

EU FACING ILLEGAL IMMIGRATION, THE ROAD TO EU

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Abstract

The problem of illegal immigration has being a growing concern within the EU. The European Union has always been hocked in the struggle against clandestine immigration. From the Council of Tamper in 1999, the member states are hocked to fight against clandestine immigration. Large numbers of people moves across the borders of the EU for the sake of job opportunities. Sometimes, people cross the border independently, while other times, they do so collectively with other people. The corrupt custom officers and police are strong facilitators of this illicit immigration of these people. Also, the need for people is exploited by an organized crime groups operating in this field. Illegal immigration and trafficking of human beings are combined activities of organized crimes. These can be seen mostly as a labor market problem, and the EU is trying to frame a policy regulating both labor markets and migratory flows. *This therefore constitutes the main aim of this study.*

Keywords: Illegal immigration, EU, Organized crime, Labor market, migratory flows

Introduction

To better understand illegal immigration, there is a need to define it. Illegal immigrants who try to cross the borders or those who have crossed already have both committed a criminal offence. However, people cross the borders for economic reasons of trying to work in the member states. To curb this, all member states have introduced measures of fighting the black employment, by sanctioning those who hire the irregular migrants. The use of a mixed methodology (in this work) such as a descriptive analysis focusing on “*The need to define and understand the illegal immigration*”, “*Analyse the criminal offence committed (the subject - offender)*”, “*The link*

and difference between illegal immigration and trafficking of human being”, “Facilitation of illegal immigration. Its Modus operandi from country of origin to destination country”, and “A Policy regulating both labor markets and migratory flows”, combined with the right literature books and papers published by scholars that take part in the debate, as well as on illegal immigration-related official reports and documents issued by the EU, accomplish the main aim of this study.

- **The Need to Define and Understand the Illegal Immigration**

The definition of illegal immigration is very important because from this point of view, the understanding of such phenomenon begins. Trying to define the illegal immigration, we understood the modus operandi of those who collaborate to commit such an offence. Also, we observed the difference and link between such phenomenon and human trafficking. The first problem one has to acknowledge is the absence of an established “*common definition of illegal immigration*” and the multiplicity of terms that are used to describe this phenomenon³⁹. Various terms, such as ‘illegal’, ‘irregular’, ‘unauthorized’, ‘undocumented’, and ‘clandestine’ migration are used interchangeably. A second important aspect, is the role of national legislation which defines “*who can cross the border and who cannot*”, thus proving the legal background for defining the ‘*illegality*’ of presence in a certain territory. The European Commission in the Communication of a “*Common policy on illegal immigration*” (2001) recognized that “*illegal immigration is multifaceted in terms of the individuals concerned, and the patterns of their illegal entry and residence*”⁴⁰. The Communication clearly distinguished two types of activities that lead to the categorization of a person as an illegal immigrant. That is, “*those who illegally enter the territory of a member state*”. This can take place either through an illegal border crossing or at a border post using false or forged documents”. Secondly, are those “*who have entered with a valid visa or residence permit, but have ‘overstayed’*”⁴¹. Notably, in the Communication on “*Policy priorities in the fight against illegal immigration of third country nationals*” (2006), further precision of this definition was made. The definition subsequently expanded and incorporated one more activity, namely “*unsuccessful asylum seekers who do not leave after a final negative decision*”⁴². Therefore, the European Union

³⁹ T. Balzacq and S. Carrera, “*Migration, Borders and Asylum: Trends and Vulnerabilities in EU Policy*”, CEPS working Papers, CEPS Brussels, 2005, p.26

⁴⁰ Commission of the European Communities, *Communication on a “Common policy on illegal immigration*”, COM (2001) 672 final, Brussels, November 11, 2001, available under <http://eurlex.europa.eu/LexUriServ/LexUriServ.douri=CELEX:52001DC0672:EN:NOT>, retrieved March 19, 2008

⁴¹ COM (2001) 672 final, *op.cit.*

⁴² Commission of the European Communities, *Communication on “Policy priorities in the fight against illegal immigration of third-country nationals*”, COM (2006).

determines illegal immigration as: ***Illegal border crossing, ‘Overstaying,’ and Failure to leave the EU by unsuccessful asylum seekers.*** This explicit definition explains the current state of affairs on how illegal immigration happens most commonly in the European Union.

- **Analyses of the criminal offence committed (the subject - offender).** *Constituent elements of this general criminal offence figure (The violation of different laws in different fields).*

When we speak, mention, or treat the question of illegal immigration, there is always a *legal framework to regulate* the opposition of this phenomenon known as **the legal immigration**⁴³. However, it means that the state or the states have inserted, framed, and have put in place some laws to regulate certain issues. So when illegal immigration is done, a criminal offence has been thus committed⁴⁴. As a matter of fact, where illegal migration begins and ends is a matter for each sovereign state to define. Thus, the spectrum is very wide. Illegal migrants either enters a country in violation of that country’s laws or have violated a condition for legal stay (e.g. by overstaying a tourist visa, or by not leaving upon the rejection of an asylum application).

The illegal border crossing can happen independently or can be facilitated by others⁴⁵. This support is increasingly organized, to the extent that smuggling of migrants has become a remunerative activity for indirect/direct financial benefit.

Is irregularity the same as criminality? It has become increasingly likely that irregular migrants will be defined as criminals because the UK government⁴⁶ has made more breaches of immigration rules to be criminal offences. The governments of some other countries, such as Austria, have defined breaches of immigration law as administrative offences. Even in the UK, the lines can be blurred. Asylum seekers may arrive in the UK on false papers, be convicted of an offence in relation to this, and even serve a prison

⁴³ The EU need to have a policy which regulates both the local labor markets and the migratory inflows.

⁴⁴ **Is irregularity the same as criminality?** It has become increasingly likely that irregular migrants will be defined as criminals because the UK government has made more breaches of immigration rules to be criminal offences. The governments of some other countries, such as Austria, have defined breaches of immigration law as administrative offences. Even in the UK, the lines can be blurred. Asylum seekers may arrive in the UK on false papers, and will be convicted of an offence in relation to this and even serve a prison sentence. However, they will be granted refugee status and allowed to remain in the UK: the criminal record remains even though the leave has been regularized. Sometimes, the offender may not even know that an immigration offence has been committed. The deregulation of employment and the use of agencies in particular, can blur the line between legal and illegal work, or between work and volunteering.

⁴⁵ The case of its modus operandi.

⁴⁶ The case of UK Migrant’s Right Network, working for the rights of all migrants, “Irregular migrants : the urgent need for a new approach,” May 2009.

sentence. However, they will be granted refugee status and allowed to remain in the UK: the criminal record remains even though the leave has been regularized. Sometimes, the offender may not even know that an immigration offence has been committed. The deregulation of employment and the use of agencies in particular, can blur the line between legal and illegal work, or between work and volunteering. Irregular migrants may find themselves in situations where they cannot decide or control what happens. Using false papers to work or open a bank account increases the precariousness of such a situation. Obtaining these papers may mean contact with other types of criminals and might trigger or result to other forms of criminal activity. Some irregular migrants may commit criminal offences to survive.

The Link and Difference between Illegal Immigration and Trafficking of Human Beings

The definitions of trafficking and smuggling have been clarified within the framework of the United Nations Convention against Transnational Organized Crime and its two accompanying protocols. Trafficking may occur within the country. Thereby, it is important to establish what a human rights issue is and what migration entails. Trafficking of human beings according to article 3(a) of the protocol of the UNTOC states:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, and the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation can include, as a minimum, the exploitation of the prostitution of others or others form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, and servitude or the removal of organs”⁴⁷. This article defines the smuggling of persons as: “...the procurement, in order to obtain direct or indirect financial or material benefit of the illegal entry of a person into a state party of which the person is not a national or permanent resident. If there are similarities between these two types of crime, the very difference is that trafficking of human beings is not limited to illegal border crossing or entry (illegal immigration or smuggled persons). Rather, it involves continued exploitation (and this is the case of the exploitation of women and children for the purpose of the

⁴⁷ Martti Lehti and Kauko Aroma, *Trafficking in Women and Children in Europe*, National Research Institute of Legal Policy, and European Institute for crime Prevention and Control Affiliated with the United Nations, Finland, page115.

prostitution), and the trafficked persons are the victims which requires protection. Therefore, illegal immigration is a criminal offence against the state, while the trafficking of human beings is a crime against persons. To understand that we are facing the illegal immigration, first of all, we should understand the purpose of the offender, and what was his intention?⁴⁸ Irregular migrants may also be victims of crime, including the crimes of trafficking and exploitation. People who have been trafficked (tricked or forced into coming to the UK, and then used for forced labor or prostitution) are victims of serious crimes. Therefore, they form a small and distinct group within the irregular migrants (not all trafficked people are irregular migrants). The April 2009 anti-trafficking measures embody an approach of treating irregular migrants as “*victims first*”, including allowing a 45 days period of reflection, and the possibility of a residence permit to allow the victims to become witnesses. Some police forces have discussed extending this approach to other situations. However, irregular migrants were afraid of reporting crimes because this may lead to repercussion for them⁴⁹.

Facilitation of Illegal Immigration. It is a Modus Operandi from Country of Origin to a Destination Country

Facilitation through - Custom and Police Corruption

In the process of illegal immigration, the person(s) who tend to enter into another country illegally does so through corrupt practices to facilitate his/her goals. So, this means that the person or his facilitator bribes the *police* and the *custom officers*. According to law on the corruption process and its system especially in the exchange corruption, the presence of the subjects of corruption is very meaningful. However, this can be *passive subjects*, which are people that could be corrupted. On the other side, there are *active subjects*, which are those who tend to enter/cross the border illegally. In addition, those who accepted these people to illegally cross the border are the passive subjects.

Facilitation through Other Organized Crime Activities

a- The combining of different activities.

The organized crime groups are engaged in different activities. They often combined two different activities, for example drug trafficking with illegal immigration. In this case, the people and the drugs are transported by the same group through the same route. At the same time, these two trafficking

⁴⁸ According to law, intentionality or the purpose in this case makes the difference between illegal immigration and trafficking of human being.

⁴⁹ Migrant’s Right Network, working for the rights of all migrants, “Irregular migrants : the urgent need for a new approach” May 2009. **M Rights Network**
Working for the rights of all **Rights Network**
Working for the rights of all migrants

could be combined with the trafficking of human beings. Therefore, this way of combining two or more illegal activities was introduced by the Albanian organized groups which have been operating in the “*Adriatic Route*”. Thus, the same is true when the organized crime groups are engaged in different types of drugs. Better say “*In synthetic drugs, there are two trends: the appearance of Kosovo Albanians (formerly active along the ‘Balkan route’) as coordinators and the growing role of Dutch citizens resident in Hungary who are associated with drug producers and distributors in other European Countries*”⁵⁰.

b- The hiding of the illegal activities.

The activities of the organized crime groups are made always in a “*clandestine way*.” However, this could be seen in all types of illegal activities. For the activity of drug trafficking, illegal immigration, and the trafficking of human beings, people use only the clandestine canals or routes to have a successful operation. Also, the trafficking of girls for the purpose of “*exercising prostitution*” can be hidden using a cover activity like babysitter, models, hairdressers, or dancers at the night club. But in reality, the girls are being transported for the purpose of prostitution (*in this case, the girls are procured legal documents or forged documents*).

- **Illegal Immigration as a Labour Market Problem**

- *Illegal immigration and trafficking of human being as a labor market problem.*

In this case, the supply and demand factors are involved. “*Illegal immigration is a social fact that will always characterize national markets due to the interplay between supply and demand*”⁵¹ The mixing of these two factors at the age of globalization is seen as a push factor in women’s and men’s migration. Demand for cheap low-skilled labor in industrialized countries (the EU case), the feminization of the labour market, and the huge unemployment in the Balkan and CIS countries have provided a significant impetus to the flow of labor. Therefore, it facilitates the incorporation of undocumented migrants. Irregular migrants are more vulnerable than any other category as they are willing to accept any type of work in order to survive. Also, potential employers can exploit their precarious situation⁵².

On the one hand, demand for illegal activity is determined by the tolerance of a crime in the host society. On the other hand, the supply of irregular migrants depends on the expected profit that can be obtained from irregular migrants (low wages, no payment of taxes, and social security, contributions,

⁵⁰ European Union Organized Crime Report, December 2004.

⁵¹ Europe’s Policy options for fighting the illegal employment of migrant workers, by Dr. Katerina-Marina Kyrieri.

⁵² A legal migrant might also be vulnerable to the effect of illegal immigration on wages, and it may be crowded out of legal work at a given wages, particularly when unemployment is high.

and competitive products). *“In fact, the advantages of illegal migration tend mostly to be on the side of the employer. An employer who is desperate for work and who is prepared to accept poor pay usually below local norms, will benefit from the illegal status of a migrant. Hiring an illegal worker also brings the employer the advantage of paying less in the way of welfare contributions and other non-wage costs. The “welfare magnet” of illegal immigration is much stronger for the employer than for the worker, whose precarious situation and low bargaining power makes him highly vulnerable to discriminatory practices in the form of longer hours and non-payment of various bonuses, or even wages”*⁵³. Consequently, when expected returns from irregular migration increase, the number of irregular migrants will also increase. This is because they become more attractive to employers.

The EU Response to this Phenomenon

-A Policy regulating both labor markets and migratory flows

- *The need for regularization of the black market (unregulated sectors).*

What is regularization? A “regularization” is a government policy that offers the chance for some, or all irregular migrants living in a country to apply for some kind of legal status in that country. It can be a one-off measure (*often called an amnesty*) or a permanent feature of the immigration rules. The introduction of regularization measures are often introduced in tandem with a review of other policies on immigration, employment, and social welfare. Hence, it may be part of a whole package of new measures.

The British government has regularized over 45,000 people through one-off regularization schemes between 1996 and 2008. *“The UK currently has two long residence rules, enabling foreign nationals who have lived here lawfully for 10 years, or have lived here partly or wholly unlawfully for 14 years, to apply for residence permits. But meeting their criteria is very difficult. Only 3,155 migrants gained status in the UK under long-residence rules in 2007, and most applying under the 10 year rule”*⁵⁴. The UK immigration system currently lacks a permanent regularization mechanism which could resolve the position of the vast majority of the UKs estimated as 725,000 irregular migrants. *“Proponents of regularization programmes in the UK, point out that, although regularization programmes generally do not stop more irregular migrants from coming or staying, they do resolve many of the problems arising from the presence of irregular migrants here. The evidence*

⁵³*“Illegal immigrants and the labour market”, Georges Tapinos, Professor at Institut d'études politiques, Paris 1999.*

⁵⁴ Migrant's Right Network, workin for the rights of all migrants, “Irregular migrants : the urgent need for a new approach” May 2009.

is that this is generally a relatively cheap and effective way to do this⁵⁵”. It is a mean of bringing irregular migrants into the legal framework, generating tax revenue, tackling the informal economy, and ensuring that basic rights are protected. For these reasons, many governments across the world have regularized irregular migrants living in their countries, including the United States, United Kingdom, Spain, Italy, and France. Consequently, little publicized regularization policies have brought up to six million migrants into a regular status across Europe⁵⁶.

Regularization Programmes⁵⁷.

As mentioned, many countries within the European Union (EU) have set up regularization programmes. Therefore, 68 programmes have operated between 1973 and 2008. Regularization is widely used but not publicized, and large numbers have occurred in the past. All EU countries except 5 have used some kind of regularization mechanism, and 20 countries have ongoing programmes. In addition, 5.5 – 6 million people have been regularized within the EU during the past 14 years. The UK, France, and Belgium have current ongoing or permanent systems for regularization, but some has only affected small numbers of people. Largely, one-off programmes have been adopted in southern European countries, and most of them are transit countries (*where people arrive on their way to other countries*). Regularization programmes have been majorly set up for two main reasons⁵⁸:

Humanitarian and human rights grounds (*to resolve the situation of refugees; for family reunion; supporting those with ties to the country; on grounds of ill health; and asylum seekers whose cases were found to be unfounded and who cannot be deported because of generalized violence in their countries of origin*);

Labor market oriented reasons (*regulating the labor market; to combat undeclared work and ensure compliance with tax and national insurance; to enforce social rights and labor standards; and to promote integration of regularized migrants*).

⁵⁵ Kraler, A. (2009) Regularization: “A misguided option or part and parcel of a comprehensive policy response to irregular immigration”. IMISCOE Working papers no 24.

⁵⁶ International Centre for Migration Policy Development (ICMPD), REGINE : *Regularizations in Europe. Study on practices in the area of staying third country nationals in member states of EU*. Final Report. Vienna, September 2008.

⁵⁷ The fact that such regularization programmes takes place reveals the existence of a dynamic hidden economy. Regularization of this kind is both politically and economically motivated. For example, regularizations carried out in Spain and France have actually been driven by employers, in recognition of the fact that some sectors, particularly domestic services, have become dependent on illegal labor. Therefore, it is desirable to bring them into the formal economy.

⁵⁸ Kraler, A. (2009) Regularization: “A misguided option or part and parcel of a comprehensive policy response to irregular immigration”. IMISCOE Working papers no 24, page 19.

A common visa policy and a less stricter immigration policies

Another important moment of the struggle against the clandestine immigration is the construction of a common policy in the issue of the visas (a more liberalized system on the issue of visas can diminish the possibility of the organized crime to exploit the stricter visa policy, as part of the stricter migration policy)⁵⁹, which is tightly connected with the policy of control of migratory flows. For this purpose, the list of the third countries whose citizens have to own visas was required. The 22nd point of the conclusions of the Council of Tampere, confirms that it is necessary to intensify the cooperation among the services proposed to issue visas (*which are the embassies of the member states within the third countries*) and the control of visas. The cooperation between the services of customs and customs police in this case with the embassies that have issued visas, consists of a network of exchange of information on the issued visas. Therefore, besides the personal data, photos and a copy of the documents of journey were required. The gathering and the analysis of the data on the phenomenon of the clandestine immigration is an important moment of the struggle against this phenomenon.

Less stricter immigration policies, and the possibility to avoid an organized crime activity.

Stricter immigration policies are not successful means of combating trafficking and smuggling, but they rather intensify the activities of such groups. Is there any reason to suggest that more liberal migration regimes would diminish the incidence of trafficking or smuggling? In the early and mid-nineties, many victims of trafficking to Western Europe Central and Eastern Europe were Polish, Czech, Slovak, and Hungarian women. However, the latest data indicate that victims of trafficking to Western Europe from Eastern Europe are exclusively Moldovan and Ukrainian⁶⁰. It was observed that one of the main reasons for this change is that the first groups of countries for some time were candidate countries. Now, they are members of the EU, and the nationals of these countries no longer need visas to enter for a stay. Furthermore, they are still present in the labour market of the EU. Also, they are able to do so without requiring the labour broker services offered by smugglers or traffickers.

The control and the management of the frontiers

This is another approach adopted by the EU on the struggle against clandestine immigration. Therefore, a closer cooperation is necessary among the administrative competent services (*not only of two member states, but*

⁵⁹ Since it is an organized criminal activity.

⁶⁰ The EU and South Eastern Europe: "Confronting trafficking in human beings", The European Policy Center, 5 March 2004.

among a member state and a third country), through an exchange of 'liaison officials', and a common control of a territory in which the organized crime develops this activity ⁶¹*(example was the common control of Italy and of Albania of the Adriatic sea where the clandestine immigration is developed).*

Today, to address this phenomenon, a major joint effort by the coastguard and naval services is required. This is done together with assistance from the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX). Thus, they not only manage the influx, but they often save lives.

Moreover, most irregular migrants originally entered the EU legally on short-stay visas, but remain in the EU for economic reasons once their visa has expired. Effective and credible external borders are essential. The EU is therefore developing an integrated border management strategy which aims to maintain high levels of security using for example, information technology (like the Visa Information System) and biometric features (e.g. fingerprints) for identification⁶². However, they were more initiatives taken between member states or the member states and the ex-candidate countries, to tackle the illegal immigration. This was because the ex-candidate countries were used as transit points during the illegal immigration⁶³. During the years, programmes of the Council, like "ARGO" program⁶⁴, from January 1 - to December 31-st 2006 have been established for this purpose. This program sustained the administrative cooperation and eventually the creation of a '*permanent agency of technique support that guarantees the coherence and the effectiveness of the cooperation.*

This had three principal functions: 1 - To facilitate the harvest, the analysis, and the diffusion of the immigration (from the European observatory of the migrations, from the system of rapid alarm). 2 - To coordinate the administrative cooperation. 3 - To manage the systems of SIS and EURODAC⁶⁵ that gathers the data in a topic of migration.

To manage better the struggle against clandestine immigration, it is necessary to consider the following: 1 – In the economic exploitation of the migrant, it is necessary to face the matter of all consequential financial profits from criminal activity relating to clandestine immigration. 2 - The cooperation with the countries of origin and transit. 3 – The readmission and repatriate policy.

⁶¹ Ibidem , page 33

⁶² Addressing irregular immigration, European Commission, Home Affairs.

Website http://ec.europa.eu/home-affairs/policies/immigration/immigration_illegal_en.htm

⁶³ The EU and South Eastern Europe: "Confronting trafficking of human beings", The European Policy Center, 5 March 2004, pages 31-33.

⁶⁴ Ibidem , page 33.

⁶⁵ The Eurodac file, includes fingerprints of all asylum seekers, and intends the facilitation of the Dublin Convention. (SIS is the Schengen Information System).

Sanctioning those who hire irregular labor force

The existence of an informal labor market is a pull-factor for irregular immigration and the accompanying exploitation of non-EU nationals. EU States have agreed rules to counter the effect that the availability of black market work plays in attracting irregular migrants. In addition to preventive measures and stricter inspections, the Employer Sanctions Directive⁶⁶ targets employers who employ such migrants. The Directive not only seeks to make employing irregular migrants more difficult, but also includes protection measures in favor of workers, especially those exploited by unscrupulous employers.

The directive for sanctioning employers of irregular workers builds on the council's recommendation of 1996. This was accomplished by imploring member States to prohibit illegal employment, to provide for similar sanctions, to require employers to undertake preventive measures and other controls, and to call upon the competent authorities to enforce those measures effectively⁶⁷.

Financial Sanctions and Criminal Offences

The activation of a range of effective, proportionate, and dissuasive penalties against employers of illegally staying third country nationals for all Member States should only be seen as a legal alternative to reducing irregular migration. Out of 27 member states, 26 of them have introduced employer sanctions and preventive measures in place. However, in 19 states, there are national provisions for criminal sanctions. One may notice, however, that not only does the scope and scale of these measures vary greatly, but also the enforcement⁶⁸. For example, 4 member states (Denmark, Luxembourg, Cyprus, and Ireland) do not have administrative in place. 10 member states (Estonia, Portugal, Czech Republic, Slovakia, Bulgaria, Cyprus, Malta, Lithuania, Slovenia, and Sweden) do not foresee criminal sanctions; whereas in Denmark, Poland, Czech Republic, and Sweden, the illegal employee can also be fined. Administrative and criminal fines do not apply together in Spain, whilst in Poland and Sweden, fines can be imposed per illegal worker of the offence. Apart from the Netherland, differences in fines depend on the types of crime, the number of illegally employed workers, and the existence of aggravating circumstances. Aside from

⁶⁶ http://ec.europa.eu/dgs/home-affairs/index_en.htm

⁶⁷ Europe's Policy options for fighting the illegal employment of migrant workers, by Dr. Katerina-Marina Kyrieri.

⁶⁸ Europe's Policy options for fighting the illegal employment of migrant workers, by Dr. Katerina-Marina Kyrieri.

Slovenia and Cyprus, preventive measures exist in all other member States⁶⁹. However, these may be summarized as:

- Placing the responsibility on the employer to declare new employees and verify their status.
- Encouraging employment of documented workers.
- Linking social security with written employment contracts.
- Raising awareness.
- Providing financial incentives for employers.

Conclusion

This work aimed to show the impact of illegal immigration in EU, and the EU response to such phenomenon. Beginning from the definition of illegal immigration, we were able to understand this phenomenon. In this work, it was argued that the EU defined illegal immigration as:

- ***Illegal border crossing,***
- ***‘Overstaying’ and***
- ***Failure to leave the EU by unsuccessful asylum seekers.***

To deal with the concept of illegal immigration, starting from its definition, we can say that in this context, one or other criminal offences are being committed. The term “irregularity” is accompanied with the term “criminality”. In this road to EU, one or other illegal immigrants, exploit the illegal means such as corruption of officials like customers and policemen. They are vulnerable to being exploited by organized crime groups, and in this framework, illegal immigration is linked to the trafficking of human beings. Thus, this is because an illegal immigrant could be a victim of organized crime at the same time. Moreover, this work argued that illegal immigration is also a labor market problem. Finally, the EU is trying to respond to this phenomenon. To frame a regulating policy, which deals both with labour market and migratory flows is an important step against illegal immigration taken by the EU. In addition, the regularization programmes, common visa policy, and less stricter immigration policies, have helped in fighting this phenomenon. It is also mentioned that control and management of the frontiers, both with the sanctioning of those who hire irregular immigration, is the right way to a successful fight against illegal immigration.

⁶⁹ You can find this information in the appendix attached to: “*Europe’s Policy options for fighting the illegal employment of migrant workers, by Dr. Katerina-Marina Kyrieri*”.

References:

European Union Organized crime Report, October 2005.

T. Balzacq and S. Carrera, “*Migration, Borders and Asylum: Trends and Vulnerabilities in EU Policy*”, CEPS working Papers, CEPS Brussels, 2005.

Commission of the European Communities, *Communication on a “Common Policy on Illegal Immigration”*, COM (2001) 672 final, Brussels, November 11, 2001, available under

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52001DC0672:EN:NOT>, retrieved March 19, 2008

Commission of the European Communities, *Communication on “Policy priorities in the fight against illegal immigration of third-country nationals”*, COM (2006).

Marti Lehti and Kauko Aroma, *Trafficking in Women and Children in Europe*, National Research Institute of Legal Policy, and European Institute for Crime Prevention and Control Affiliated with the United Nations, Finland.

Migrant’s Right Network, working for the rights of all migrants, “Irregular migrants: the urgent need for a new approach” May 2009.

Europe’s Policy options for fighting the illegal employment of migrant workers, by Dr. Katerina-Marina Kyrieri.

Illegal immigrants and the labour market, Georges Tapinos, Professor at Institut d’études politiques, Paris 1999.

Kraler, A. (2009) Regularization: “A misguided option or part and parcel of a comprehensive policy response to irregular immigration”. IMISCOE Working paper no 24.

International Centre for Migration Policy Development (ICMPD), REGINE: *Regularizations in Europe. Study on practices in the area of staying third country nationals in member states of EU*. Final Report. Vienna, September 2008.

The EU and South Eastern Europe: “Confronting trafficking of human beings”, The European Policy Center, 5 March 2004.

http://ec.europa.eu/dgs/home-affairs/index_en.htm

Bruggeman, W. (5 December 2002), Security and combating international organized crime and terrorism.

European Union Organized crime Report, 2004 and 2005.