risk of providing further sustenance to such isolationism, thereby obscuring and confusing more than it reveals. To be sure, the fortress metaphor may work quite well with regards to the EU asylum policy, as its objective is unequivocal; the EU does not want asylum seekers on its territory and thus does its utmost to keep them out.⁵ When it comes to the quest for cheap migrant labor, however, the economic forces within neoliberal globalization do not allow militarized borders to slow them down. They tend to work around such obstacles. In this pursuit, which involves regular migrants as well, they are not without their political partners. As Stephen Castles explains:

Policies that claim to exclude undocumented workers may often really be about allowing them in through side doors and back doors, so that they can be more readily exploited. [...] This can mean that politicians are content to provide anti-immigration rhetoric while actually pursuing policies that lead to more immigration, because this meets important economic or labour market objectives.⁶

To complicate the picture a bit further, we must also situate the metaphor of fortress Europe in the more novel context of the EU's ongoing request for a huge

increase in “legal” labor immigration to the rapidly ageing Union, which marked an about-face on labor migration policy when it was first made public at the turn of the millennium. For the elites who have always denied the fortress Europe charge, but for completely different reasons than those I have presented here, this development has come in handy. It provides a much-needed back-up for hollow-sounding counterclaims about, for instance, the EU’s “unconditional respect for refugee rights.” But the EU’s official turnaround on the matter of labor migration has also induced a more general sentiment among critical voices as to the sustainability of the EU’s security-oriented migration policies. Would it not be reasonable to assume that the EU’s enormous demand for new labor migrants, driven by economics and demographics, will make security-oriented migration policies irrational and thus unsustainable, giving rise to “a far more rational immigration policy, in which supply and demand, not security and barbed wire fences, deal with the inevitable push-pull dynamics engendered by global economic integration.”⁷⁷ This is an important question to be addressed in the remainder of this article.

While further illustrating the various tensions and contradictions within EU migration policy, I also address some of the ways in which the EU seeks to manage and eventually resolve such tensions. In contrast to common wisdom, I argue that what the EU seems out to accomplish is the feat of generating a productive, or win-win dynamic between security and economic growth. This dynamic is between a security-oriented migration policy fighting “illegal migration”, on the one side, and a growth-oriented migration policy enabling a large-scale circulation of “legal” third country labor migrants to and from the EU, on the other side. In this connection, I discuss some of the implications that the EU’s developing migration policy regime may have for the issues of rights and citizenship, in general, and for the prospects of migrants’ access to (social) rights in the EU, in particular.

OLD EUROPE OPENS DOORS TO NEW LABOR IMMIGRATION

The EU claims to have a dire need for labor migrants. Starting in the late 1990s, this message has today become a mantra that is reiterated almost daily by many institutions and actors: the European Commission, various think tanks, corporate lobbies, employers’ associations, as well as numerous scholars and commentators in the global media. EU governments also embrace the message, however, for reasons that I will come back to, governments are usually less persistent in their endorsement, particularly during election campaigns.

But the issue is not about just any increase. According to UN and EU estimates the Union would require tens of millions of migrants, some say even more, over the next decades in order to mitigate its huge deficit in certain demographics, and thus be able to sustain growth and competitiveness. As a consequence, economic growth and migration have become two sides of the same coin in the EU’s economic and political ambitions—a condition that was accentuated in the EU’s relaunched Lisbon Strategy in 2005. As stated by the European Commission in its *Green Paper on an EU Approach to Managing Economic Migration*:

In fact, even if the Lisbon employment targets are met by 2010, overall employment levels will fall due to demographic change. Between 2010 and 2030, at current immigration flows, the decline in the EU-25's working age population will entail a fall in the number of employed people of some 20 million. Such developments will have a huge impact on overall economic growth, the functioning of the internal market and the competitiveness of EU enterprises. In this context [...], more sustained immigration flows could increasingly be required to meet the needs of the EU labour market and ensure Europe's prosperity.⁸

“Immigration is an important part of the solution”, the EU External Affairs Commissioner, Benita Ferrero-Waldner, verifies. “It will help us make the transition to a new economic situation, and maintain a certain level of growth. [...] For Europe, with its falling, ageing population that will inevitably mean attracting brains and labour from outside.”⁹

Whether or not the economic crisis and mass unemployment currently afflicting the EU will bring about a revision of the official migration demand remains to be seen. This was what happened during the crisis in the early 1970s, when practically all countries in Western Europe issued a formal ban on the enrollment of labor migrants from poorer parts of the world. Changes for the short-term have already taken place, but at the time of writing the long-term projections are still left unmodified. However, it is probably wise not to make too many assumptions about what the future may hold. The advances made by the extreme right offer one good reason for such caution. But it is also bound up with the growing inclination on the part of governments and traditional parties to foment and exploit anti-immigration sentiments and exclusive ethno-cultural identity politics in order to appease or appeal to the extreme right's constituency.

So far, the policy line of significantly increasing labor migration to the EU holds firm. This was confirmed when the European Parliament, at the height of the financial turbulence in the fall of 2008, overwhelmingly approved the European Commission's so-called Blue Card proposal, which aims to facilitate the increase of high-skilled labor migrants to the EU. According to the EU Commissioner responsible for justice, freedom and security (migration policy sorting under this Directorate General), Jacques Barrot, the Parliament's approval demonstrated, “that Europeans are open to immigration flows and that we are welcoming to nationals from outside Europe.” Barrot continued, “I hope we will show through this policy that Europe is not inward-looking.”¹⁰

MANAGING THE LEGACY AND MYTH OF “ZERO IMMIGRATION”

Barrot is seeking to convey an image of today's EU, not of a fortress, but of a cosmopolitan EU opening up to the world. As noted above, this re-branding of the EU has gained attention within both media commentary and research, as seen in statements such as the following: “The Commission's Blue Card initiative demonstrates that the EU is no longer a ‘fortress’; it is opening itself up to talent, and creating the right conditions for migrants to obtain a legal job in Europe.”¹¹

Clearly though, the EU's real objectives should not be mistaken for a cosmopolitan conversion, but are firmly rooted in economic imperatives. As the quote from the Commission's *Green Paper* above indicates these objectives are not something the EU is trying to conceal.

In order to tease out something more worthy of consideration from the proud EU proclamations about a Europe "open to immigration" we should consider them in a historical context. They are to be understood foremost in relation to the EU's previous official policy concerning non-OECD labor immigration. The EU clung to this previous policy until the late 1990s. In the period from the early 1970s to the late 1990s the official policy in Brussels meant zero labor immigration from any country outside the OECD. This formula, pronounced the only realistic one at the time, acquired a status almost like that of a sacred promise to EU citizens. As such, it made up a primary rhetorical tool in Brussels' endeavor to win popular support and legitimacy for the neoliberal transformation that the EU went through during the 1980s and 90s.¹² In Brussels the assumption was that EU citizens were negatively inclined towards immigration (from the east and south) and the Commission thus rarely missed an opportunity to ensure that liberalization within the framework of a single market by no means would be allowed to lead to an increase in immigration.¹³ Quite the contrary, the EU made sure to flaunt liberalization and the move to eliminate internal borders as walking hand in hand with powerful measures to strengthen external border controls and step up the fight against illegal immigration, fraudulent asylum-seeking, and international crime and terrorism.¹⁴ Owing to this, large chunks of asylum and migration policy were removed from their traditional policy domains of human rights and labor market policy, and instead integrated into security and crime prevention policy. But this also made the Commission and EU governments complicit in the legitimization and fomentation of hostile attitudes towards immigration and asylum. Brussels and EU governments' populist guarantees to shut the external borders to immigrants and other security threats, as migration now increasingly was being framed, were promoted as essentially synonymous with the EU citizens' legitimate entitlement to security in times of great change. As stated in a Commission booklet specifically addressing the EU citizens, "The problems of immigration and asylum, drug trafficking and other aspects of international crime [sic] are matters of increasing concern to the citizens of Europe."¹⁵

In addition, the Commission also presented its restrictive migration policy as a necessary precondition for the successful integration of already resident migrants and minorities with migrant backgrounds—that is, those migrants and minorities defined as non-European/non-western. Everything else was simply deemed "unrealistic."¹⁶ However, no explanation was provided as to how the integration of already present migrants would become more realistic by being made contingent on a policy perception that identified migrants primarily as a nuisance and security problem. Already in the early 1990s there were a few voices from within the European Parliament who called the bluff on this equation, arguing that "[a]ssociating migrants and refugees with police and national security could well feed

racist ideas and could be used to legitimize certain forms of racist behaviour.”¹⁷

This provided, it is first and foremost in relation to what Brussels today refers to as the era of zero immigration, meaning the early 1970s–late 1990s, that we should assess the confident statements about a Europe that welcomes migrant workers from around the world. Indeed, since around the turn of the millennium the Commission’s calls for a clean break with zero immigration policies have increased exponentially. All of a sudden, Brussels would start issuing statements such as, “The Commission considers that the zero immigration mentioned in past Community discussion of immigration was never realistic and never really justified.”¹⁸ Furthermore, “it is clear from an analysis of the economic and demographic context of the Union and of the countries of origin, that there is a growing recognition that the ‘zero’ immigration policies of the past 30 years are no longer appropriate.”¹⁹ Or more bluntly, “the Commission believes zero immigration to be, quite simply, unrealistic.”²⁰ A minor revolution, to say the least, from which the Commission has been quick to score cheap cosmopolitan points. This is a message that too many scholars and media pundits seem to have swallowed hook, line, and sinker. The points are cheap for the simple reason that Brussels’ turnaround on labor immigration has not given rise to any public self-examination. Instead, the Commission has been trying to make it appear as if it had never itself sanctioned the past policy of zero immigration, when in fact it was one of the policy’s staunchest advocates.

Even more important is that the Commission also withholds the truth concerning the real meaning of the so-called zero immigration policy. Because as concerns the EU area, the 1980s and 1990s were certainly not characterized by zero labor immigration. On the contrary, several million new labor migrants from around the world arrived during these decades. Most of these, however, were not legal or regular labor migrants. They were irregular, undocumented, or “illegal,” the latter being the EU’s established designation. As much research has demonstrated, the great demand for this type of cheap labor must be understood as contingent on the deregulation and increasing flexibility of the EU economies and labor markets that followed in the wake of the neoliberal transformation taking place during the 1980s and 1990s. Weakened labor unions and labor laws, pressure for low-skilled production and low-wage and temporary employment, in conjunction with a fast growing informal economy and labor market of outsourced, subcontracted, and sweated labor have all encouraged the EU’s growing demand for irregular labor migrants; that is, the type of labor often most suited for such economic and labor market conditions.²¹

In the official rhetoric, however, Brussels and EU governments do not acknowledge promoting an economy and labor market dynamic that feeds on the work conducted by irregular migrants. So far, it is only the EU’s great demand for “legal” labor migrants that is being openly acknowledged. Instead of going public with what they know, the EU’s political establishment persists in broadcasting its hostile attitude towards the illegal immigrants while simultaneously advancing

policies that are conducive to illegal immigration. The term illegal immigrants, consequently, constitutes one of the most flagrant misnomers of our times. It is precisely those 8 million illegals that constitute key cogs in the EU's so hotly coveted flexible labor market. It is their contribution to the labor pool that lowers production costs, which keeps consumer prices down on construction, tourism, agriculture, child care, etc.

MANAGING PUBLIC RELATIONS POST "ZERO IMMIGRATION"

Nonetheless, the new policy also contains a certain measure of candor. Thus, when the Commission launched its new official approach to labor immigration it was fairly obvious that the Commission recognized how it was breaking a promise to the citizens of the EU. It was clear that the Commission felt it had been saddled with a tough public relations challenge. Brussels thus appeared to be apprehensive that EU citizens would respond negatively to the abrogation of "zero immigration," possibly interpreting it as portending less restriction and an uncontrolled inflow of immigrants. After all, the EU had gone from an official policy firmly resolved to uphold "zero" labor immigration from non-OECD countries to a policy forecasting the entry of millions of new labor migrants almost over night. In order to obviate a possible public disapproval of this rather abrupt shift, the Commission soon came up with a series of public relations measures to be adopted by elite actors. "A shift to a proactive immigration policy," the Commission asserted, will "require strong political leadership to help shape public opinion."²² In its detailed opinion on the Commission's new approach to migration, the EU's consultative body, the European Economic and Social Committee, voiced similar concerns: "It will not be easy to persuade public opinion to take a favourable view of the more open immigration policy now being proposed, but far-reaching work to this end is now urgently required."²³

So, in the face of the broken promise for zero immigration, what has been the EU's main tactic for saving face? The answer is simple; by making a new pledge to EU citizens to implement even harsher measures against illegal migration, so-called bogus asylum seeking, and international crime and terrorism:

*Europe's citizens rightly expect the European Union [...] to take a more effective, joint approach to cross-border problems such as illegal immigration and trafficking in and smuggling of human beings, as well as to terrorism and organised crime.*²⁴

As part of this new pledge, the Commission also points to the merits of "the forced return of illegal residents," arguing that this can "help to ensure public acceptance for more openness towards new legal immigrants against the background of more open admission policies particularly for labour migrants."²⁵ Important to mention too is that this was soon followed up with a pledge to make integration policy more stringent, toughening the stance against the EU's Muslim minority in particular. As the EU's then Commissioner in charge of justice, freedom and security (also Vice-President of the European Commission) spitefully remarked, while stressing the

importance of having Muslims adapt to European “core rules” and hinting his support for a ban on the Muslim headscarf, “We are not governed by sharia, after all.”²⁶

Instead of being a catalyst for a gradual reversal of the EU’s security measures and militarized migration control policy as many had predicted, the new policy of working to increase labor immigration created a development in the exact opposite direction. Between 1993 and 2003, according to the International Centre for Migration Policy Development in Vienna, more than 10,000 migrants and refugees died in and around the Mediterranean while trying to reach the EU, many of them in search of work.²⁷ There is widespread agreement that this catastrophe has everything to do with the EU’s ever-increasing investment in militarized migration control in the Mediterranean. Since then, all estimates point to a steady increase in migrant casualties in the Mediterranean, which is partly due to the EU’s militarized border controls forcing migrants and refugees to opt for ever-more perilous waterways. As a consequence of the over-abundance of immigration controls in and around the EU, the European Council of Refugees and Exiles estimated in 2004 that roughly 90 per cent of asylum seekers are forced to utilize irregular channels in order to gain entrance to the EU.²⁸

What we are witnessing, to put it incisively, is a development where the EU’s endeavor to increase labor immigration coincides more and more with migrants dying in their endeavor to meet this demand. As I noted in the beginning of this article, this has struck many as appallingly irrational, bound to yield to a more expedient regime that would regulate labor migration more in accordance with, for instance, balanced mechanisms of demand and supply. For why roll out more barbwire carpet for those you say you desperately need?

Surely, this seems appallingly irrational and contradictory. I should add too that both Brussels and individual EU governments acknowledge that the reduction of North-South inequalities constitutes the single most important issue to come to terms with so-called forced migration from Africa and elsewhere. As numerous scholars and NGOs have shown, however, the EU lacks both the political will and the viable economic instruments to assume such a far-reaching project, a project that, needless to say, hardly could be initiated short of a sweeping transformation of the current political and economic world order. With this option effectively precluded, the EU proceeds by embracing a non-obliging rhetoric about global inequality reduction while simultaneously committing to establishing a regime for migration management intent on making militarized migration control one of the primary guarantors for the supply of the EU’s demand for migrant labor. In other words, it is more barbwire, not less, that is seen as the rational means to increasing labor immigration to the EU.

MANAGING MIGRATION IN EURO-AFRICAN RELATIONS

The EU’s current relation with Africa illustrates this rationality to the point. In a series of high level Euro-African meetings focusing on migration, Brussels and EU

governments have made it plain to its African partner that the EU has a great demand for migrant labor in many economic sectors, and that it is willing to increase “legal” labor migration from unemployment-ridden countries in Africa. But Brussels has been equally clear in pointing out that the EU will call the shots as to who will be admitted and when and where the migrant labor will be needed. This is reflected in the Commission’s concrete proposals which all emphasize “circular migration”, temporary work permits and seasonal labor.²⁹ Among other things, Brussels has put forward that an unspecified number of unemployed Africans may, in the near future, be granted temporary work permits in the EU to carry out seasonal work in agriculture, fill positions in the medical service, and to work as maids in European households.³⁰ To make this feasible,

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however, the EU has seen itself forced to invest most of its efforts into the further strengthening of the militarized guarding of the frontier in the Mediterranean and the Atlantic, as well as into closer cooperation on security with African countries in order to better combat illegal immigration.

The EU thus wants to import labor from Africa in order to service economic growth and competitiveness. At the same time, the EU wants full liberty of choice in deciding who and how many to admit so as to effectively calibrate migration to those sectors presently suffering from labor shortages. In order to assume such control of the migration flows, Brussels considers it an absolute necessity to step up the fight against illegal immigration and bogus asylum seeking. By this means, the EU is to guard itself against the importation of unemployment and poverty, as well as against various perceived security threats and the socio-economic burden of processing and housing asylum seekers. Given that labor demand in many sectors may fluctuate quite rapidly the EU also wants to guard itself against a situation where newly arrived labor migrants all of a sudden are out of work, with all that this involves in terms of social and economic costs. As a result of the current economic crisis and the rising unemployment in the EU, this logic—often fraught with xenophobic sentiments—is already kicking in, with some EU governments devising (EU sponsored) policies to have labor migrants leave their countries.³¹ It is by recommending the issuing of temporary work permits, as well as preparing for an active return policy if jobs should dry up, that Brussels wants to obtain instruments to avert such a situation from occurring. In this way member states may well be spared from shouldering the socio-economic responsibility that permanent residence

would entail.

Taken together, the EU's migration policy towards Africa is emblematic of how Brussels, in a practical sense, believes itself capable of generating a win-win dynamic between the security-oriented fight against illegal migration, on the one side, and the neoliberal fight for growth and competitiveness, on the other. Since this has become the dominant line of policy it provides more than one clue as to why the migration crisis in the Mediterranean region has been allowed to continue unabated.

CONCLUSION: THE CRUCIAL QUESTION OF (MIGRANTS') RIGHTS

As already indicated, the development discussed above must be understood in direct relation to the diminishing scope of both social citizenship rights and human rights in the EU—a change that for obvious reasons has been particularly painful for labor migrants from poorer countries and asylum seekers. Substantial rights are considered costly and fit badly with the neoliberal doctrine (of liberalization, flexible labor markets and reduced welfare provisions) that has been the EU's guiding norm for more than 20 years. Governments in the EU have thus become much more hesitant to commit themselves to social rights provisions for new labor migrants. This partly explains why governments do their utmost to avoid the granting of permanent residence to new labor migrants. As the Swedish Minister for Migration made clear at the Euro-African Ministerial Conference on Migration and Development, held in Paris in 2008: “In this context, we must recognize that the old paradigm of migration for permanent settlement is increasingly giving way to temporary and circular migration.”³² Despite the continued hollowing out of national citizenship rights in the EU, permanent residence—whether obtained through employment, refugee protection, for family reasons, etc.—still provides migrants and refugees with a set of basic social, civil, and political rights, and thus goes to make up the gateway to full formal citizenship. As Castles and Davidson underscore, “[t]he pivotal right [for migrants] is clearly that of permanent residence, for once a person is entitled to remain in a country, he or she cannot be completely ignored.”³³

When the Commission now undertakes to establish a common EU framework for labor migration it is easy to spot the compatibility between the member state reluctance towards migrants' permanent residence and social incorporation, on the one side, and the concepts and arrangements around which the Commission suggests an EU framework be developed, on the other side. These concepts and arrangements include circular migration, temporary residence, seasonal labor and return migration. Even though specifically designed for high-skilled labor migrants, the EU's Blue Card scheme also testifies to this development. At best, the Blue Card is very vague on the prospects of permanent residence for future card holders. What characterizes such arrangements, which all member states have individually adopted to a greater or lesser extent, is that they entail few social commitments on the part of the host state and thus leave little room for substantial rights for the migrants. Such rights are for the most part tailored exclusively for permanent residents.

To migrate to the EU with one's much sought-after labor has ceased to be synonymous with the simultaneous migration into a regime of social rights of citizenship, which eventually became the case in Western Europe during the postwar period's great labor migration boom. This also means that the precarious and rightless position that has made "illegal" labor migrants so popular on the EU labor market in some important respects now forms the model for how the EU is to go about managing its great demand for new "legal" labor migrants. As a consequence, the very same people on whom the EU's future economic growth and prosperity are said to depend are offered nothing in return. It seems as if the EU wants the poor world's labor, but not its people, at least not in the form of prospective rights-bearing citizens. This points to an attempt to further disembled migration policy from policies of social incorporation, an attempt which is structurally interlinked with a simultaneous effort to capitalize even further on the international division of labor by way of establishing this division more firmly and tangibly in the heart of Europe itself. This course of action will not only risk exacerbating ethno-racial exclusion and adding further tiers to the EU's already multi-tiered labor market; with a militarized migration control serving as its ultimate regulator it will also risk worsening the migration crisis at the EU's external borders. If this demonstrates the importance of addressing how current migration policy expresses and feeds on the political economy of unequal global, regional and international relations, it should also highlight the importance of restoring the matter of social rights on the migration policy and research agenda. Pipe dreams about the arrival of a benevolent, post-political and self-regulating migration market just won't do the job.

Notes

¹ On the EU's migration policy cooperation with Libya, see e.g. Human Rights Watch, *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants of Asylum Seekers*, (New York, September 2009); Euronews, "Libya: EU agrees cash to combat illegal immigration," February 11, 2009, <http://www.euronews.net/2009/02/11/eu-agrees-cash-for-libya-to-combat-illegal-immigration>, (accessed October 6, 2009); I write "so-called" to mark my critical distance from the term illegal immigration/illegal immigrants. For reasons that will become obvious in what follows, illegal immigration/immigrants should not be seen as a neutral or descriptive term, simply denoting a juridical fact and condition. Rather, it must be approached for what it is; that is to say, an ideological and political term that EU institutions, EU governments and other political forces employ for the purpose of justifying and enabling certain migration policies and discourses. As Elspeth Guild (one of the most renowned scholars on EU migration law) and Sergio Carrera argue, "the European Commission and Council's insistence on using the term 'illegal' to refer to people is objectionable and discouraged in international fora. People are not illegal; their presence on a territory may not be authorised or their status as an immigrant may lack proper documentation, but that does not put them in a category where their very existence constitutes illegality." See Elspeth Guild and Sergio Carrera, "Towards the Next Phase of the EU's Area of Freedom, Security and Justice," *CEPS Policy Brief*, no. 196 (2009): 4, <http://www.ceps.be/book/towards-next-phase-eus-area-freedom-security-and-justice-ecs-proposals-stockholm-programme>, (accessed March 23, 2010). It is worth mentioning too that a European Parliament resolution in 2009 called "on the EU institutions and Member States to stop using the term 'illegal immigrants,' which has very negative connotations, and instead to refer to 'irregular/undocumented workers/migrants.'" See "European Parliament resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008," P6_TA-PROV(2009) 0019, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0019+0+DOC+XML+V0//EN> (Accessed March 23, 2010). In the following I will use the term irregular immigration/immigrants in those cases where I am not directly citing or paraphrasing EU institutions and governments.

² European Commission, *Preparing the next steps in border management in the European Union, Impact Assessment*, SEC(2008) 153 (Brussels, February 13, 2008), 6.

³ See Carl-Ulrik Schierup, Peo Hansen and Stephen Castles, *Migration, Citizenship, and the European Welfare State: A European Dilemma* (Oxford: Oxford University Press, 2006).

⁴ Ibid. See also Henk Overbeek, "Towards a new international migration regime: globalization, migration and the internationalization of the state," in Robert Miles and Dietrich Thränhardt, eds., *Migration and European Integration: The Dynamics of Inclusion and Exclusion* (London: Pinter, 1995), 31-2.

⁵ There is an abundance of research corroborating this point; see e.g. Schierup, Hansen and Castles, *Migration, Citizenship, and the European Welfare State*, supra note 3; Jef Huysmans, *The Politics of Insecurity: Fear, migration and asylum in the EU* (London: Routledge, 2006); Sandra Lavenex, *The Europeanisation of Refugee Policies: Between human rights and internal security* (Aldershot: Ashgate, 2001).

⁶ Stephen Castles, "Why migration policies fail," *Ethnic and Racial Studies* 27, no. 2 (2004), 223, 214.

⁷ Adrian Favell and Randall Hansen, "Markets against politics: migration, EU enlargement and the idea of Europe," *Journal of Ethnic and Migration Studies* 28, no. 4 (2002), 598.

⁸ European Commission, *Green Paper on an EU Approach to Managing Economic Migration*, COM(2004) 811 final, (Brussels, January 11, 2005), 3-4.

⁹ European Commission, "Migration, External Relations and the European Neighbourhood Policy," Commissioner Ferrero-Waldner, SPEECH/06/30 (Brussels, January 21, 2006), <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/30&type=HTML&aged=0&language=EN&guiLanguage=en> (Accessed October 23, 2009).

¹⁰ Quoted in Renata Goldirova, "MEPs back foreign worker 'blue card' plan," *EUobserver.com*, November 21, 2008, <http://euobserver.com/9/27155> (accessed October 11, 2009).

¹¹ Katerina-Marina Kyrieri, "Demographic Changes, Immigration Policy and Development in the European Union," *EIPASCOPE*, no. 3 (2007), 24, http://www.eipa.eu/files/repository/eipascope/20080304164523_KKY_SCOPE2007-3_Internet-3.pdf (accessed October 12, 2009).

¹² For comprehensive accounts on the EU's neoliberal transformation, see e.g. the contributions in Alan W. Cafruny and Magnus Ryner, eds., *A Ruined Fortress? Neoliberal Hegemony and Transformation in Europe* (Lanham: Rowman and Littlefield, 2003).

¹³ See further Peo Hansen, "'European citizenship,' or where neoliberalism meets ethno-culturalism: Analysing the European Union's citizenship discourse," *European Societies* 2, no. 2 (2000).

¹⁴ For more on this logic, see e.g. Andrew Geddes, *The Politics of Migration and Immigration in Europe* (London: Sage, 2003).

¹⁵ European Commission, *European integration: The origins and growth of the European Union* (Luxembourg: Office for Official Publications of the EC, 2005), 62.

¹⁶ See European Commission, *On immigration and asylum policies*, COM(94) 23 final (Brussels, February 23, 1994).

¹⁷ European Parliament, Report drawn up on behalf of the Committee of Inquiry into Racism and Xenophobia. Session Documents, Doc. A3-195/90 (Brussels-Luxembourg, July 23, 1990), 133.

¹⁸ European Commission, *Proposal for a Council Directive on the right to family reunification*, COM(1999) 638 final, (Brussels, December 1, 1999), 2.

¹⁹ European Commission, *On a Community Immigration Policy*, COM(2000) 757 final (Brussels, November 22, 2000), 3.

²⁰ European Commission, "Asylum and immigration debate," *Communiqués de presse de l'UE*, IP/00/1340, (Brussels, November 22, 2000), 4.

²¹ See further Schierup, Hansen and Castles, *Migration, Citizenship, and the European Welfare State*, supra note 3; See also, e.g., the contributions in Erik Berggren et al. eds., *Irregular Migration, Informal Labour and Community: A Challenge for Europe* (Maastricht: Shaker Publishing, 2007).

²² European Commission, *On a Community Immigration Policy*, supra note 19, 22.

²³ Economic and Social Committee, "Opinion of the Economic and Social Committee on the 'Communication from the Commission [...] on a Community immigration policy,'" *Official Journal of the European Communities*, no C 260 (2001/C 260/19) (September 17, 2001): 111.

²⁴ Council of the European Union, Presidency Conclusions, *14292/1/04* (Brussels, December 8, 2004), 4.

²⁵ European Commission, *Green Paper on a Community Return Policy on Illegal Residents*, COM(2002) 175 final, (Brussels, April 10, 2002), 8.

²⁶ Lucia Kubosova, "EU has limits in respecting Muslim traditions, says Frattini," *EUobserver* (October 9, 2006), <http://euobserver.com/9/22591>, (accessed October 14, 2009).

²⁷ International Centre for Migration Policy Development, *Irregular transit migration in the Mediterranean* (Vienna: 2004).

²⁸ European Council on Refugees and Exiles, *Broken Promises—Forgotten Principles* (London: ECRE Secretariat,

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²⁹ See e.g. European Union, *Joint Africa-EU Declaration on Migration and Development* (Tripoli, 22–23 November 2006), (November 23, 2006), <http://www.unhcr.org/refworld/docid/47fdfb010.html>, (accessed October 22, 2009).

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³¹ See e.g. Sarah McInerney, “More foreign workers choose to return home,” *The Sunday Times*, February 15, 2009.

³² Tobias Billström, Speech, *Euro-African Ministerial Conference on Migration and Development* (Paris, November 25, 2008), <http://www.regeringen.se/sb/d/7621/a/116756>, (accessed October 19, 2009).

³³ Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (London: Routledge, 2000), 94-5.

