

# GLOBAL INSTITUTIONS



## The Migration Industry and the Commercialization of International Migration

Edited by Thomas Gammeltoft-Hansen  
and Ninna Nyberg Sørensen

ROUTLEDGE



# The Migration Industry and the Commercialization of International Migration

Migration has become business, big business. Over the last few decades a host of new business opportunities have emerged that capitalize both on the migrants' desires to move and the struggle by governments to manage migration. From the rapid growth of specialized transportation and labor contracting companies, to multinational companies managing detention centers or establishing border security, to the organized criminal networks profiting from human smuggling and trafficking, we are currently witnessing a growing commercialization of international migration.

This volume claims that today it is almost impossible to speak of migration without also speaking of the migration industry. Yet, acknowledging the role the migration industry plays prompts a number of questions that have so far received only limited attention among scholars and policy makers. The book offers new concepts and theory for the study of international migration by bringing together cross-disciplinary theoretical explorations and original case studies. It also provides a global coverage of the phenomena under study, covering migrant destinations in Europe, the United States and Asia, and migrant-sending regions in Africa, Asia and Latin America.

**Thomas Gammeltoft-Hansen** is a Senior Researcher at the Danish Institute for International Studies and External Lecturer in refugee law at the University of Copenhagen, Denmark. His research focuses on refugee and human rights law, migration management and state governance.

**Ninna Nyberg Sørensen** is a Senior Researcher at the Danish Institute for International Studies in Copenhagen, Denmark. Her primary research interest is in transnational migration, the consequences of international migration on developing countries, and gender.

## **Routledge Global Institutions Series**

Edited by Thomas G. Weiss

*The CUNY Graduate Center, New York, USA*

and Rorden Wilkinson

*University of Manchester, UK*

### **About the series**

The Global Institutions Series has two “streams.” Those with blue covers offer comprehensive, accessible, and informative guides to the history, structure, and activities of key international organizations, and introductions to topics of key importance in contemporary global governance. Recognized experts use a similar structure to address the general purpose and rationale for specific organizations along with historical developments, membership, structure, decision-making procedures, key functions, and an annotated bibliography and guide to electronic sources. Those with red covers consist of research monographs and edited collections that advance knowledge about one aspect of global governance; they reflect a wide variety of intellectual orientations, theoretical persuasions, and methodological approaches. Together the two streams provide a coherent and complementary portrait of the problems, prospects, and possibilities confronting global institutions today.

The most recent related titles in the series include:

#### **United Nations High Commissioner for Refugees (UNHCR) (2012)**

*by Alexander Betts, Gil Loescher, and James Milner*

#### **Humanitarianism Contested (2011)**

*by Michael Barnett and Thomas G. Weiss*

#### **Non-Governmental Organizations in World Politics (2011)**

*by Peter Willetts*

#### **Shaping the Humanitarian World (2009)**

*by Peter Walker and Daniel G. Maxwell*

#### **The International Committee of the Red Cross (2007)**

*by David P. Forsythe and Barbara Ann Rieffer-Flanagan*

#### **Internal Displacement (2006)**

*by Thomas G. Weiss and David A. Korn*

# **The Migration Industry and the Commercialization of International Migration**

**Edited by  
Thomas Gammeltoft-Hansen and  
Ninna Nyberg Sørensen**

 **Routledge**  
Taylor & Francis Group

LONDON AND NEW YORK

First published 2013  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada  
by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2013 Selection and editorial matter, Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen; contributors, their contributions.

The right of Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen to be identified as editors of this work has been asserted by them in accordance with the Copyright, Designs and Patent Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging in Publication Data*

The migration industry and the commercialization of international migration / edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen.

p. cm. – (Routledge global institutions series)

Includes bibliographical references and index.

1. Emigration and immigration—Economic aspects. 2. Emigration and immigration—Economic aspects—Case studies. I. Gammeltoft-Hansen, Thomas. II. Sørensen, Ninna Nyberg.

JV6217.M56 2012

304.8—dc23

2012017980

ISBN: 978-0-415-62378-0 (hbk)

ISBN: 978-0-415-62379-7 (pbk)

ISBN: 978-0-203-08273-7 (ebk)

Typeset in Times New Roman  
by Taylor & Francis Books

# Contents

<i>List of illustrations</i>	vii
<i>List of contributors</i>	viii
<i>Foreword</i>	xi
<i>Acknowledgments</i>	xiii
<i>List of abbreviations</i>	xv
Introduction	1
NINNA NYBERG SØRENSEN AND THOMAS GAMMELTOFT-HANSEN	
1 Conceptualizing the migration industry	24
RUBÉN HERNÁNDEZ-LEÓN	
2 The migration industry in global migration governance	45
ALEXANDER BETTS	
3 Migration trajectories and the migration industry: Theoretical reflections and empirical examples from Asia	64
ERNST SPAAN AND FELICITAS HILLMANN	
4 The migration industry and developmental states in East Asia	87
KRISTIN SURAK	
5 The neoliberalized state and the growth of the migration industry	108
GEORG MENZ	
6 The rise of the private border guard: Accountability and responsibility in the migration control industry	128
THOMAS GAMMELTOFT-HANSEN	

vi *Contents*

7	Private security companies and the European borderscapes MARTIN LEMBERG-PEDERSEN	152
8	Pusher stories: Ghanaian connection men and the expansion of the EU's border regimes into Africa HANS LUCHT	173
9	Migration brokers and document fixers: The making of migrant subjects in urban Peru ULLA D. BERG AND CARLA TAMAGNO	190
10	Public officials and the migration industry in Guatemala: Greasing the wheels of a corrupt machine ISABEL ROSALES SANDOVAL	215
11	Migration between social and criminal networks: Jumping the remains of the Honduran migration train NINNA NYBERG SØRENSEN	238
	<i>Index</i>	262
	<i>Routledge Global Institutions Series</i>	279

# Illustrations

## Figures

1.1	The migration hump	26
1.2	The migration industry in the “strange bedfellows” of American immigration politics	33
3.1	Migration trajectories and actors of the migration industry	69
11.1	Honduran migration industry actors	255

## Table

2.1	The role of private actors in global migration governance	50
-----	---	----



# Contributors

**Ulla D. Berg** is Assistant Professor at the Department of Latino and Hispanic Caribbean Studies at Rutgers University, New Jersey, United States. Her primary areas of research are migration, diaspora, transnationalism, media, ritual and performance, visual anthropology, and Latin America. Her work has appeared in e.g. *Latino Studies*, *Latin American Perspectives* and *Journal for Ethnic and Migration Studies*.

**Alexander Betts** is University Lecturer in Refugee Studies and Forced Migration at the University of Oxford. His research focuses on the politics of asylum, migration and humanitarianism. His publications include *Protection by Persuasion: International Cooperation in the Refugee Regime* (Cornell University Press, 2009), *Refugees in International Relations* (Oxford University Press, 2010), *Global Migration Governance* (Oxford University Press, 2011) and *UNHCR: The politics and practice of refugee protection* (Routledge, 2012).

**Thomas Gammeltoft-Hansen** is Senior Researcher at the Danish Institute for International Studies and External Lecturer in refugee law at the University of Copenhagen, Denmark. His research focuses on refugee and human rights law, migration management and state governance. He is the author of *Access to Asylum: International Refugee Law and the Globalisation of Migration Control* (Cambridge University Press, 2011) and co-editor of *Sovereignty Games: Instrumentalizing State Sovereignty in Europe and Beyond* (Palgrave-Macmillan, 2008).

**Rubén Hernández-León** is Director of the Center for Mexican Studies and Associate Professor at the Department of Sociology, University of California, Los Angeles, United States. He has worked extensively on international migration and immigration, border and diaspora studies, Mexico and Latin America. His publications include *Metropolitan*

*Migrants: The Migration of Urban Mexicans to the United States* (University of California Press, 2008) and *New Destinations: Mexican Immigration in the United States* (Russell Sage Foundation, 2005).

**Felicitas Hillmann** is currently guest-professor in human geography at the Institute of Geographical Sciences at the Centre for Development Studies at the Free University of Berlin. Her publications include *Asian Migrants and European Labour Markets. Patterns and Processes of Immigrant Labour Market Insertion in Europe* (Routledge, 2005), and *Marginal Urbanity and the Making of Urban Development through Migrant Entrepreneurship* (Transcript Verlag, 2011)

**Martin Lemberg-Pedersen** is an External Lecturer and has a PhD in philosophy from the Department of Media, Cognition, and Communication, University of Copenhagen. He has been a Visiting Fellow at the Refugee Studies Centre, Oxford. His research focuses on the asylum and migration control practices of European countries. As a philosopher Martin combines political analysis with critical normative ethics.

**Hans Lucht** is a Postdoc Research Fellow at the Institute of Anthropology, University of Copenhagen, Denmark. His newest book is *Darkness Before Daybreak: African Migrants Living on the Margins in Southern Italy Today* (University of California Press, 2011).

**Georg Menz** is a Reader in Political Economy at the Department of Politics, Goldsmiths University of London, United Kingdom. He has a particular research interest in European labor policies and migration management and is currently working on a project exploring the implications of the privatization of migration management funded by the British Academy. His most recent book is *The Political Economy of Managed Migration* (Oxford University Press, 2008).

**Isabel Rosales Sandoval** is a doctoral candidate at the GIGA Institute of Latin American Studies in Hamburg, Germany. Her research centers on the influence of international and domestic factors on the policy making of sending countries, migration policies, and Central America.

**Ninna Nyberg Sørensen** is a Senior Researcher at the Danish Institute for International Studies in Copenhagen, Denmark. Her research focuses on transnational migration, the consequences of international migration on developing countries, and gender. Her publications include *Work and Migration: Life and Livelihoods in a Globalizing World* (Routledge, 2001), *The Migration-Development Nexus* (International

Organization for Migration, 2003) and *Living across Worlds: Diaspora, Development and Transnational Engagement* (International Organization for Migration, 2007).

**Ernst Spaan** is a Senior Researcher in the Department of Primary and Community Care of the Radboud University Nijmegen Medical Center, The Netherlands. His research interests concern population and development issues, health systems and health financing issues in developing countries. Among his recent publications are *Global Migration and Development* (Routledge, 2008) and *Asian Migrants and European Labour Markets. Patterns and Processes of Immigrant Labour Market Insertion in Europe* (Routledge, 2005).

**Kristin Surak** is a Max Weber Fellow at the European University Institute and an Assistant Professor of comparative sociology at the University of Duisburg-Essen, Germany. She has published in the *Archives Europeennes de Sociologie* (2011), *New Left Review* (2010), *Pacific Affairs* (2010), *International Migration Review* (2008), and *Ethnic and Racial Studies* (2006). She is also the author of *Making Tea, Making Japan: Cultural Nationalism in Practice* (Stanford University Press, 2012).

**Carla Tamagno** is the President and founding member of the Andean Observatory of Migration and Professor at the Government Institute, University San Martín de Porres, Lima, Peru. She has written on co-development (FLACSO Ecuador, 2009) and on various aspects related to Peruvian migration in several Latin American journals.

# Foreword

Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen's edited book—*The Migration Industry and the Commercialization of International Migration*—is the eighth in a growing number of research volumes in our “global institutions” series examining crucial global problems as well as policies and solutions to address them. These volumes serve as lengthier and more specialized treatments of given topics than is possible in the general series. As such, they are essential components in advancing the overarching aim of the series to render more visible the often complex and poorly understood world of “global governance.”

In addition to these longer research volumes, the series strives to provide readers with user-friendly and short (usually 50,000 words) but definitive guides to the most visible aspects of what we know as “global governance,” as well as authoritative accounts of the issues and debates in which they are embroiled. We now have approaching 70 books that act as key reference points to the most significant global institutions and the evolution of the issues that they face. Our intention has always been to provide one-stop guides for all readers—students (both undergraduate and postgraduate), interested negotiators, diplomats, practitioners from non-governmental and intergovernmental organizations, and interested parties alike—seeking information about the most prominent institutional aspects of global governance.

Gammeltoft-Hansen and Sørensen have assembled an impressive group of analysts who focus on a perspective that too infrequently permeates the study of international organization. The title of the volume includes two words, “industry” and “commercialization,” that typically do not feature prominently in migration research. *The Migration Industry and the Commercialization of International Migration* brings together helpful insights that enable us to better understand the dimensions of the problem and the nature of the “business.” The human dimensions of migration—both the “push” to those fleeing armed conflicts and the

“pull” to those seeking a better economic situation—come immediately to mind. At the same time, many practitioners and analysts in this field undoubtedly will be offended by being analyzed as part of a “market-place” or categorized as part of a “business,” even though, as the contributors point out, most MBAs would appreciate the dimensions of a substantial commercial opportunity.

This is an unusual and provocative book, and the editors are to be congratulated for challenging shibboleths. Ideally, this and other volumes in the research stream will be used as complementary readings in courses in which other specific titles in this series are pertinent—a selection of which can be found in the “About the series” section at the front of this book. Our aim is to enable topics of importance to be dealt with exhaustively by specialists as well as enabling collected works to address issues in ways that bring more than the sum of the individual parts, while at the same time maintaining the quality of the series.

As always, we look forward to comments from our readers.

Thomas G. Weiss  
The CUNY Graduate Center, New York, USA

Rorden Wilkinson  
University of Manchester, UK  
April 2012

# Acknowledgments

This book is the result of various strings of intellectual efforts to comprehend the workings of and politics behind contemporary international migration phenomena. Our primary debt goes to fellow researchers around the globe who through earlier conceptualizations of the migration industry and markets for migration management have inspired our work. A second debt is owed to the Migration Research Unit at the Regional Center for Multidisciplinary Research at the Universidad Nacional Autónoma of Mexico, where Ninna first met Rubén Hernández-León and came to understand how questions of migration might be explored through the concept of the migration industry. A third and important intellectual push was made by Felicitas Hillmann, Ernst Spaan and Ton Van Naerssen, who in 2008 invited the Danish Institute for International Studies (DIIS) to become part of a larger European research program entitled “Migrant’s little helper: local impacts of the migration Industry.” In Copenhagen we are deeply indebted to the inspiring working environment of the DIIS, where a wild idea conceived over a cup of coffee (e.g. Thomas having the revelation that “the migration industry needed to be analyzed in the context of markets and neoliberalization”) or broader exchanges of ideas with colleagues almost always lead to interesting discussions, better and stronger intellectual arguments, and at times to new and edifying relationships with policy makers.

The editors wish to thank the Danish Council for Independent Research in the Social Sciences for a generous network grant enabling the book project. A special debt of gratitude goes to all the members of our research network, who apart from those already mentioned or contributing directly to the present book include Jean-Pierre Cassarino, European University Institute; Elspeth Guild, Radboud University of Nijmegen; Didier Bigo, King’s College London; and Mark Gibney, University of North Carolina, Asheville. Additionally, we would like to

express our gratitude to Anthony Christian Ocampo, who provided logistical support as well as intellectual inputs to the workshop organized jointly by the DIIS and the University of California, Los Angeles where first drafts of the chapters included in the book were discussed. For the preparation of the book manuscript, we are grateful for the editorial support and comments at Routledge by editor Nicola Parkin and series editors Thomas G. Weiss and Rorden Wilkinson. In addition, we wish to acknowledge the efforts in finalizing and proofreading this manuscript by Ane Toubro and Jessica Lerche.

Thomas Gammeltoft-Hansen and Ninna Nyberg Sørensen  
Christianshavn  
1 September 2012

# Abbreviations

3D	dirty, dangerous and demeaning
ACC	Australasian Correctional Services
ACM	Australasian Correctional Management
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
ANDI	Asociación Nacional de Industriales
ANIME	agenda-setting, negotiation, implementation, monitoring, and enforcement
API	advanced passenger information
ASONOG	Asociacion de Organismos No Gubernamentales
BTO	build-transfer-operate
C3	command, control and communication
CAMR	Centro de Atención al Migrante Retornado
CARSI	Central American Regional Security Initiative
CBE	Commander of the Order of the British Empire
CCA	Corrections Corporations of America
CEO	Chief Executive Officer
CICIG	Comisión Internacional contra la Impunidad
CICTE	OAS's Inter-American Committee Against Terrorism
CIPRODEH	Centro de Investigación y Promoción de los Derechos Humanos
CLA	Council of Labor Affairs
CNL	Colegio de Notarios de Lima
COHEP	Consejo Hondureño de la Empresa Privada
CSI	Coalition of Service Industries
CSR	corporate social responsibility
DfID	Department for International Development
DGM	Dirección General de Migración
DGME	Dirección General de Migración y Extranjería



DIAC	Department of Immigration and Australian Citizenship
DIGEMIN	General Directorate for Migration and Naturalization
ECA	export credit agency
ECGD	Export Credits Guarantee Department
EFWA	Employment of Foreign Workers Act
EiB	European Investment Bank
EOS	European Organization for Security
EPP	Employment Permit Program
EPS	Employment Permit System
ESRAB	European Security Research Advisory Board
ESRIF	European Security Research and Innovation Forum
ESRP	EU Security Research Programme
EU	European Union
EUROSUR	European External Border Surveillance System
FAIR	Federation for American Immigration Reform
FONAMIH	Foro Nacional para las Migraciones en Honduras
FP7	EU Framework Research Programme
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GCCA	Global Commodity Chain Analysis
GDP	gross domestic product
GFMD	Global Forum on Migration and Development
GMG	Global Migration Group
GoP	Group of Personalities
GSL	Global Solutions Limited
I2C	Integrated System for Interoperable Sensors and Information Sources for Common Abnormal Vessel Behaviour Detection and Collaborative Identification of Threat
ICAO	International Civil Aviation Organization
ICE	Immigration and Customs Enforcement
ICMPD	International Centre for Migration Policy Development
IGC	Intergovernmental Consultations on Asylum, Refugees and Migration
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act

ILO	International Labour Organization
IML	international migration law
INAM	Instituto Nacional de la Mujer
INS	Immigration and Naturalization Service
IOM	International Organization for Migration
ISTAT	Italian National Statistics Institute
IT	information technology
ITP	Industrial Training Program
ITTP	Industrial Technical Training Program
ITUC	International Trade Union Confederation
JITCO	Japan International Training Cooperation Organization
KFSB	Korean Federation of Small Businesses
KITCO	Korean International Training Cooperation Organization
MI	migration industries
MIDSA	Migration Dialogue for Southern Africa
MITI	Ministry of International Trade and Industry
MNC	multinational corporation
MP	Ministerio Público
MPI	Migration Policy Institute
MRTD	machine-readable travel documents
NAFTA	North American Free Trade Agreement
NGO	non-governmental organization
NTWG	New Technologies Working Group
OAS	Organization of American States
OCAM	Central American Commission of Directors of Migration
PGN	Procuraduría General de la Nación
PMC	private military contractor
PMH	Pastoral de Movilidad Humana
PNC	Policía Nacional Civil
PNP	Policía Nacional del Perú/National Police of Peru
PRM	Population, Refugees and Migration
PSC	private security company
RCM	Regional Consultative Mechanism
RCP	regional consultative process
R&D	research and development
REC	regional economic community
RED COMIFAH	Red de Comités de Migrantes y Familiares
RENIEC	Registro Nacional de Identificación y Estado Civil/ National Register for Identification and Civil Status

RPZ	Regional Protection Zone
RVSS	remote video surveillance system
SICA	Central American Integration System
SOBCAH	Surveillance of Border Coastlines and Harbours
STRAW	Security Technology Active Watch
TALOS	Transport Autonomous Patrol for Land Border Surveillance
TI	Transparency International
TPC	Transit Processing Centre
TPS	Temporary Protection Status
UAV	unmanned aerial vehicle
UK	United Kingdom
UKBA	United Kingdom Border Agency
UN	United Nations
UNDESA	UN Department of Economic and Social Affairs
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees (The UN Refugee Agency)
UNODC	UN Office on Drugs and Crime
USTR	US Trade Representative
VEP	Visit and Employment Permit
WTO	World Trade Organization

# Introduction

*Ninna Nyberg Sørensen and Thomas Gammeltoft-Hansen*

- **Defining the migration industry**
- **Analyzing the migration industry**
- **The contributions**

“Camionetas” is the common name for the various courier services, transportation companies or passenger vans that shuttle between the United States and Mexico. A key feature of their operations is their combination of multiple services (e.g. transport of a small number of passengers, delivery of remittances and shipment of parcels destined for household consumption and local sale). These services are often established by entrepreneurial migrants, tapping into the needs of fellow international sojourners. Some of them, specializing in domestic destinations in the United States, appear to assist undocumented migrants in circumventing border control by the United States. A division of markets can be observed, consisting of more formal bus companies catering to legal border crossers traveling across the border through established ports of entry and along major highways, and smaller vans specializing in clandestine migrants seeking a lower profile while trying to reach destinations in the US interior.<sup>1</sup>

On the Spanish web portal Hispavista Foros last April, “Niko888” was offering €10,000 to Spanish girls willing to enter into convenience marriages in order to ensure foreigners permanent European Union (EU) residency—“no sex, no bullshit, just papers.”<sup>2</sup> There is no shortage of matching offers from Spanish citizens. A booming market for organized marriages as a means to secure a legal stay is the consequence of growing unemployment, hardened immigration policy and a Spanish failure to deport undocumented migrants. While the majority of these arrangements seem to be carried out on a bilateral and voluntary basis, marriages of convenience are also a growing business for international criminal networks both in Europe and elsewhere. In 2008 Spanish

police arrested 67 persons responsible for arranging more than 600 marriages of convenience. The gang charged African immigrants hoping to obtain EU residency €15,000, of which €12,000 went to the organizers, while the remaining €3,000 went to the Spanish nationals entering into the marriages.<sup>3</sup>

G4S, or Group 4 Securicor as it used to be known, is the world's largest security company, employing more than 650,000 people in over 100 countries. In recent years an increasing part of its activities deals with migration management. The company operates immigration detention centers in the United Kingdom, and passenger screening at airports in North America, Europe and the Middle East. In the United States G4S operates a fleet of custom-built fortified buses that serve as deportation transports for irregular migrants caught along the United States–Mexico border. Up until 2010 G4S also held the exclusive contract to carry out forced returns from the United Kingdom.

This book is about the migration industry and the commercialization of migration. Against the background of the above and numerous other examples, the growing commercialization of international migration takes on significance: migration has become business, big business. Over the last few decades a host of new opportunities have emerged that capitalize on migrants' desire to move, or on the struggle governments face to manage migratory flows. The actors comprising the migration industry range from small migrant entrepreneurs facilitating the transportation of people, to multinational companies carrying out deportations; and from individual migrants helping others make the journey, to organized criminal networks profiting from human smuggling and trafficking. This increasing commercialization of international migration fundamentally impacts not only migratory flows but also all attempts to manage or regulate migration across the world.

It is difficult to gauge the exact value of the migration industry and the money is often hard to track. Human smuggling is allegedly among the fastest growing forms of international organized crime, with estimated annual profits garnered from smuggling to the EU running at €4 billion and from smuggling across the Mexican–US border, at \$5 billion.<sup>4</sup> The business of migration management is similarly booming. Boeing's 2006 contract to set up and operate a high-tech border surveillance system along the US–Mexican border ran at an estimated \$2 billion, which was spread out among almost 100 undisclosed subcontractors.<sup>5</sup> The current contracts with private companies to detain immigrants in the United States are reported to run at a total of \$5.1 billion.<sup>6</sup> Inter-governmental entities like the International Organization for Migration (IOM) similarly take on government contracts. In 2010 IOM was

awarded \$265 million to help governments in carrying out voluntary return programs, to run counter-trafficking programs and to assist in border management.<sup>7</sup>

At the other end of the spectrum, a social infrastructure connecting migrant origin and destination is organized by current or former migrants themselves, whose livelihood strategies partly or fully come to depend on transportation companies or the granting of legal advice from persons with personal knowledge and contacts. In addition there seems to be a growing migration industry consisting of secular and faith-based non-governmental organizations (NGOs). Some of these are awarded contracts on a par with commercial actors by governments looking for assistance with anything from ensuring asylum seeker accommodation to combating trafficking. In other instances these organizations work independently, providing advice and assistance to both documented and undocumented migrants, or setting up shelters and water posts along the dangerous journey.<sup>8</sup>

The position taken in this book is that it is almost impossible to speak of migration management, or indeed migration at all, without also speaking of the migration industry. Yet, acknowledging the role that the migration industry plays prompts a number of questions that have so far received only limited attention from scholars and policy makers. How do different parts of the migration industry impact migration patterns and networks? What determines the emergence and disappearance of migration industry actors? What is their significance in regard to government policies and attempts to regulate migration? Answering these questions is by no means straightforward and so far little theorizing has been done to link together various parts of the migration industry, such as human smuggling and private involvement in migration control, or to examine the extent to which private actors involved in migration management actually impact and help shape policy processes.

In the following we lay out our suggestions for a new analytical framework for examining these phenomena. We begin by reviewing the literature that thus far has dealt with the migration industry. We then consider some “missing actors,” till now omitted from consideration, before we turn to the often complex and multifaceted relations between government, private actors and civil society, and the different roles played by the migration industry in these relationships. We then go on to consider the necessary backdrop to the current migration industry, namely the political, economic and legal structures and markets that increasingly shape the logic of migration management. We conclude by narrowing down the different perspectives that are relevant to a focus on the migration industry, as drawn out by the contributions to this volume.

## **Defining the migration industry**

Throughout the twentieth century, the study of international migration has constituted an important area of interest and conceptual reflection within the social sciences. Various disciplines, including sociology, anthropology, demography, geography, political science and international relations, have contributed forms of understanding and models. Despite this, for much of its academic history migration has remained somewhat under-theorized and biased by methodological nationalism<sup>9</sup> and by its close relation to policy and policy makers.<sup>10</sup> This bias has given rise to the sub-concepts of “emigration” and “immigration,” as well as to research concerned either with the determinants, processes and patterns of migration or with the ways in which migrants become incorporated into the countries of destination. It has led to policy developments concerned with problem fixing at either the sending end (in terms of developments needed to stem further flows from the migrant-producing global South), or at the receiving end (in terms of assimilation or integration of foreign others).

Such understandings never have been sufficient and often have been somewhat detrimental to the understanding of what facilitates or constrains international migration. We suggest directing the analytical focus of migration studies towards the migration industry and concurrent markets for migration management. In addition to earlier conceptualizations focusing on facilitation, the migration industry is, in our conceptualization, linked both to the facilitation and to the control of migration. While there is an increasing number of businesses working to secure both highly skilled and unskilled migrants access to border crossing and to foreign labor markets, simultaneously there has been a substantial privatization of migration control, and private security companies and airlines have become key actors in manning border checkpoints and checking travel documents. The two processes are to some extent interlinked. Tightened immigration policies and hardened migration control are only likely to drive up the profitability of human smuggling and corruption among border guards and agencies with the know-how to ensure visas or other means of legal migration. By pointing to the ways in which conventional binary oppositions such as facilitation/control, state/market, profit/non-profit, legal/illegal are mutually constitutive, we seek to highlight some of the gaps and limitations in our understanding of international migration.

### ***The concept of the migration industry***

As an academic concept, “migration industry” can be traced back some 35 years in academic writing. In 1977 Harney coined the term “commerce

of migration” with reference to the activities of a set of “intermediaries” who profited by offering services to migrants.<sup>11</sup> Some 20 years later Salt and Stein proposed the concept of international migration as “a global business,” and Robin Cohen introduced the concept of the migration industry, which he defined as comprising private lawyers, travel agents, recruiters, and fixers and brokers who sustain links with origin and destination countries.<sup>12</sup> Others, like Kyle and Koslowski, have referred to service providers for migrants as “migration merchants,” in particular with reference to the global trafficking in migrants and human smuggling.<sup>13</sup> Using more or less the same definition and including the same types of actors, Castles and Miller, moreover, located the migration industry in migration systems theory (the principle that any migratory movement can be seen as the result of interacting macro and micro structures), and understood the migration industry as one of a number of intermediate mechanisms relating the micro to the macro structures of migration.<sup>14</sup> Most of these early approaches limited their analysis to informal and/or illicit activities.

A broader attempt to critically engage with the concept of the migration industry was made by Rubén Hernández-León.<sup>15</sup> Based on a critique of the limitations mentioned above, Hernández-León argued in favor of a comprehensive conceptualization of the social infrastructure connecting origin and destinations in a given migratory circuit, including legal/illegal and formal/informal activities, and their interaction and articulation with the demand-side actors in the social process of international migration; actors such as governments, employers, migrants and their networks and advocacy organizations. Hernández-León simultaneously criticized existing studies on the migration industry and its components for reflecting the interests of sending and receiving country governments; for example, for how the focus on trafficking echoes receiving states’ efforts to control immigration, particularly if undocumented, and for how the recent remittance debate reflects sending states’ interest in capturing and utilizing this source of foreign currency.<sup>16</sup>

Hernández-León’s pioneering work was followed up in three attempts to apply the concept of the migration industry in concrete empirical studies: of Mexican temporary workers in Canada; of the migration of urban Mexicans to the United States; and of Polish immigrants in the United Kingdom before and after EU enlargement.<sup>17</sup> Taken together, these studies suggest that privileged topics such as the trafficking of people in one direction and the flow of remittances in the other direction do not fully account for the sophistication of the migration industry, its structure and agents, and its contribution to different stages of the social processes of international migration. A few other studies, for example



by the United Nations High Commissioner for Refugees (UNHCR) and by Hagan,<sup>18</sup> reveal that refugee movements have also spurred the growth of the migration industry. Even if migration industry actors do not erase or circumvent international borders, they “exist and thrive because of [their] distinctive capacity to span such borders.”<sup>19</sup> In other words, the migration industry exists and develops in intimate relation to enhanced border controls, legal immigration policies, and migration management procedures.

Hernández-León defines the migration industry as, “the ensemble of entrepreneurs who, motivated by the pursuit of financial gain, provide a variety of services facilitating human mobility across international borders.”<sup>20</sup> Migration industry actors and services play an active role at every step of migration and are present in different types of migratory movements. The migration industry, so to speak, “greases the engines of international migration” by providing and articulating the expertise and infrastructural resources needed for cross-border movements. “Migration industry entrepreneurs include money lenders, recruiters, transportation providers and travel agents, legitimate and false paper pushers, smugglers, contractors, formal and informal remittance and courier service owners, lawyers and notaries offering legal and paralegal counseling, and promoters of immigrant destinations.”<sup>21</sup>

Nuancing this definition, this volume, however, adds two other perspectives to the discussion of the migration industry. First, we define the migration industry as encompassing not only the service providers facilitating migration, but equally “control providers” such as private contractors performing immigration checks, operating detention centers and/or carrying out forced returns. Contrary to some parts of the migration industry facilitating mobility, actors in this area tend to work in very close connection with governments actively outsourcing migration management functions and may be linked to functions carried out entirely within one country, such as operating detention centers. Second, several contributions in this volume suggest that some non-state actors may become involved in the migration industry for reasons other than (solely) financial gain. Our suggested analytical framework thus considers the growing role of NGOs, social movements, faith-based organizations and migrant networks. This middle position—or what Laura María Agustín has termed “the rescue industry”—includes information centers focusing on the risks involved in irregular migration, philanthropy and social projects rescuing trafficked women and minors, religious sanctuary movements and, finally, the increasing role of NGOs running, for example, asylum centers.<sup>22</sup> Putting all this together leads to a redefinition of the migration industry as the array of non-state

actors who provide services that facilitate, constrain or assist international migration. We suggest that facilitation, control and rescue (for short) are treated as different subcategories within the migration industry.

### *Old and new migration industries*

At the empirical level, it is important to note that the migration industry is not a new phenomenon. As scholars in transnationalism have shown, migrants have probably always forged transnational and multi-stranded social relations and exploited business opportunities linking together origin and destination countries.<sup>23</sup> Migrants heading for the United States in the latter half of the nineteenth century may well have encountered both facilitation and control actors and exploiters and rescuers, in the span of a single voyage. In the *Ballina Chronicle* from 3 April 1850, the Emigrants' Friend Society of Philadelphia advised potential migrants to seek assistance before making any arrangements for passage. After leaving port, migrants were advised to send their name and place of residence to the Society so that "your friends in America will have tidings of you before your arrival" (for this migrants had to pay one shilling). Prior to leaving port, migrants were also encouraged to procure a copy of "Hints to Emigrants—an interesting book to read on the way [that gives] much valuable information and advice." To avoid theft on board, the captain could hold valuables in his safe during the voyage (for another fee), and to avoid exorbitant charges or even swindlers upon arrival, emigrants were advised to find boarding through the Office of the American Citizen and employment through the British Protection Society Office, the Irish Emigrant Office or the Commission of Emigration.<sup>24</sup>

Following arrival at Ellis Island, migrants not possessing the required documents or rejected on medical or other grounds would find themselves in the hands of private shippers. After the introduction of the 1902 Passenger Act, captains of steamships had to maintain detailed lists of persons arriving in the United States and incurred civil law responsibility, at their own cost, for re-transporting inadmissible passengers. Mirrored by today's airline carriers, who face financial penalties for transporting persons with forged passports or lacking visas, transport companies back then came to work closely with US consuls overseas to exercise a *de facto* form of remote border control.<sup>25</sup>

Migrants finally ran the risk of running into specialized emigrant swindlers. The notorious thief Patrick Ward and his cohort were known to target both in- and outbound Irish migrants at the docks, feigning familiarity or ostensible relatives in "the old country," in order to

relieve migrants of their savings in return for supposed help in finding accommodation, work or in getting through immigration authorities.<sup>26</sup> Beyond such simple scams, a number of historical precedents similarly exist for what might today be termed “human smuggling.” The evacuation of Jews by Danish fishermen across the Øresund in 1943 has—rightly—been heralded as an act of political heroism. Often forgotten, however, is the fact that the price for each passenger was DKK 1,000, or around €4,200 in current-day money. Studies further indicate that this business was well organized, with harbor masters maintaining set price levels and both personal and political networks working to secure funding.<sup>27</sup>

These historical examples of a migration industry do not, however, detract from one of the crosscutting arguments in this volume—namely that the migration industry today has become fundamentally embedded in the current migration regimes. Social networks and transnational linkages mean that the contemporary migration industry inevitably emerges as part of any established migratory movement.<sup>28</sup> At the same time complex immigration legislation, barriers to legal immigration and restrictive asylum policies continue both to fuel agencies facilitating legal immigration and human smugglers. Last but not least, the pervasiveness of neoliberal governance paradigms and the resulting outsourcing and privatization of anything from guest worker schemes to running asylum centers and carrying out forced deportations mean that governments today actively sustain and fund large parts of the migration industry themselves. In various guises and contexts the migration industry may therefore be seen to impact both global migration flows and migration governance to a different degree than at any previous time in history.

### **Analyzing the migration industry**

The present volume proposes an analytical framework based on three sets of questions. The first set of questions directs attention to the types of actors involved in the migration industry. The second directs attention to the kinds of roles that the migration industry plays in regard to migrants, governments and migration flows. Finally, the third set of questions concerns the relationship between political, economic and social structures and the migration industry.

#### ***Actors***

Actors in the migration industry vary widely in their degree of organization and formalization. For analytical purposes the present volume

identifies five partly overlapping sets of actors. A first group comprises larger and often transnational companies. For example, the Italian corporation Finmeccanica is providing border control equipment and training to Libya and is operational in 72 countries with an annual turnover of €11 billion. Its chairman is president of Europe's largest defense industry lobby group (see Chapter 7, this volume). Along with other large-scale companies like Boeing, G4S and Haliburton, such corporations wield significant financial and political interests in the countries where they operate. At the same time, the transnational nature of these companies means that they are able to offer migration management services to contracting governments on a global scale, thereby breaking down traditional barriers of sovereignty and territorial delineations. Often such companies become strategic tools in the ongoing externalization of migration control or serve as intermediaries for inter-state cooperation, thereby avoiding traditional sovereignty conflicts and related issues of assigning liability and human rights responsibility.<sup>29</sup>

A second set of actors in the migration industry is constituted by the various agencies and companies facilitating access to legal migration, at times even to undocumented forms of migration. In countries with guest worker schemes where slots are limited, private enterprises are increasingly brokering access, often offering a package deal to set up everything, including translation, start-up loans, job contacts, housing, legal paperwork and transportation. These companies may work under license or agreement with the government in question. In Japan, two-thirds of medium-to-large firms make use of such agencies (see Chapter 4, this volume). In Europe and the United States, the need for highly skilled immigrant workers such as engineers, doctors and nurses has, likewise, spawned a booming recruitment industry where both governments and employers are paying up to \$10,000 for each person brought in (see Chapter 3, this volume).

Third, there are the smaller enterprises, typically set up by migrants themselves, who manage to commercialize their transnational knowledge and networks by providing services to prospective migrants. This part of the migration industry covers, for example, specialized transportation companies along migration routes, or lawyers and others providing legal advice to migrants and asylum seekers on how to navigate the system (see Chapter 1, this volume). This set of actors may thus also be seen to include the spawning informal sector of so-called "people pushers" who facilitate irregular migration, and other middlemen helping to circumvent legal barriers to obtain residence or work permits (see Chapter 3 and Chapter 8, this volume).

The clandestine actors could be argued to form a fourth, separate and untaxed, group within the migration industry composed of more developed human smuggling networks, transnational criminal organizations, trafficking rings, etc. The fact that it is possible to organize package deals for complex and long journeys across several heavily guarded frontiers, suggests that at least part of this sector is well organized (see Chapter 11, this volume)<sup>30</sup> and comprises international networks often linked to other forms of transnational crime.<sup>31</sup> Several chapters in this volume, however, underline that such actors may just as well be locally based, facilitating only one or two steps of the journey, and that the line between “legal” and “illegal” is often blurred and contingent on the eye of the beholder (see Chapter 3, this volume). Corrupt border guards, visa officials and immigration officers may become tempted to earn money on the side (see Chapter 9 and Chapter 10, this volume), and citizens and middlemen may help immigrants transcend legal categories by offering to marry for money, as in the Spanish case recounted above.<sup>32</sup>

Last, but not least, the increasing number of NGOs, humanitarian organizations and migrant associations involved in migration has become a significant subcategory of the migration industry. These perform very different tasks that may be linked to both facilitating migration (such as religious groups providing shelter or transportation) and migration management (such as NGOs and anti-immigration associations carrying out campaigns that warn against the dangers of irregular migration). At the same time, this set of actors may be linked closely to government cooperation and sponsoring, as in the cases of NGOs running asylum centers and of the IOM assisting return migration.<sup>33</sup> Yet, in many other instances, migration associations or humanitarian organizations operate entirely outside, or even in opposition to, government involvement. Common to this group of migration industry actors seems to be that they are driven by motives other than merely commercial gain. This is not to say that substantial funds may not be involved, both from migrants and through government contracts. Yet, at least officially, these actors tend to justify their role on the basis of other kinds of capital, e.g. social or humanitarian.

### ***Roles***

Across the different types of actors, we secondly propose examining the different roles played by the migration industry. At the most immediate level, migration industry actors may be distinguished by their drive to either constrain or facilitate mobility. Early literature has tended to

focus on the “ground-level actors” such as the transport companies and middlemen facilitating movement. As shown above, these may be complemented by both the more organized businesses involved in managing access to labor markets as well as by the illicit parts of the migration industry such as human smuggling. Yet in addition to these perspectives, this volume equally focuses on the control industry that has burgeoned following governments’ increasing use of private contractors as well as other non-state agents, such as NGOs, to perform various migration management functions. In some cases a single actor may be hard to categorize as either/or. An increasing number of countries require that visa applications be pre-vetted by private companies. The companies on the one hand present themselves as a facilitation industry to prospective migrants hoping to better their chances of obtaining a travel permit, but they may equally be seen as serving migration management purposes by pre-screening applications before they are forwarded to the respective governments (see Chapter 6, this volume).

At the same time, it should be emphasized that different labels and categories may be subject to challenges and contestation in the relation between migrants, the migration industry and states. Several of the cases in this volume point to the often arbitrary division between legal and illegal migrants set by governments. We argue that a nuanced approach is needed that recognizes the difference between the parts of the migration industry involving organized crime and the thousands of illicit acts that take place across international borders on an everyday basis. The dominant imagery of nation states fighting against global criminal networks is, in this sense, simplistic and misleading in its assumption that “people pushers” or “human smugglers” are necessarily organized, self-identify as criminals, or even are seen as such by their customers. As several contributions to this volume suggest, there is seldom a clear line between illicitness and the laws of states. In other words, the definition of what is legal (what states consider to be legitimate) and illegal (prohibited by law) may differ significantly from what people involved in transnational networks consider to be legitimate (licit) or socially perceive as unacceptable (illicit).<sup>34</sup>

Second, the role of the migration industry vis-à-vis states remains a nodal point for all the contributions in this volume. While some actors, such as for example transportation companies or people pushers, appear to operate entirely independent of state involvement, the immigration policies, labor market structures, visa requirements, border controls, etc., almost always remain an essential backdrop for understanding how these migration industry actors emerge and function (see Chapter 3 and Chapter 8, this volume). The essential role of the state becomes

even more visible when examining cases such as those of labor immigration agencies that may be operating under governmental license or be organized as quasi-governmental agencies (see Chapter 4, this volume). Last but not least, the use of private security companies, contractors and NGOs to carry out anything from border security to running asylum centers not only significantly blurs the line between public and private but also raises a number of questions as to the impact of the migration industry on government policies through knowledge, standard setting, lobbying and lock-in effects (see Chapter 5 and Chapter 7, this volume). The pervasiveness of the migration industry, from contractors to entrepreneurs, both formal and informal, thus may well end up fundamentally reshaping global migration governance (see Chapter 2 and Chapter 6, this volume).

Third, the migration industry may be examined in terms of its impact on migrants themselves. The involvement of faith-based or secular organizations is often motivated by humanitarian concerns to “compensate for the lack of public institutional mechanisms to protect the human rights and care for the well-being of unauthorized journeying migrants.”<sup>35</sup> In some cases the term “rescue industry” is appropriate to define the actors involved at this level.<sup>36</sup> In contrast, other parts of the migration industry may be seen to exploit their customers to various degrees. Labor migration agencies have been known to withhold passports and squeeze migrants for several months’ pay, and employers to withhold salary or physically lock up migrants during their stay (see Chapter 4, this volume). In the area of human smuggling, the line between helping and extorting migrants is often rather gray (see Chapter 8, this volume). In the Honduran case, the entangling of organized crime with facilitation of migration seems to have given rise to a sub-industry preying on the vulnerability of migrants in transit (see Chapter 11, this volume).

### ***Structures***

Finally, we wish to locate the migration industry in the larger context of migration management in the broad sense. Understanding the rise of the migration industry also demands an appreciation of the political economy surrounding efforts to regulate migration and changing migratory patterns. It is therefore necessary to examine the relationship between the migration industry and political, economic and social structures. The privatization of migration management is intimately related both to the politicization of immigration and to the governmental paradigm of new public management. Labor immigration agencies tend to

operate in larger frameworks of labor market policies and economic structures. Even the informal migration industry tends to be closely linked to legal and political structures in the countries of destination and origin.

Examining the migration industry thus requires a concurrent understanding of the growing commercialization of international migration and what may be seen as a set of emerging “markets for migration management” in which the migration industry operates.<sup>37</sup> Several studies confirm the growing economy/market-based governance arising in the enactment of migration management and as a result of efforts to control and manage migration flows. Gammeltoft-Hansen identifies both a horizontal and a vertical market for migration control and refugee protection.<sup>38</sup> “Horizontally” migration management has become a foreign policy issue in its own right.<sup>39</sup> States willing to commercialize their sovereign territory or territorial waters are able to negotiate substantial fees from states eager to carry out extraterritorial migration control or to shift refugee protection. The currency may well be monetary, but international agreements on migration management are also increasingly involving concessions in other areas—be they development aid, trade negotiations or privileged quotas for legal labor migration.<sup>40</sup> Together, this internationalization of migration management has given rise to a new set of offshore economies centered on migration control and refugee protection.

Second, a market for migration management may be observed “vertically,” in the growing privatization of functions related to migration management. This is not a particularly new phenomenon. For more than 20 years airlines have been forced to take on migration control functions through the imposition of economic sanctions on carriers.<sup>41</sup> Yet, as noted above, the involvement of private actors in migration management is currently growing and expanding into new areas. We are seeing large-scale outsourcing of immigration detention, border control and forced returns.<sup>42</sup> Entire ports and airports, including immigration checks, have been privatized.<sup>43</sup> As argued in this volume, this market may fundamentally change the way that migration management is being carried out, from the gradual shift of having private companies in the driver’s seat to the ability to ensure democratic control and oversight (see Chapter 6 and Chapter 7, this volume).

Yet, the market for migration management is not only fuelled by states. As noted above, employers in destination countries may have vested interests in securing either cheap, undocumented labor or access to highly skilled professionals, and are therefore increasingly paying migration industry actors high fees to provide needed labor immigration (see



Chapter 3 and Chapter 4, this volume). This is also the case when examining the traffickers involved in destining some migrants to the sex industry or other forms of forced labor. Last but not least, the markets for migration management are funded by the prospective migrants themselves and the economic resources they can raise from social networks or remittances in order to pay a human smuggler, visa facilitation company or labor immigration consultant. Again, understanding the emergence and pervasiveness of the migration industry at this level necessitates an appreciation of how labor markets, for example, or social entitlements and remittance economies operate (see Chapter 4, Chapter 9, and Chapter 11, this volume).

As several authors in this volume show, this commercialization of international migration must be understood in connection to larger discussions about structural transformations and the neoliberal governance paradigm (see Chapter 2 and Chapter 5, this volume). The “markets” optic is enabling, both in combining trends that hitherto have been treated as separate and in linking the study of migration management to critical thinking, for example in international political economy, network theory and critical security studies. Moreover, a conception of “markets of migration management” may also help us to appreciate how states, commercial entities and social as well as illicit networks operate in a world that is globalized in its opportunities for action and cooperation, but still largely Westphalian in its legal foundations. As a result, outsourcing of migration control and asylum management may also be seen as a mechanism to trade political and legal obligations towards refugees and migrants both among states and with non-state actors in an attempt to realize legal obligations at the lowest possible cost—what may in itself be thought of as a “rights economy”<sup>44</sup> or a “market for human rights.”<sup>45</sup>

### **The contributions**

In addressing the various roles that the migration industry plays in our contemporary world, the following chapters set out a number of theoretical perspectives and different case studies. To more fully comprehend the complexity of the phenomena at hand, the contributions reflect a wide range of academic disciplines and contain a strong emphasis on multidisciplinary engagement. At the empirical level the volume includes contributions that not only detail the different types of actors in the migration industry, but also provide a global catalogue of examples drawn from migrant destinations in Europe, the United States and Asia, and migrant sending regions in Africa, Asia and Latin America.

### *The facilitation industry*

The first four chapters link the concept of the migration industry to existing migration theory, global migration governance and the emergence of the neoliberalized state, thereby providing a theoretical platform for the entire volume. In addition, these chapters share a focus on the part of the migration industry that, in different ways, works to facilitate mobility for at least some categories of migrants. However, as the breadth of studies shows, these are far from a uniform set of actors. Nonetheless, from individual migrant entrepreneurs to international organizations, migration industry actors can be seen to exercise influence and authority at all levels of migration governance. They therefore constitute a factor that must be taken into account if we are to understand current migration flows. Lastly, a recurring point in these chapters is that the migration industry is closely intertwined with national and international regulatory policies. The migration industry thus does not replace public governance. Far from it, more often than not migration industry actors appear to be actively sustained and supported by governmental and international institutions.

Chapter 1—Conceptualizing the migration industry—by Rubén Hernández-León, advances the theorization of the migration industry by using two well-known concepts within international migration theory, namely the “migration hump” and the “strange bedfellows” scheme. The chapter then expands the analytical horizon to include four kinds of intermediaries with distinct aims, namely facilitators that straddle the in/formal and il/legal lines; firms engaged in control and restriction; rescue organizations; and clandestine actors forming a bastard industry of control. The chapter concludes that while migration facilitators have been a feature of international migration for quite some time, the current era of neoliberal governance and migration control has opened a new frontier for the commodification of migration.

In Chapter 2—The migration industry in global migration governance—Alexander Betts argues that the migration industry and markets for migration not only operate within and between nation states but, equally, impact migration governance at the global level. While global migration governance has traditionally been considered a state-centric concept, he shows that it is polycentric, involving a range of public and private actors. The chapter develops a typology for understanding the role played by the migration industry and shows that migration industry actors crucially impact global governance across the areas of labor migration, irregular migration and refugee protection. Second, the chapter uses the concept of private authority to develop an analytical and

normative basis on which to make critical judgments about the impact of private authority on migration governance.

The transgressing and blurring of moral, legal, socioeconomic and geographic boundaries is a central characteristic of the migration industry. This is the focus of Chapter 3—Migration trajectories and the migration industry: Theoretical reflections and empirical examples from Asia—by Ernst Spaan and Felicitas Hillmann, who develop a conceptual framework for looking at the migration industry as a process that is facilitating and sustaining migration. Looking at different migration trajectories in Malaysia and the Philippines, the migration industry serves to channel migrant capital (i.e. knowledge and access to resources and networks) that may be transformed into formal structures and commoditized relations at a later point in the migration course. The migration industry in this sense works in the space between licit and illicit, negotiating modes of travel, visas and employment, that may shift between legal and illegal.

In Chapter 4—The migration industry and developmental states in East Asia—Kristin Surak goes on to examine the migration industry involved in facilitating legal labor migration in Taiwan, Japan and South Korea. She shows how the migration industry in these countries works with, or even emanates from, the state that more often than not proves a cooperative partner, equally interested in the development of migration industry enterprises and a competitive market around them. Bringing the state back in, Surak shows that states may either serve as platforms, principals or piggyback on those parts of the migration industry traditionally conceptualized in contradistinction to the state.

### *The control industry*

In the second part of the volume we turn to the part of the migration industry that is, conversely, concerned with migration control and management, and containing or deflecting immigration. The chapters all emphasize that the involvement of contractors and other private actors in migration management is currently growing and expanding into new areas. Entire ports and airports, including immigration checks, have been privatized, and several governments have been keen to outsource tasks, such as immigration detention and forced returns, to private companies. This begs a range of questions with regard to migrant and refugee rights, public oversight and the ability of states to contract out otherwise sovereign functions.

The growing outsourcing of migration management functions to private companies is first taken up in Chapter 5—The neoliberalized

state and the growth of the migration industry—by Georg Menz, who locates the outsourcing of migration control and detention as part of the paradigm of new public management and compares the phenomenon in the United Kingdom, the Netherlands, Germany, the United States and Australia. Bringing an understanding of neoliberal governance to migration studies, he thus argues that the migration control industry may be seen as a natural outgrowth of new public management reforms that envision the state as being overloaded, potentially parasitic and almost certainly inefficient. Yet these reforms also bring about the classical principal–agent dilemma that privatization, once pursued, may well create self-reinforcing dynamics and lock-in effects with the growth of a migration control industry complex that is difficult to control and curtail.

In the following Chapter 6—The rise of the private border guard: Accountability and responsibility in the migration control industry—Thomas Gammeltoft-Hansen further examines the wide range of different migration management tasks in which non-state actors today take part. He shows that while this phenomenon is not new as such, it is rapidly growing and increasingly linked to other policy developments such as security concerns and foreign policy cooperation with regard to migration. Adding to the principal–agent dilemma introduced by Menz, he then argues that the migration control industry has resulted in a string of human rights violations, as private actors in this sector are driven by a market logic. At the same time, outsourcing leads to a fundamental accountability gap, as both human rights law and the institutional rights machinery have difficulty penetrating the “corporate veil.”

The implications of the increasing involvement of private security companies (PSCs) for the formulation and practices of European immigration and border control are taken up in Chapter 7—Private security companies and the European borderscapes—by Martin Lemberg-Pedersen. Taking as his focus two of the largest corporations involved in this area, the Anglo-Danish G4S and Italian Finmeccanica, he identifies many intersecting layers between corporations and governments in the current design and implementation of migration management policies. As such, the migration control industry has come to play a crucial role in the European borderscapes, working simultaneously to dissolve, redefine and re-territorialize borders before and beyond Europe. Second, he shows how the migration control industry is increasingly included in the design of these borderscapes and is backed by powerful financial actors including banks, investment management firms and European credit export agencies.

***The (il)legal and (il)licit migration industry***

The final chapters of the volume focus on what some might label the “dark side” of the migration industry, encompassing people smugglers, document falsifiers, corrupt immigration officers and criminal networks exploiting migrants. A fundamental point across these chapters is that it is often more than difficult to distinguish clearly between legal and illegal or between licit and illicit actors in the migration industry. Rather than taking the state’s own dominant categories for granted, these contributions suggest relativizing the state and understanding it as only one among other contemporary political authorities. Consequently, the assumption that there is a clear line between illicitness and the laws of states should be discarded. Indeed, to the extent that such illicit businesses thrive on restrictive immigration policies, requirements for documents to determine legality and the criminalization of certain practices, modern states are often deeply implicated in sustaining the illicit and illegal parts of the migration industry

By pointing to the new, emerging social worlds that are linked to growing pressure on international migration into Europe, Chapter 8—Pusher Stories: Ghanaian connection men and the expansion of the EU’s border regimes into Africa—by Hans Lucht, explores the extended and reinforced EU borderlands of sub-Saharan Africa. Taking the experience of stranded migrants-turned-human smugglers into account, the chapter reveals a crucial silence in contemporary debates on migrant il/legality and human smuggling. The chapter suggests that the accumulation of disappointed and dispossessed African expats in the expanded southern borderlands of Europe not only constitutes one of the unforeseen side effects of the tightening of the EU border regimes, but also creates and maintains a certain kind of social existence, reserved for the lower strata of the world’s populations, of which we are only now seeing the beginning.

In Chapter 9—Migration brokers and document fixers: The making of migrant subjects in urban Peru—Ulla Berg and Carla Tamagno explore the social infrastructure of Peru’s migration industry by looking at two central actors—document fixers in Lima and migration entrepreneurs operating out of Peru’s Andean provinces. The analysis includes the users of the services and the state agencies and civil society actors involved in attempts to constrain and regulate international migration. Document falsifiers and travel agents assist migrants in fashioning their selves to better fit particular visa categories through which they will attempt to enter otherwise closed European or North American migration destinations. The issue of il/legality is approached from the perspective of

the different actors involved, and shows that competing forms of moral reasoning and concepts of il/legality are at stake.

Public officials and government institutions may promote or prevent the functioning of some parts of the migration industry. In Chapter 10—Public officials and the migration industry in Guatemala: Greasing the wheels of a corrupt machine—Isabel Rosales Sandoval scales up the analysis in order to capture some of the systemic drivers and forces behind undocumented migration. Examining the blurred boundaries between government and industry, public and private, the chapter explores the central link between public institutions and the migration industry. Through an analysis of human smuggling and human trafficking it is shown that organized crime depends on corrupt public officials. In conclusion, the chapter points out how public institutions not only fail to perform their function of providing support and protection for migrants but also how they actively grease the wheels of the migration industry through corruption.

In the final Chapter 11—Migration between social and criminal networks: Jumping the remains of the Honduran migration train—Ninna Nyberg Sørensen argues that an understanding of the rise of certain migration industry actors demands attention to the history and context of migration, as well as to the shifting efforts to regulate it. Building on the case of Honduran migration, the chapter explores the conventional migration industry actors facilitating the human and monetary flow, the rescue industry actors involved, and the removal industry and the organizations involved in the humanitarian assistance to and reception of Honduran deportees. The chapter concludes that the combination of late takeoff and the timing of this takeoff to coincide with a period of stricter migration controls has, to a certain extent, impeded the development of strong migratory networks and therefore possibly led to a greater reliance on the migration industry.

## Notes

- 1 This type of migration industry is vividly described and analyzed by Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008).
- 2 foros.hispavista.com.
- 3 *News in the Sun*, Tenerife, “Police Bust Tenerife Marriage Scam,” [newsinthesun.com/2008/11/police-bust-tenerife-marriage-scam/](http://newsinthesun.com/2008/11/police-bust-tenerife-marriage-scam/). In the United States, similar companies have charged immigrants US\$10,000 each to arrange marriages and coach couples on how to pass immigration tests: David Seminara, *Hello, I Love You, Won't You Tell Me Your Name: Inside the Green Card Marriage Phenomenon* (Washington, DC: Center for Immigration Studies, 2008).

- 4 Tim Padgett, "People Smugglers Inc," *Time Magazine*, 12 August 2003, [www.time.com/time/printout/0,8816,474582,00.html](http://www.time.com/time/printout/0,8816,474582,00.html); and "Decapitating the Snakeheads," *The Economist*, 6 August 2005, [www.economist.com/node/4488653?story\\_id=4488653](http://www.economist.com/node/4488653?story_id=4488653).
- 5 The contract was terminated in 2011 with about \$850 million paid out to Boeing. Brian Bennett, "Costly Virtual Border Fence in Tatters," *Los Angeles Times*, 22 October 2010, [www.articles.latimes.com/2010/oct/22/nation/la-na-invisible-fence-20101022](http://www.articles.latimes.com/2010/oct/22/nation/la-na-invisible-fence-20101022).
- 6 Laura Wides-Munoz and Garance Burke, "Immigrants Prove Big Business for Prison Companies," *Associated Press*, 2 August 2012, [www.ap.org](http://www.ap.org).
- 7 International Organization for Migration, *Financial Report for the year ended 31 December 2010* (MC/2313, 21 April 2011), 7, [www.iom.int/jahia/webdav/shared/shared/mainsite/about\\_iom/en/council/100/MC\\_2313.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/100/MC_2313.pdf).
- 8 The terminology utilized for characterizing migrants is politically, socially, historically and cognitively constructed. It serves the needs of different countries and times, and is subject to redefinition. Migrant labeling often leads to false dichotomies by providing international migrants with il/legal, ir/regular, un/authorized, un/documented status categories, obscuring the fact that for most international migrants, legal status changes over time. While one may talk about "illegal migration" as a phenomenon, to avoid any a priori connotation of criminality and to better encompass the varying degrees of compliance that may apply to the situation of any migrant at a given time, we refrain from categorizing migrants as "illegal" and instead consider migrants "undocumented" or in an "irregular situation" when they do not comply with the migration regime of a given country or region. On terminology coherence in migration studies see e.g. Roger Zetter, "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization," *Journal of Refugee Studies* 20, no. 2 (2007): 172–92; Mila Paspalanova, "Undocumented vs. Illegal Migrant: Towards Terminological Coherence," *Migraciones Internacionales*, no. 3 (2008): 79–90; and Rachel Sabates-Wheeler, *The Impact of Irregular Status on Human Development Outcomes*, Human Development Research Paper no. 26, UNDP (2009), [hdr.undp.org/en/reports/global/hdr2009/papers/HDRP\\_2009\\_26.pdf](http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_26.pdf).
- 9 Andreas Wimmer and Nina Glick Schiller, "Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology," *International Migration Review*, no. 3 (2003): 576–610.
- 10 Karen Fog Olwig and Ninna Nyberg Sørensen, "Mobile Livelihoods—Making a Living in the World," in *Work and Migration—Life and Livelihoods in a Globalizing World*, eds. Ninna Nyberg Sørensen and Karen Fog Olwig (London and New York: Routledge, 2002).
- 11 Robert F. Harney, "The Commerce of Migration," *Canadian Ethnic Studies/Etudes Ethniques du Canada*, no. 9 (1977): 42–53.
- 12 John Salt and Jeremy Stein, "Migration as Business: The Case of Trafficking," *International Migration*, no. 35 (1997): 467–94; and Robin Cohen, *Global Diasporas: An Introduction* (London: University College London Press, 1997).
- 13 David Kyle and Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives* (Baltimore, Del.: Johns Hopkins University Press, 2001).
- 14 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (Basingstoke, United Kingdom: Palgrave, 2009).

- 15 Rubén Hernández-León, *The Migration Industry in the Mexico-US Migratory System*, escholarship.org/uc/item/3hg44330.
- 16 Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008), 155; see also Ninna Nyberg Sørensen, ed., *Living Across Worlds: Diaspora, Development and Transnational Engagement* (Geneva, Switzerland: International Organization for Migration, 2007).
- 17 Jenna L. Henneby, "Bienvenidos a Canadá? Globalization and the Migration Industry Surrounding Temporary Agricultural Migration in Canada," *Canadian Studies in Population*, no. 2 (2008): 339–56; Hernández-León, *Metropolitan Migrants*; and Michael P. Garapich, "The Migration Industry and Civil Society: Polish Immigrants in the United Kingdom Before and After EU Enlargement," *Journal of Ethnic and Migration Studies*, no. 5 (2008): 735–52.
- 18 United Nations High Commission for Refugees (UNHCR), *The State of the World's Refugees 2006* (Geneva, Switzerland: UNHCR); and Jacqueline M. Hagan, *Migration Miracle: Faith, Hope and Meaning on the Undocumented Journey* (Cambridge: Harvard University Press, 2008).
- 19 Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008), 156.
- 20 Hernández-León, *Metropolitan Migrants*, 154.
- 21 Hernández-León, *Metropolitan Migrants*, 155.
- 22 Laura M. Agustín, *Sex at the Margins: Migration, Labour and the Rescue Industry* (London and New York: Zed Books, 2008).
- 23 Alejandro Portes, "Introduction: The Debates and Significance of Immigrant Transnationalism," *Global Networks*, no. 3 (2001): 181–93; Nancy Foner, "What's New About Transnationalism? New York Immigrants Today and at the Turn of the Century," *Diaspora*, no. 6 (1997): 355–75; and Mark Granovetter, "The Economic Sociology of Firms and Entrepreneurs," in *The Economic Sociology of Immigration: Essays in Networks, Ethnicity and Entrepreneurship*, ed. Alejandro Portes (New York: Russell Sage, 1995), 128–65.
- 24 "Instructions to Emigrants to the United States," *Ballina Chronicle*, Wednesday 3 April 1850.
- 25 John Torpey, *The Invention of the Passport. Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000), 120; Ari Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, Mass.: Harvard University Press, 2006), 110–13; and Ari Zolberg, "The Great Wall Against China: Responses to the First Immigration Crisis, 1885–1925," in *Migration, Migration History, History: Old Paradigms and New Perspectives*, eds. Jan Lucassen and Leo Lucassen (New York: Peter Lang, 1997), 308–9.
- 26 "Release of a Notorious Thief," *The New York Times*, 25 March 1876.
- 27 Thomas Hjortso, *Den Dyre Flugt* (Copenhagen, Denmark: People's Press, 2010).
- 28 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (Basingstoke, United Kingdom: Palgrave, 2009), 202.
- 29 Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2011).



- 30 See David Kyle and Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives* (Baltimore, Del.: Johns Hopkins University Press, 2001).
- 31 John Salt, "Trafficking and Human Smuggling: A European Perspective," *International Migration*, no. 38 (2000): 31–56; and Ninna Nyberg Sørensen, "The Rise and Fall of the 'Migrant Superhero' and the New 'Deportee Trash': Contemporary Strain on Mobile Livelihoods in the Central American Region," *Border-Lines* 5, Special Issue (2011): 90–120.
- 32 In 2010 a vicar of the Church of England was similarly convicted for conducting 360 marriage ceremonies to enable African immigrants to gain residency in Britain (*The Guardian*, "Vicar Convicted of Conducting Hundreds of Fake Weddings at Local Parish Church," 29 July 2010, [www.guardian.co.uk/uk/2010/jul/29/vicar-convicted-fake-weddings](http://www.guardian.co.uk/uk/2010/jul/29/vicar-convicted-fake-weddings)).
- 33 Since 1984 the Danish Red Cross has been running more than 350 accommodation centers for asylum seekers in Denmark. The Danish Refugee Council has a contract with the Danish Ministry of Immigration and Integration to provide counseling for migrants in a return position and to operate post-return integration programs in the country of origin.
- 34 Itty Abraham and Willem van Schendel, "Introduction—The Making of Illicitness," in *Illicit Flows and Criminal Things*, eds. Willem van Schendel and Itty Abraham (Bloomington and Indianapolis: Indiana University Press, 2005).
- 35 Jacqueline M. Hagan, *Migration Miracle: Faith, Hope and Meaning on the Undocumented Journey* (Cambridge, Mass.: Harvard University Press, 2008), 83; and Gregory Freeland, "Negotiating Place, Space and Borders: The New Sanctuary Movement," *Latino Studies*, no. 4 (2010): 485–508.
- 36 Laura M. Agustín, *Sex at the Margins: Migration, Labour and the Rescue Industry* (London and New York: Zed Books, 2008).
- 37 Elspeth Guild, *Security and Migration in the 21st Century* (Cambridge: Polity Press, 2009); and Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2011).
- 38 Gammeltoft-Hansen, *Access to Asylum*.
- 39 Andrew Geddes, *Migration as Foreign Policy? The External Dimension of EU Action on Migration and Asylum*, SIEPS Report 2009: 2 (Stockholm: Swedish Institute for European Policy Studies, 2009); Virginie Guiraudon, "Before the EU Border: Remote Control of the 'Huddled Masses,'" in *In Search of Europe's Borders*, eds. Kees Groenendijk, Elspeth Guild and Paul Minderhoud (The Hague, Netherlands: Kluwer Law International, 2002), 191–214; Sandra Lavenex and Emek M. Ucarer, eds., *Migration and the Externalities of EU Integration* (Lanham, Md.: Lexington Books, 2002); and Sandra Lavenex, "Shifting Up and Out: The Foreign Policy of European Immigration Control," *West European Politics*, no. 2 (2006): 329–50.
- 40 Thomas Gammeltoft-Hansen, *Outsourcing Migration Management: EU, Power, and the External Dimension of Asylum and Immigration Policy*, DIIS Working Paper no 2006/1 (Copenhagen, Denmark: Danish Institute for International Studies, 2006); Elspeth Guild, *What is a Neighbour? Examining the EU Neighbourhood Policy from the Perspective of Movement of Persons*, paper presented at Western NIS Forum for Refugee-Assisting NGOs (Yalta,

- 1–3 June 2005); Jan Niessen and Yongmi Schibel, *International Migration and Relations with Third Countries: European and US Approaches*, MPG Occasional Paper (Berlin, Germany: Migration Policy Group, 2004); and Virginie Guiraudon and Gallya Lahav, “The State Sovereignty Debate Revisited: The Case of Migration Control,” *Comparative Political Studies* 33, no. 2 (2000): 751–78.
- 41 Erika Feller, “Carrier Sanctions and International Law,” *International Journal of Refugee Law*, no. 1 (1989): 48–66; Frances Nicholson, “Implementation of the Immigration (Carriers’ Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations,” *International and Comparative Law Quarterly* 46, no. 2 (1997): 586–634; and Sophie Scholten and Paul Minderhoud, “Regulating Immigration Control: Carrier Sanctions in the Netherlands,” *European Journal of Migration and Law* 10 (2008): 123–47.
- 42 Christina Bacon, *The Evolution of Immigration Detention in the UK: The Involvement of Private Prison Companies*, RSC Working Paper No. 27 (Oxford: Refugee Studies Centre, 2005); and Michael Flynn and Cecilia Cannon, *The Privatization of Immigration Detention: Towards a Global View*, Global Detention Project Working Paper (Geneva, Switzerland: The Graduate Institute of Geneva, 2009).
- 43 Paul Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About it* (Cambridge: Cambridge University Press, 2007); and Mark Salter, “Governmentalities of an Airport: Heterotopia and Confession,” *International Political Sociology* 1, no. 1 (2007): 49–66.
- 44 Gregor Noll, “Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones,” *European Journal of Migration and Law*, no. 3 (2003): 303–41.
- 45 Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2011).

# 1 Conceptualizing the migration industry

*Rubén Hernández-León*

- **The migration industry and the migration system's cycle**
- **The migration industry in a field of "strange bedfellows"**
- **Conclusion**

Migration theories have fundamentally ignored the role of the migration industry in the facilitation, regulation, control and institutionalization of international human mobility. The result is a gaping theoretical hole concerning the position, contribution and relations of profit-driven actors in the social organization of international migration. In recent years a spate of theoretical and empirical studies has begun to fill this gap. Concepts such as "migration industry,"<sup>1</sup> "migration merchants,"<sup>2</sup> "business of migration,"<sup>3</sup> and "immigrant place entrepreneurs"<sup>4</sup> have developed a new lexicon to theorize the actors and infrastructures that facilitate human mobility across borders. These efforts were pioneered by Robert Harney, who coined the term "commerce of migration" to refer to the ensemble of labor, transportation and money brokers facilitating Italian emigration in the late nineteenth and early twentieth centuries.<sup>5</sup> However, his brilliant contribution came on the eve of a wave of studies on immigrant social networks which, by focusing on the relations of reciprocity and solidarity among migrants, largely overlooked the role of profit-driven brokers in the social process of migration.

In this chapter, I advance the theorization of the migration industry using two well-known constructs of the process of international migration and immigration. The first of these constructs, the "migration hump," conceptualizes the rise and decline of a migratory stream through a series of distinct stages, each influenced by identifiable socioeconomic factors.<sup>6</sup> The second construct, Aristide Zolberg's "strange bedfellows of American immigration politics," explains the positions and alliances of different actors in relation to immigration's putative economic, political and cultural effects.<sup>7</sup> Both constructs recognize the role of the migration

industry, but only timidly and without a full-fledged consideration of the ways in which migration entrepreneurs, corporations and profit-driven private actors participate and connect with other stakeholders in the organization of international human mobility.

I engage these two constructs of migration and immigration to argue that the migration industry and its core and peripheral members play a more significant part in structuring international human mobility than has been acknowledged by most migration theories. I also utilize the migration hump and the strange bedfellows schemes to expand my prior work conceptualizing the migration industry. So far this work has focused on the role of migration entrepreneurs as facilitators of international human mobility and brokers of services demanded by sojourners in the context of migration. Building on Castles and Miller,<sup>8</sup> I have defined the migration industry as the ensemble of entrepreneurs, firms and services which, chiefly motivated by financial gain, facilitate international mobility, settlement and adaptation, as well as communication and resource transfers of migrants and their families across borders.<sup>9</sup>

However, the policies and practices of governments to regulate and manage migration also foster migration industries aimed at controlling and restricting cross-border mobility. For instance, Golash-Boza argues that private contractors, who “profit from massive enforcement expenditures,” form part of an immigration industrial complex functioning with a logic and dynamics similar to those of the prison and military industrial complexes.<sup>10</sup> Historical and early sociological studies show that actors involved in migration facilitation and control have long intersected. For example, governments set up facilities at ports of embarkation and transportation hubs in order to separate out suitable and undesirable candidates for immigration. Governmental authorities rapidly realized that they could outsource some of these screenings and control tasks to steamship companies, a practice that nowadays has been extended to airlines.<sup>11</sup> Recruiters and contractors have often fulfilled dual facilitation and control functions by not only assisting but also selecting and managing immigrant workers on behalf of employers and state institutions. As the introductory chapter argues, state control and enforcement functions are today outsourced to large corporations which profit from the incarceration, transport and deportation of migrants, and from the development of surveillance technology, software and data management to screen sojourners at airports, borders and coastal ports of entry.

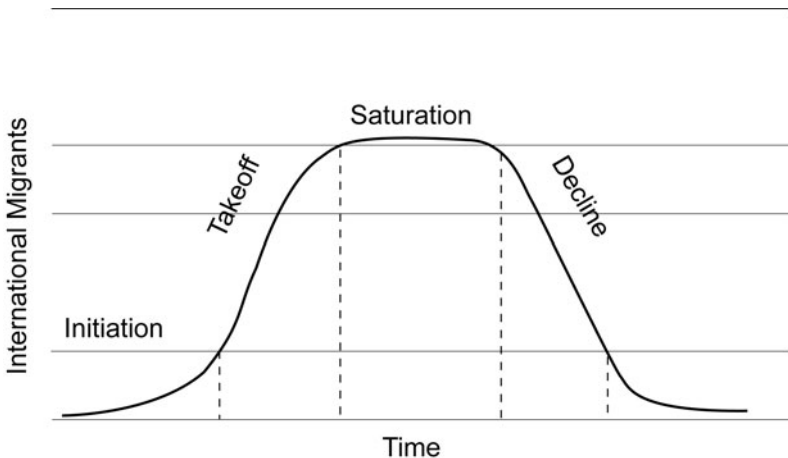
Scholars have also analyzed the activities of non-governmental organizations (NGOs) invested in the rescue and rehabilitation of exploited and vulnerable mobile populations as yet another kind of migration

industry, the so-called “rescue industry.” Without profiting directly from either the facilitation or the control of migration, these actors have become salient players in the development of the interpretive frames and institutional infrastructures to manage particular kinds of migratory flows.<sup>12</sup> Although often applied to the study of so-called trafficked migrants, the notion of a non-profit rescue industry can probably be extended to the analysis of actors involved in the resettlement of refugees. I locate this rescue industry in Zolberg’s scheme of “immigration allies.”

I illustrate the presence of a migration industry of facilitation, control and rescue in the migration hump and strange bedfellows theoretical constructs using contemporary and historical examples from the Mexico–United States and Central America–Mexico migratory flows. In the following section, I engage the migration hump to then analyze the migration industry in the field of “strange bedfellows of American immigration politics.” I close this essay by offering some concluding thoughts.

### The migration industry and the migration system’s cycle

In its simplest version the migration hump posits that the number of people involved in a given migratory flow increases over time and reaches a zenith before it declines. The hump has four distinct stages: 1 initiation, 2 takeoff, 3 stagnation, and 4 decline (see Figure 1.1). Scholars using



*Figure 1.1* The migration hump

Source: Adapted from Emigration transition in prewar Europe and postwar Korea, in *Patterns and Processes of International Migration in the 21st Century*, Douglas S. Massey, [time.dufe.edu.cn/wencong/africanmigration/1Massey.pdf](http://time.dufe.edu.cn/wencong/africanmigration/1Massey.pdf).

the migration hump have been interested in the actors and mechanisms driving each stage as well as the overall “rise and demise” of the migratory cycle. Not surprisingly, different theories emphasize different, but not mutually exclusive, causal and intervening forces. For instance, network theory states that social ties are the most powerful factor spreading migratory behavior and allowing for the exponential growth of migration in the takeoff phase. In contrast, proponents of neoclassical economics might view networks as an intervening mechanism while ultimately attributing the increase in migration to wage differentials between countries. Similarly, while demographic theories might explain the decline of a migratory stream as a result of the exhaustion of the pool of emigration candidates, neoclassical economics would again explicate stage four of the migration hump as the likely outcome of wage convergence between sending and receiving areas.<sup>13</sup>

### ***Initiation***

Migration scholars have long recognized the crucial role that migration entrepreneurs play in the initial stage of the cycle: often chartered by employers and governments, recruiters, smugglers and transporters search, stimulate, guide and move migrants, effectively connecting the demand and supply of migrant labor. In the absence of previously accumulated social capital, migrants rely completely on these brokers. But what exactly is the contribution of the migration industry in the initiation phase? Or, more precisely, do recruiters cause migration or do they only facilitate it, limiting their role to building the preliminary infrastructure for international mobility?

Recruitment played a seminal role in the initial stages of Mexico–United States migration in the late nineteenth and early twentieth centuries. During this period, *enganchadores* (recruiters) traveled to western Mexico to find laborers for the booming US economy. The geographic area where these labor brokers concentrated their contracting efforts went on to become Mexico’s most important sending region. Although migrants soon developed individual knowledge and social networks that partly replaced the expertise of recruiters, the accumulation of migratory social capital would have been delayed for decades without the initial travails of labor agents.

As a path-dependent process, migration is shaped by decisions and events taking place in the earlier stages of its historical progression. This notion is at the heart of cumulative causation but has largely been applied to understanding how an individual’s migratory trip affects future sojourners by broadening the migratory social capital of the

collectivity. Using the same principle, I argue that the social capital that catapults the migration hump into a takeoff phase is fundamentally dependent on the knowledge and infrastructures deployed by recruiters in the initiation stage. Mexico–United States migration offers its own counterfactual example. In contrast to the western region of Mexico, the southeastern section of the country was untapped by recruiters and other migration entrepreneurs. As a result, Mexico’s southeastern region remained the area with the lowest number of migrants bound for the United States. States located in the region, such as Veracruz and Yucatán, did not emerge as significant sending areas of US-bound migrants until the late twentieth century, and then thanks in part to the intermediation of recruiters.<sup>14</sup>

### *Takeoff*

As mentioned above, theories and historical accounts of migration generally argue that the role of immigrant labor brokers subsides in the takeoff stage of the migration hump. Simply put, the maturation of kinship and friendship networks, the development of occupational niches and the increasing familiarity of newcomers with employment opportunities abroad make migrants less dependent on the services of recruiters.<sup>15</sup> In his historical overview of European immigration to the United States, Bodnar contends that the brokers who played such a critical role during the initial stages of migration were soon replaced by migrant networks, which had quickly become the depositories of migratory social capital:

Friends and relatives functioned so effectively, in fact, that they invariably superseded labor agents and “middlemen” in influencing the entry of newcomers into the industrial economy and were usually able to create occupation beachheads for those that followed.<sup>16</sup>

This interpretation is not incorrect so much as it is incomplete. To be sure, migration entrepreneurs do not disappear. On the contrary, their numbers grow, but once these entrepreneurs have sufficiently stimulated the supply of emigrants, they can manage and provide services based in the country of reception. This shift in the center of gravity of the migration industry from sending to receiving locations responds to changes characteristic of the takeoff phase: namely, the expansion of the migratory stream and the growth of immigrant satellite communities abroad. In turn, the exponential growth in the number of sojourners joining the flow offers entrepreneurial opportunities to the migrants themselves, who identify such opportunities by virtue of their membership in

the social networks that sustain migration. In-group membership offers the chance to commodify solidarity; that is, to use migratory human capital as well as the individual migrant's distinct position in a social network for personal monetary gain.<sup>17</sup> This dual position as members of migratory networks and as leaders in the provision of migration-related services often allows contractors, transporters and smugglers to "blend in" (remaining invisible to authorities and even to researchers) and to take advantage of opportunities offered by the changing context of migration (i.e. increasing and shifting demand for immigrant labor). These migration entrepreneurs often begin their careers in a seemingly amateur fashion, prompted by fellow migrants and long-time employers who commission services on a casual basis.<sup>18</sup> Still, the activities of some migration entrepreneurs might build on the networks and mobility infrastructures established by ethnic traders and contraband runners.

During the takeoff stage migration entrepreneurs find a growing clientele in the expanding immigrant settlements in the country of destination. In these settlements contractors and transporters can recruit immigrant labor, while immigrant banking, remittance and courier service providers thrive and operate intermingled with other ethnic and immigrant entrepreneurs. As the takeoff stage unfolds, mainstream businesses join this growing market of migration-related services, developing their own operational infrastructure but also partnering with ethnic migration entrepreneurs. This is the case of money transfer corporations, which become ubiquitous in immigrant neighborhoods by using ethnic grocery stores as points of sale.

States of destination respond to a growing stream and stock of immigrants by devising policies aimed at managing and controlling immigration. An unintended effect of these policies is the revitalization of migration facilitators who, working on behalf of either employers or sojourners (or both), provide the know-how and infrastructure to circumvent the obstacles raised by these policies. For instance, the introduction of employer sanctions in the US Immigration Reform and Control Act of 1986 revitalized the role of contractors in the United States as firms, and individuals sought to deflect legal responsibility for the hiring of undocumented workers. This was by no means a new phenomenon. The Foran Act, the 1885 legislation that prohibited admission of contract workers to the United States, increased the reliance of both employers and immigrants on labor brokers, who not only continued to recruit and direct newcomers to their jobs but also instructed them how to deceive immigration authorities at Ellis Island.<sup>19</sup> The contemporary deployment of heightened control and enforcement measures at the US–Mexican border has reignited the demand for



smugglers, whose skills are once again needed despite the vast reservoir of migratory social capital Mexican migrants possess.<sup>20</sup> In general, immigration restriction during this phase of the migration hump ends up spurring the demand for informal and clandestine facilitators who either find loopholes in policies and legal frameworks or simply bypass the walls and barriers to mobility erected by states.

On the supply side, sending states also promote emigration policies that reactivate the migration industry during the takeoff stage. Intent on relieving population and employment pressures and capturing remittances, sending states tolerate informal migration entrepreneurs on the one hand, and often outsource the day-to-day management of emigration programs to private firms on the other hand. Whether by illicit or licit means (or a combination of both), these actors identify, recruit and train workers with the purpose of placing them in jobs overseas. In Mexico, the recruitment of workers for the United States' H2A and H2B temporary visa programs (for employment in agriculture and labor-intensive services) is conducted by informal recruiters whose activities are tolerated by local authorities. Recently US farmworkers unions and newly established state government agents have sought to broker recruitment between migrants and employers in an attempt to organize the market and squeeze intermediaries out of the relationship.<sup>21</sup>

Finally, the takeoff stage is typified not only by a thriving industry of migration facilitation but also by the emergence and partial outsourcing of immigration management and control measures to private actors. As migratory flows grew dramatically during the nineteenth century, host country governments began to establish migratory control outposts at points of transit and embarkation. At the same time, they required private transportation companies to provide passenger lists and to weed out undesirables and people who could be rejected at ports of entry.<sup>22</sup> Although the outsourcing of control served a then primarily qualitative purpose, it predated and established the foundations for today's complex of migration control, which is focused on the regulation of large migratory flows and characterized by the transfer of extensive extraterritorial management functions to private firms.

### *Stagnation and decline*

The migration hump's third and fourth phases—stagnation and decline—signal a dramatic deceleration and subsequent drop in out-migration. Migration theories generally explain stagnation and decline as a result of demographic and economic factors. These factors include decreasing numbers of eligible emigration candidates in the sending country and

wage convergence between sending and receiving countries. Labor market saturation and declining demand for immigrant workers at the destination are additional economic factors leading up to the slowdown and subsequent fall in migration characteristic of the stagnation and decline phases. With fewer sojourners, the migration industry handles smaller numbers of people and begins to run out of “clients.” In this context, migration entrepreneurs might take advantage of the infrastructures they helped put in place and turn to ethnic and “nostalgia” markets; that is, markets that cater to migrant and ethnic diaspora demands for food, clothing and cultural merchandise from the home country. Needless to say, some might simply run out of business.

However, stagnation and decline can also be the consequence of policies seeking to reduce migration, deter sojourners and redirect migratory flows. A thriving industry and expanding infrastructure of migration control has become an important component in the design and implementation of these policies as governments outsource traditional state functions (i.e. incarceration, in-transit detention, border surveillance and deportation) to private actors and even to third-party governments. Efforts to prevent unauthorized entry and deflect and deter migration not only force sojourners to use facilitators (who now charge migrants higher fees), but also give rise to “bastard” industries of extortion, trafficking and kidnapping of migrants. Criminal groups and networks involved in these activities use coercion to extract money from migrants.

However, instead of facilitating international mobility (and charging for the corresponding service), such actors end up contributing to deterrence. In a recent study of residents from a small town in southern Mexico, Keyes demonstrates that the decision to migrate to the United States is partially influenced by the increasing probability of dangerous encounters with criminals.<sup>23</sup> Furthermore, over the past five years Central American and Mexican migrants have been the target of kidnappings at the hands of drug cartels and criminal gangs, which operate with the complicity of authorities and the drivers of inter-city bus companies. The bodies of those who cannot pay the ransoms are later found in mass graves. Journalistic and police accounts suggest that branches of these cartels are also involved in the trafficking of Central American migrants, taking “human cargo” away from traditional smugglers and kidnapping sojourners at the gates of migrant shelters.<sup>24</sup> The recent decline in the number of Central American migrants detained in Mexico (a common proxy for fluctuations in the flow) is likely due, at least in part, to the dissuasive effect of organized and common crime (see Chapter 11, this volume).

I contend that these criminal groups and their activities constitute a “bastard” industry of migration control with important connections to

and effects on other parts of the migration industry. The actors that form this bastard industry benefit from state policies to restrict unauthorized flows because such policies have an unintended effect of channeling migrants to spaces controlled by criminals. In the case in point, the checkpoints that the Mexican government has set up along the country's highways to identify and detain Central American migrants force sojourners to use alternative routes monitored by the cartels and populated by common criminals. At the same time, members of this bastard industry have demonstrated the ability to co-opt actors (i.e. smugglers) and colonize infrastructures (i.e. bus and railroad lines) traditionally associated with the facilitation of migration. The agents of the state (i.e. immigration officials, customs and local police forces) who used to extort money from facilitators (in the form of payment for the "right of way") have been recruited as subordinates of large criminal operations (see Chapter 10, this volume). The end result is a bastard industry of migration control operating counter to facilitation and functioning as a deterrent to international mobility.

### **The migration industry in a field of "strange bedfellows"**

In his "strange bedfellows of American immigration politics," Aristide Zolberg maps out the positions of political actors vis-à-vis immigration.<sup>25</sup> According to Zolberg, actors who perceive positive economic and cultural/political effects, such as employers and the immigrants' co-ethnics, tend to adopt a favorable, "immigrationist" stance. In contrast, those who view newcomers as a source of economic competition and as a cultural threat tend to coalesce around restrictionist positions. A proxy for the migration industry, immigrant transporters, appears in the scheme alongside employers, noting the cluster of actors that clearly benefit economically from immigration (see Figure 1.2). By locating transporters and potentially other migration entrepreneurs in a field of well-defined coordinates, Zolberg's framework allows for making inferences about the economic relations and probable alliances between the migration industry and key stakeholders in the politics of immigration.

However, Zolberg's mapping exercise does not explicitly contemplate the movement of actors across quadrants and across the pro- and anti-immigrant divide. While the author recognizes the presence of migration facilitators (e.g. immigrant transporters), he keeps mum about the rescue and control parts of the migration industry. Also, since his scheme focuses on immigration in the American political landscape, his perspective only includes "legitimate" actors who can establish at times "strange" but still open alliances. As I have argued elsewhere, the study

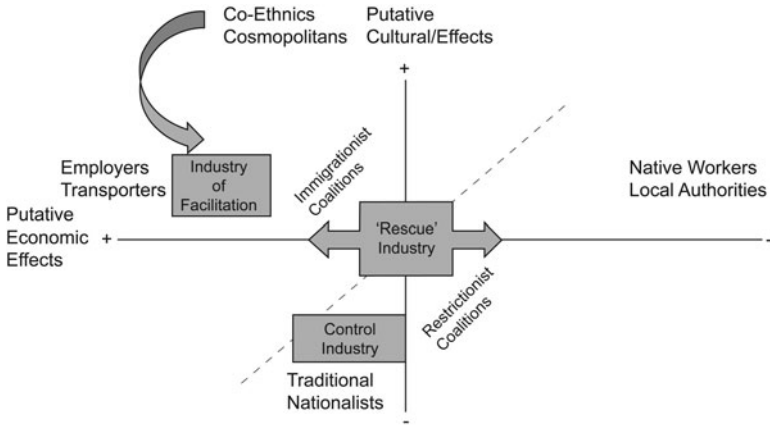


Figure 1.2 The migration industry in the strange bedfellows of American immigration politics

Source: Adapted from the strange bedfellows of American immigration politics, in Aristide R. Zolberg, “Matters of State: Theorizing Immigration Policy,” in *The Handbook of International Migration: The American Experience*, ed. Charles Hirschman, P. Kasinitz, and J. DeWind (New York: Russell Sage Foundation, 1999), 71–93.

of the migration industry should consider how non-profit actors, such as advocates and government officials, shift roles and mobilize previously acquired knowledge and contacts to become migration entrepreneurs (see Chapter 9, this volume). It is also important to understand how a range of legitimate, informal and illegal actors establish tacit coalitions and organic articulations, often beyond the confines of a single nation state.<sup>26</sup> I explain and illustrate these claims below.

### *Location and shifting positions of the migration industry*

Most of the actors involved in the migration industry of facilitation can be located in the upper-left quadrant of the “strange bedfellows” figure, but in addition to traditional actors (i.e. transporters, contractors, immigrant realtors and remittance agents) benefiting economically from the constant flow of newcomers, co-ethnics and cosmopolitans can also shift their position and join the ranks of those who support immigration because of financial self-interest. Familiar at once with the world of the immigrant and the institutions of the host society, co-ethnics are well positioned to take advantage of the economic opportunities the migration industry offers.<sup>27</sup> In contrast, cosmopolitans are more likely

to learn about the needs of newcomers through their involvement in political and cultural advocacy efforts. Newly acquired information can then be translated into actionable knowledge to establish different kinds of migration-related businesses.

In the United States it is not uncommon for co-ethnics and cosmopolitans who serve in immigrant advocacy organizations to subsequently establish legal advice, remittance, communications and real estate firms catering specifically to immigrants. I illustrate this point with the case of an Anglo-American immigrant rights advocate I interviewed some years ago. This activist learned about the many needs of indigenous Mexican migrants during the time he advocated for their housing and shelter rights in San Diego County. Prevented by their legal status, these immigrants could not return to Mexico and, in some cases, would go for years without seeing their families. After finishing his term as a housing advocate, he decided to set up a teleconference service with branches in southern California and Oaxaca so that migrants and family members could converse and see each other during the call.<sup>28</sup>

I argue that the “rescue” industry can also be placed in the upper-left quadrant of the strange bedfellows scheme. Composed of cosmopolitans and humanitarians likely to agree on the positive cultural effects of immigration and the moral imperative to aid immigrants, the members of this rescue industry do not profit from immigration in the strict sense of the term. However, they are capable of developing know-how and infrastructures that facilitate international migration, especially (but not exclusively) when the national groups and circumstances they target are the same favored by destination states. The victims of trafficking and refugees are often channeled through the infrastructures of this rescue industry, such as refugee camps and transitional housing, counseling, and language and employment programs. Needless to say, cosmopolitans and humanitarians can also commoditize the knowledge and social capital acquired rehabilitating and resettling migrants, redeploying these resources in the context of profit-seeking ventures. In addition, as Gammeltoft-Hansen and Sørensen argue in the introduction to this volume, actors and organizations of the rescue industry are becoming increasingly active in performing functions of control: screening asylum seekers and managing deportation and return migration programs. The rescue industry can ubiquitously straddle the line between facilitation and control in the name of orderly migration and humanitarianism (see Introduction).

Zolberg’s scheme does not explicitly contemplate other actors who, I will argue, also form part of the field of strange bedfellows and whose interests and actions are relevant for the study of the migration industry. The most notable omission is the firms that compose the growing

complex of migration control and who profit from the detention and deportation of migrants and the enforcement of immigration controls at borders and ports of entry. These firms are often large, multinational corporations which benefit from a simultaneous global trend to devolve public functions to private actors, to control and restrict international migration and, more recently, to construe immigration through the lens of national security doctrines. The migration control industry should be located in the lower-left quadrant, perhaps above and to the left of Zolberg's "traditional nationalists" (i.e. nativists, racists and isolationists), forming part of broader restrictionist coalitions. In fact, authors like Golash-Boza link corporations that profit from the incarceration of migrants to conservative commentators and politicians as part of a large complex of increasingly privatized control.<sup>29</sup>

Another set of actors not explicitly considered in the strange bedfellows scheme are the consular officials and representatives of foreign governments, specifically of the migrants' countries of origin, who play a role in the building of political and economic alliances in favor of immigration. Furthermore, local authorities and native workers are not always opposed to immigration and staunch members of restrictionist coalitions, as Zolberg seems to suggest. In the highly decentralized American political system, state, county and city governments can be found on either side of the pro- and anti-immigration divide at different points in time.<sup>30</sup> The position and actions of local government vis-à-vis immigration are subject to the influence of contradictory forces and are likely to change as a result of different factors, including electoral politics and economic conditions. By the same token, the leaders and organizations representing native workers might not always side with those who oppose immigration. Faced with the steady decline of its membership and a weakened presence across workplaces in the United States, organized labor decided to support the legalization of undocumented workers and launch major campaigns to unionize industries populated by unauthorized immigrants.<sup>31</sup>

### *Alliances and articulations: strange and familiar bedfellows*

Profit-driven migration facilitators and employers are familiar bedfellows indeed. To state the obvious, formal and informal, as well as legal and illegal migration entrepreneurs provide firms with documented and undocumented immigrant workers.<sup>32</sup> Employers and profit-driven migration facilitators converge on the basis of their common economic interest: the continuation of migration. However, a sizable segment of the migration industry operates informally, if not clandestinely, preventing

facilitators from becoming part of legitimate immigrationist coalitions. In fact, the very existence and articulation of these actors with employers is often challenged by the state and even by formal and legal migration entrepreneurs and other immigration stakeholders. Two examples illustrate this point.

In the United States a large network of informal and illegal bus and van transporters deliver migrants to businesses across labor markets.<sup>33</sup> Employers often work closely and make ad hoc arrangements with these transporters, but these so-called “curbside” operators are often the target of immigration enforcement raids and the subject of negative campaigns by the associations of legitimate service providers, which cite the poor safety records of informal transporters.<sup>34</sup> In another example, during the mid-2000s former workers and Washington-based conservative law firms coalesced to sue Mohawk Industries, one of the largest carpet manufacturers in the United States. The plaintiffs accused the company of collaborating with contractors and smugglers to recruit undocumented immigrants and lower the wages of native workers. The complainants also sued for Mohawk to be tried using anti-organized crime statutes, arguing that the firm’s managers had conspired with smugglers and recruiters to commit illicit acts.<sup>35</sup> Because of its alleged dealings with underground migration entrepreneurs, Mohawk had not found itself in the company of strange bedfellows so much as defending itself against strange adversaries. Nonetheless, over the past decade there have been several cases where the US immigration authorities have prosecuted large meat-packing corporations, accusing them of working with contractors to recruit undocumented immigrants.<sup>36</sup>

According to Zolberg, employers and migration entrepreneurs on the one hand, and co-ethnics and cosmopolitans on the other, find each other strange bedfellows as they converge in immigrationist coalitions. Working in unions and NGOs, left-leaning co-ethnics and cosmopolitans would otherwise be ideological and political adversaries of exploitative employers and abusive migration facilitators. A focus on the migration industry demonstrates how these actors are connected regularly by multiple bridges and overlapping infrastructures. As I discussed in the previous section, stakeholders do not maintain a static position in the immigration landscape; co-ethnics, cosmopolitans and humanitarians often utilize the social capital acquired in immigrant support organizations to launch ventures and careers as migration entrepreneurs.<sup>37</sup> Similarly, migration facilitators branch out towards the realm of pro-immigrant politics and culture, ultimately seeking to influence local governments, to garner support and give legitimacy to their business endeavors. In Los Angeles, for example, Korean and Chinese real

estate entrepreneurs maintain a strong presence in ethnic associations and local governmental institutions. These entrepreneurs participate and use these institutions to influence policies favorable to their chief economic aim: to sell homes and neighborhoods in southern California as desirable destinations to middle-class immigrants from Asia.<sup>38</sup> In pursuing these strategies, these actors open paths and interlock profit-driven and non-profit infrastructures in durable ways.

The actors and infrastructures of the migration industry are also connected through unanticipated and unintended forms of articulation and cooperation. The services of religious organizations assisting sojourners along the migratory trail provide a case in point. In reference to the assistance offered to undocumented Mayan migrants by several churches at a meeting place on the outskirts of Phoenix, Arizona, Wellmeier states that “[T]he volunteer services kept it [La Huerta] viable as a transportation hub, a collection point for entering migrants, and a convenience for the coyotes who always knew where to find customers.”<sup>39</sup> Similar articulations occur at the migrant shelters (*casas de migrantes*) established by the Catholic Church along the Mexico–United States border and in Mexico’s interior states. While these shelters provide sojourners with room and board for a few days and are used by migrants as safe havens, they also unwittingly facilitate the work of coyotes, recruiters and transporters, who habitually meet and entice potential clients at these sites. Eager to buy time and save on costs while making arrangements to continue the journey and cross the border, smugglers also use these places as client “depositories.” Not surprisingly, members of the bastard industry of migration control also now utilize these safe havens to find easy targets for holdups and kidnappings.<sup>40</sup>

The remittance industry is a critical component of the complex of profit-driven migration facilitators. By sending money home, sojourners attain a key goal of migration. Remittances are also a fundamental resource in the financing of future migration. To the extent that they can access formal remittance mechanisms, immigrants can demonstrate their presence in the host society and engagement with its financial institutions. At the same time, the remittance industry comprises a heterogeneous range of informal and formal firms of different sizes and varying degrees of social and political legitimacy. The case of the remittance industry illustrates how profit-driven facilitators are linked to other stakeholders in immigration, such as migrant organizations and the consular representatives of sending-country governments keen on preserving and increasing the monetary flows expatriates send home.

In the Mexican–US migratory system, more than 90 percent of family remittances are sent using the services of wire transfer companies such



as MoneyGram and Western Union.<sup>41</sup> Migrant organizations and the Mexican government have sustained a series of hostile, semi-adversarial and cooperative relations with these firms and a variety of other actors in the remittance industry spectrum. Migrant organizations have fought high and hidden fees charged by wire transfer companies, taking these firms to court. Although the settlements worked out through the legal system have not eliminated the fees, they have pushed wire transfer firms to collaborate with home-town associations in development and productive projects financed through collective remittances.<sup>42</sup> The Mexican government has taken a different approach to reduce the fees charged by financial intermediaries. Instead of confronting wire transfer companies, Mexican officials in Los Angeles and other cities have sought to enlarge the field of formal remittance providers. To this end, chief consular officials have lobbied banks and regulatory authorities to accept consular identification cards as a valid document to open checking and savings accounts and access low-cost remittance services. Banking institutions have joined in the efforts of Mexico's Foreign Service because of their interest in selling financial products (i.e. consumer loans, mortgages) to undocumented immigrants, a previously unbanked population of sizable proportions.<sup>43</sup> These examples illustrate how the articulations and alliances of the migration industry and key stakeholders, such as the Mexican government and migrant organizations, include but also transcend the field of traditional American political actors.

Finally, the actors who make up the control industry establish their own set of economic articulations and political alliances with politicians, government institutions and civil society groups that support strict immigration enforcement and control. In the United States, private prison corporations, such as the Corrections Corporations of America (CCA) and the GEO Group, are the chief beneficiaries of the policies of criminalization, mass detention and deportation of unauthorized immigrants implemented under the Bush and Obama administrations. The spike in demand for detention beds has allowed these corporations to increase their share of the prison market under a variety of arrangements, including subcontracts and direct ownership. Today these companies and rural local governments are striking deals to lease and build new jails to accommodate incarcerated immigrants. The private prison firms that run these jails receive a set amount of federal funds per bed occupied each night. Faced with a dearth of economic activity, local authorities welcome the new jobs and the tax dollars the new industry creates. In other cases, the same firms are contracted by the federal government to manage newly built immigration detention centers in or near major metropolitan areas like Los Angeles. At the same time,

global security firms are lobbying and bidding for contracts to develop the new technologies and infrastructures of border enforcement (see also Chapter 5 and Chapter 6, this volume).<sup>44</sup>

Finally, migration control firms are becoming overt partners of those who seek to devolve immigration enforcement functions from federal to state and local levels of government. For example, the CCA financed many of the politicians actively campaigning for the legislative approval of Arizona's Senate Bill 1070 (SB 1070) in 2010. SB 1070 sought to deputize local police officers as immigration agents, allowing them to arrest individuals on suspicion that they were in the country without authorization. Although the legality and full implementation of SB 1070 has yet to be decided by the courts, the passage of this and similar legislative initiatives holds the promise of delivering more "clients" to CCA.<sup>45</sup>

## **Conclusion**

In this chapter I have used two theoretical constructs of international human mobility—the "migration hump" and the "strange bedfellows" scheme—to conceptualize the role of profit-seeking actors in the social organization of migration. Through the lens of these constructs I have sought to understand why, how, and when different migration industry actors, firms and organizations arise and intervene to commoditize, manage and broker international migration. I have also expanded the analytical horizon of the migration industry to include four kinds of intermediaries with distinct aims: facilitators that straddle the formal/informal, legal/illegal lines; firms engaged in control and restriction; organizations involved in "rescuing" and rehabilitating refugees and trafficked migrants; and the largely illegal actors of a bastard industry of control. All of these actors sustain differentiated relations with key stakeholders, such as state institutions, employers, pro- and anti-immigrant organizations, and the migrants themselves.

The migration industry constitutes a highly dynamic set of actors in the social process of international human mobility, causing, facilitating and sustaining mobility across all stages of the migratory cycle. Contrary to the claim that facilitators are only involved in the initial phase of the migration hump, I argue that migration entrepreneurs are also present in subsequent stages, recasting their roles, shifting the locus of their activities and responding to new and distinct opportunities to commodify migration. However, facilitators are not the only actors active beyond the initiation stage. As the migration process unfolds and states seek to regulate and restrict immigration, a migration industry of control

begins to take shape. Ironically, but not surprisingly, transportation nodes double as infrastructures of facilitation and first sites of migration control. Mature migratory flows and the intent of states to restrict these streams result in new economic opportunities for the migration industry. Smugglers, recruiters, lawyers and migrants-turned-entrepreneurs provide the means and know-how to circumvent the obstacles to international migration, while the control industry assists in reinforcing such barriers. Moreover, a bastard industry of extortion wrests additional resources from migrants while functioning as an often deadly hurdle to mobility.

The migration industry sustains a multidimensional and transformative economic and political nexus with key stakeholders of migration. As Zolberg's diagram suggests, the continuation of migration brings together migration brokers, employers, co-ethnics and cosmopolitans in the form of unusual immigrationist alliances. Conversely, the migration industry of control can be situated on the side of nativist organizations, national and local state institutions and displaced workers, all converging to establish restrictionist coalitions. Frequently found on the side of immigrationist partnerships, the "rescue" industry can straddle the line separating those in favor from those against newcomers, to participate in schemes seeking to regulate and control mobility in the name of humane and orderly migration.

A dense web of economic ties defines the interactions between the migration industry and other actors of the social process of international migration, shifting what in principle seem strange relationships into familiar affairs. Migration brokerage offers financial opportunities that can be realized by advocates who mobilize social capital for private use. In doing so, advocates-turned-entrepreneurs align even more closely with employers—both actors pursuing economic self-interest through migration. Additionally, migration intermediaries can colonize local institutions bringing municipalities into the migrant-friendly camp—not unlike what employers of foreign workers have long done. While migration facilitators have been a feature of international migration for quite some time, however, the current era of neoliberal governance and migration restriction has opened a new frontier for the commodification of migration. A thriving industry of control is at once the chief beneficiary of the devolution of public functions to private actors and the savior of tax-starved localities eager to "host" detained and soon-to-be-deported migrants.

## Notes

- 1 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (New York: Guilford Press,

- 2003); and Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley, Calif.: University of California Press, 2008).
- 2 David Kyle, *Transnational Peasants: Migrations, Networks, and Ethnicity in Andean Ecuador* (Baltimore, Md.: Johns Hopkins University Press, 2000).
  - 3 John Salt and Jeremy Stein, "Migration as a Business: The Case of Trafficking," *International Migration* 35 (1997): 467–94.
  - 4 Ivan Light, "Immigrant Place Entrepreneurs in Los Angeles, 1970–99," *International Journal of Urban and Regional Research* 26 (2002): 215–28.
  - 5 Robert F. Harney, "The Commerce of Migration," *Canadian Ethnic Studies/ Etudes Ethniques du Canada* 9 (1977): 42–53.
  - 6 Phillip L. Martin and J. Edward Taylor, "The Anatomy of a Migration Hump," in *Development Strategy, Employment, and Migration: Insights from Models*, ed. J. Edward Taylor (Paris: Organisation for Economic Co-operation and Development, 1996), 43–62.
  - 7 Aristide R. Zolberg, "Matters of State: Theorizing Immigration Policy," in *The Handbook of International Migration: The American Experience*, eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999), 71–93.
  - 8 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (New York: Guilford Press, 2003).
  - 9 Rubén Hernández-León, *The Migration Industry in the Mexico—US Migratory System*, [escholarship.org/uc/item/3hg44330](https://escholarship.org/uc/item/3hg44330); Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley, Calif.: University of California Press, 2008); and Rubén Hernández-León, "Frontera Sobre Ruedas. Las Camionetas y la Industria de la Migración," *Trayectorias* 10, no. 26 (2008): 31–40.
  - 10 Tanya Golash-Boza, "The Immigration Industrial Complex: Why we Enforce Immigration Policies Destined to Fail," *Sociology Compass* 3 (2009): 1–15; and Tanya Golash-Boza, "A Confluence of Interests in Immigration Enforcement: How Politicians, the Media and Corporations Profit from Immigration Policies Destined to Fail," *Sociology Compass* 3 (2009): 1–12.
  - 11 Adam McKeown, "How the Box Became Black," paper presented at the seminar *Opening the Black Box of Migration: Brokers and the Organization of Transnational Mobility*, held on 19–20 August 2010; and Henry Fairchild, *Immigration. A World Movement and its American Significance* (New York: Macmillan, 1918).
  - 12 Laura María Agustín, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* (London and New York: Zed Books, 2007).
  - 13 Douglas S. Massey, Joaquín Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor, *Worlds in Motion: Understanding International Migration at the End of the Millennium* (Oxford: Oxford University Press, 1998); Phillip L. Martin and J. Edward Taylor, "The Anatomy of a Migration Hump," in *Development Strategy, Employment, and Migration: Insights from Models*, ed. J. Edward Taylor (Paris: Organisation for Economic Co-operation and Development, 1996), 43–62; and Douglas S. Massey, *Patterns and Processes of International Migration in the 21st Century*, [time.dufe.edu.cn/wencong/africanmigration/1Massey.pdf](http://time.dufe.edu.cn/wencong/africanmigration/1Massey.pdf).
  - 14 Fred Krissman, "Immigrant Labor Recruitment: US Agribusiness and Undocumented Migration from Mexico," in *Immigration Research for a*

- New Century*, eds. Nancy Foner, Rubén Rumbaut, and Steven Gold (New York: Russell Sage Foundation, 2000), 277–300.
- 15 John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington, Indiana: University of Indiana Press, 1985); and Gunther Peck, “Reinventing Free Labor: Immigrant Padrones and Contract Laborers in North America, 1885–1925,” *The Journal of American History* 83, no. 3 (1996): 838–71.
  - 16 John Bodnar, *The Transplanted*, 68.
  - 17 Scholars of migration have previously written about the “monetization of solidarity” among Mexicans in the United States, but this notion specifically refers to the remuneration for favors that would otherwise be repaid through a system of reciprocal exchanges. See Jorge Durand, *Más Allá de la Línea. Patronos Migratorios entre México y Estados Unidos* (Mexico City: Consejo Nacional para la Cultura y las Artes, 1994), 303–5.
  - 18 Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley, Calif.: University of California Press, 2008).
  - 19 Gunther Peck, “Reinventing Free Labor: Immigrant Padrones and Contract Laborers in North America, 1885–1925,” *The Journal of American History* 83, no. 3 (1996): 838–71.
  - 20 David Keyes, *Does the Wall Stop Unauthorized Immigration? New Evidence from Mexico*, Second Conference on Ethnicity, Race and Indigenous Peoples in Latin America and the Caribbean, held at University of California, San Diego, 3–5 November 2011.
  - 21 Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley, Calif.: University of California Press, 2008).
  - 22 Adam McKeown, “How the Box Became Black,” paper presented at the seminar *Opening the Black Box of Migration: Brokers and the Organization of Transnational Mobility*, held on 19–20 August 2010.
  - 23 David Keyes, *Does the Wall Stop Unauthorized Immigration? New Evidence from Mexico*, Second Conference on Ethnicity, Race and Indigenous Peoples in Latin America and the Caribbean, held at University of California, San Diego, 3–5 November 2011.
  - 24 Oscar Martínez, *Los Migrantes que no Importan* (Barcelona, Spain: Icaria Editorial, 2010).
  - 25 Aristide R. Zolberg, “Matters of State: Theorizing Immigration Policy,” in *The Handbook of International Migration: The American Experience*, eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999), 71–93.
  - 26 Rubén Hernández-León, *The Migration Industry in the Mexico-US Migratory System*, [escholarship.org/uc/item/3hg44330](http://escholarship.org/uc/item/3hg44330).
  - 27 Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* (New York: Little, Brown and Company, 1951).
  - 28 Rubén Hernández-León, *The Migration Industry in the Mexico-US Migratory System*, [escholarship.org/uc/item/3hg44330](http://escholarship.org/uc/item/3hg44330).
  - 29 Tanya Golash-Boza, “A Confluence of Interests in Immigration Enforcement: How Politicians, the Media and Corporations Profit from Immigration Policies Destined to Fail,” *Sociology Compass* 3 (2009): 1–12; see also Robert Koulisch, “Profit, Plenary Powers and Militarization: A ‘Perfect Storm Scenario

- for Immigration Control,” *Journal of Migration and Refugee Studies* 3 (2007): 149–76.
- 30 Even in a much more centralized polity like France, national, regional, prefectural and local government institutions take different positions in relation to immigration.
- 31 Randy Shaw, “Building the Labor-Clergy-Immigrant Alliance,” in *Rallying for Immigrant Rights: The Fight for Inclusion in 21st Century America*, eds. Kim Voss and Irene Bloemraad (Berkeley: University of California Press), 82–100.
- 32 The proliferation of subcontracting agreements, in which a small ethnic entrepreneur recruits, manages and pays fellow co-ethnics, has often fused the roles of migration facilitator and employer. See Jorge Durand, *Política, Modelos y Patrón Migratorios* (San Luis Potosí, México: El Colegio de San Luis, 1998).
- 33 Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley, Calif.: University of California Press, 2008).
- 34 Jerry Cao, *ICE Tight-lipped on Chinatown Bus Raid*, [www.indypressny.org/nycma/voices/410/news/news\\_1/](http://www.indypressny.org/nycma/voices/410/news/news_1/); James McKinley, Jr, “Houston Bus Companies were Links in Illegal Immigrant Network,” *The New York Times*, 5 February 2010; and Peter Pantuso, *Testimony Before the US House of Representatives Committee on Transportation and Infrastructure Subcommittee on Highways and Transit*, Hearing on “Curbside Operators”: Bus Safety and ADA Regulatory Compliance, [www.buses.org/government\\_affairs/comments\\_testimony/53.cfm](http://www.buses.org/government_affairs/comments_testimony/53.cfm).
- 35 “Mohawk Lawsuit Settled for \$18 million,” *The Daily Citizen*, 9 April 2010, [daltondailycitizen.com/local/x1612531633/Settlement-in-Mohawk-case](http://daltondailycitizen.com/local/x1612531633/Settlement-in-Mohawk-case); and “A Body Blow to Illegal Labor?” *Bloomberg Businessweek*, 27 March 2006, [www.businessweek.com/magazine/content/06\\_13/b3977087.htm](http://www.businessweek.com/magazine/content/06_13/b3977087.htm).
- 36 “Tyson Indicted,” *Rural Migration News* 8, no. 1 (January 2002), [migration.ucdavis.edu/rmn/more.php?id=562\\_0\\_4\\_0](http://migration.ucdavis.edu/rmn/more.php?id=562_0_4_0); James Pinkerton, “Ruling Backs Charges Against Bosses in Action Rags Raid,” *Chron.com*, 10 July 2008, [www.chron.com/news/houston-texas/article/Ruling-backs-charges-against-bosses-in-Action-1625281.php](http://www.chron.com/news/houston-texas/article/Ruling-backs-charges-against-bosses-in-Action-1625281.php); and Julia Preston, “2 Supervisors are Arrested after Sweep at Meat Plant,” *The New York Times*, 4 July 2008.
- 37 Some of these dynamics can also be observed in the workings of the “rescue” industry, whether in the rehabilitation of victims of trafficking or the resettlement of refugees.
- 38 Ivan Light, “Immigrant Place Entrepreneurs in Los Angeles, 1970–99,” *International Journal of Urban and Regional Research* 26 (2002): 215–28.
- 39 Nancy Wellmeier, “La Huerta: Transportation Hub in the Arizona Desert,” in *The Maya Diaspora: Guatemalan Roots, New American Lives*, eds. James Loucky and Marilyn M. Moors (Philadelphia, PA: Temple University Press, 2000), 141–51.
- 40 Oscar Martínez, *Los Migrantes que no Importan* (Barcelona, Spain: Icaria Editorial, 2010).
- 41 Manuel Orozco, “Remittances and Markets. New Players and Practices,” in *Sending Money Home. Hispanic Remittances and Community Development*, eds. Rodolfo O. de la Garza and Briant Lindsay Lowell (Lanham, Md.: Rowman and Littlefield Publishers, 2002), 125–54.

- 42 Orozco, "Remittances and Markets," 125–54.
- 43 Wells Fargo, *Wells Fargo to Accept Matricula Consular Card as Identification for New Account Openings*, 9 November 2001, [www.wellsfargo.com/press/matriculacard20011109b](http://www.wellsfargo.com/press/matriculacard20011109b).
- 44 Nina Bernstein, *Companies Use Immigration Crackdown to Turn a Profit*, 28 September 2011, [www.nytimes.com/2011/09/29/world/asia/getting-tough-on-immigrants-to-turn-a-profit.html?pagewanted=all](http://www.nytimes.com/2011/09/29/world/asia/getting-tough-on-immigrants-to-turn-a-profit.html?pagewanted=all); various articles in [businessofdetention.com](http://businessofdetention.com); and Robert E. Koulish, "Blackwater and the Privatization of Immigration Control," in *The Selected Works of Robert E. Koulish*, [works.bepress.com/robert\\_koulish/3](http://works.bepress.com/robert_koulish/3).
- 45 Lee Fang, "Prison Industry Funnel Donations to State Lawmakers Introducing SB1070-like Bills around the Country," 16 September 2010, [thinkprogress.org/politics/2010/09/16/117661/sb1070-prison-lobby/](http://thinkprogress.org/politics/2010/09/16/117661/sb1070-prison-lobby/).

## 2 The migration industry in global migration governance

*Alexander Betts*

- **Global migration governance and private actors**
- **Labor migration**
- **Irregular migration**
- **Refugees**
- **Conclusion**

The “migration industry” (defined as the range of actors who, primarily motivated by profit, engage in activities relating to human mobility) and “markets for migration” (defined as the way in which human mobility is increasingly subject to processes of commodification and competitive exchange) are playing a central and growing role in facilitation, control and rescue in the area of migration<sup>1</sup> (see also Chapter 6 and Chapter 11, this volume). From smugglers and “coyotes,” to business associations, anti-immigrant vigilante groups, airline companies, border security firms, private interest groups, travel agents, human rights non-governmental organizations (NGOs), philanthropists seeking to improve the rights of migrants and refugees, academics, and employers, a range of private actors have a stake in the migration industry. Meanwhile, many of the functions of migration, traditionally associated with sovereignty and the state, are outsourced or privatized to private actors through competitive bidding processes (see Chapter 5 and Chapter 7, this volume).

These processes are significant and well documented throughout this volume. The existing literature on the migration industry and markets for migration—and most of the work in this volume—examines those processes within the context of migration governance within or at the border of the nation-state. It mainly explores ways in which the state delegates functions to private actors or ways in which a particular state’s sovereignty is bypassed by licit or illicit private actors. However, this chapter argues that these processes do not exist only at the level of



the state but also at the global level and that processes of what the chapter refers to as “global migration governance” are increasingly influenced by the migration industry and markets for migration.

Migration and human mobility are increasingly subject to forms of regulation that transcend individual nation-states. Global governance exists across a range of trans-boundary policy fields, and relates to the process by which states engage in forms of collective action to address common challenges. It results in the creation of norms, rules, principles and decision-making procedures that constrain and constitute the behavior of states. In recent years, a debate has emerged on global migration governance.<sup>2</sup> While there is no formal or coherent United Nations (UN) institution for addressing migration, a complex tapestry of multilateral, regional and bilateral forms of institutionalized cooperation has emerged. As this chapter shows, the migration industry and markets for migration are a growing facet of global migration governance.

A range of private actors are increasingly central to agenda setting, negotiation, monitoring, implementation and enforcement within global migration governance.<sup>3</sup> Private actors may play important roles in global migration governance through, for example, lobbying, corporate social responsibility (CSR), private rule-making and standard setting, the development of voluntary codes of conduct, public–private partnerships, philanthropy, and innovation and the role of expert knowledge, for example. Yet despite this, private actors remain relatively neglected in looking at the international politics of migration. This comparative neglect contrasts notably with the extent to which private actors have been considered in relation to other areas of global governance.<sup>4</sup>

In addition to a proliferation of private actors, aspects of global migration governance have acquired a market-based logic of commodified exchange. Increasingly, states engage in forms of inter-state exchange both on migration and also between migration and other issue areas. Bilateral partnerships on migration, such those between Italy and Libya or Spain and Morocco or inherent to the European Union’s (EU) Global Approach to Migration, have an increasing logic of exchange.<sup>5</sup> Within the refugee context debates have emerged on creating quasi-markets for refugee protection analogous to tradable permits for greenhouse gas emissions, or on “outsourcing” asylum between states, often in ways that separate the purchaser of asylum services from the provider.<sup>6</sup> Meanwhile, a growing proliferation of international organizations—as alternative possible service providers to states—has created competition among organizations in ways that replicate the logic of a marketplace.<sup>7</sup>

This chapter therefore makes the argument that rather than simply operating at the state level, the concepts of the migration industry and

markets for migration play out at the global level, and are a central feature of global migration governance. Far from being a “statist” mode of governance, as it is often portrayed, global migration governance is “polycentric”.<sup>8</sup> In order to make this argument, the chapter divides into three main parts. First, it sets out an overview of the role of private actors in global migration governance. Second, it broadly follows the structure of the volume’s analysis of facilitation, control and rescue, to look at both the role of the actors that comprise the “industry” and of the processes that define the “market” logic in three different migration regimes: labor migration, irregular migration, and refugee protection.<sup>9</sup> Finally, the chapter concludes by exploring what the emergence of the migration industry and markets for migration means for the distribution of authority within global migration governance, and what normative implications this has.

### **Global migration governance and private actors**

A working definition of global governance can be taken to be the “norms, rules, principles and decision-making procedures that regulate the behaviour of states (and other transnational actors).”<sup>10</sup> In most policy fields that involve trans-boundary movements across borders (such as climate change, international trade, finance, and communicable diseases) states have developed institutionalized cooperation, primarily through the UN system. However, despite the inherently trans-boundary nature of international migration and the interdependence of states’ migration policies, there is no formal or coherent multilateral institutional framework regulating states’ responses to international migration. There is no UN Migration Organization and no international migration regime, and sovereign states retain a significant degree of autonomy in determining their migration policies.<sup>11</sup>

It has become increasingly common to argue that there is no or limited global migration governance. While it may be true to suggest that global migration governance within a formal multilateral and UN context remains limited, and that progress on the “migration and development” debate within the UN has been incipient, this is not a basis on which to claim that there is no global migration governance. It is simply of a different and arguably more complex type than for many issue areas where more neatly compartmentalized regimes emerged in the post-World War II context. Indeed, it is possible to conceive of global migration governance as existing at five broad levels: multilateralism, embedded governance, regionalism, bilateralism, and unilateralism with extra-territorial scope.

At a first level, there is a thin layer of “multilateralism” with its origins in the inter-war years. As Koslowski indicates, if one divides the global governance of migration into three broad “global mobility regimes”—the refugee, international travel, and labor migration regimes—each one of these can be identified as having its origins in the inter-war years.<sup>12</sup> The global refugee regime, based on the 1951 Convention relating to the Status of Refugees and the role of the UN High Commissioner for Refugees (UNHCR), is the only area of migration with formalized UN-based multilateralism.<sup>13</sup> The international travel regime, insofar as it is a regime, has developed building on the passport regime. Over time, cooperation on technical standards relating to travel document security has become ever more complex, with the International Civil Aviation Organization (ICAO) playing an increasingly important role in setting standards.<sup>14</sup> Finally, the labor migration regime, although extremely limited, is nevertheless underpinned by a range of labor standards developed through the International Labour Organization (ILO) treaties.<sup>15</sup> In addition to these more formal areas, the Global Forum on Migration and Development (GFMD) now provides a form of informal “facilitative” multilateral governance through which states share practices and sometimes develop formal bilateral agreements.

In addition, a significant amount of multilateral migration governance might be referred to as “embedded governance.” The concept of “embeddedness” is widely used in anthropology to refer to a situation where an area of social life does not exist as a recognized and compartmentalized area but is an integrated part of the larger social system. Much of global migration governance is not explicitly labeled as such but nevertheless regulates how states can and do behave in relation to migration. At the level of norms, states’ responses to migration are regulated by their obligations in a host of other areas. A range of areas of public international law shapes the boundaries of acceptable state behavior in the area of migration. For example, international human rights law, international humanitarian law, World Trade Organization (WTO) law, maritime law and labor law all represent important elements of global migration governance. It is as a result of these embedded institutions that some international lawyers have argued that one may conceive of the existence of international migration law (IML) based on these pre-existing bodies of law.<sup>16</sup> Similarly, at the level of international organizations, the mandates of a host of pre-existing UN agencies and non-UN agencies may not explicitly mention migration but indirectly touch upon it.

At a third level, there is a growing amount of “regional governance,” including inter-regional and transregional governance mechanisms. Formal regional economic communities (RECs) such as the EU and

the North American Free Trade Agreement (NAFTA) have increasingly developed mechanisms for greater internal mobility alongside stronger border control. Meanwhile, a range of informal networks called regional consultative processes (RCPs) have emerged, almost with universal coverage. Examples of RCPs include the Intergovernmental Consultations on Asylum, Refugees and Migration (IGC), the Regional Consultative Mechanism (RCM), the Bali Process, and the Migration Dialogue for Southern Africa (MIDSA). Many RCPs may be understood as trans-regional insofar as the funding, training and knowledge on which they are based often comes from outside of the regions.

At a fourth level, there is a complex array of “bilateral agreements” between states, spanning areas from visas to readmission, circular migration, knowledge sharing, border management, and rescue at sea. It is these bilateral agreements that make up the most substantive component of global migration governance—many being across regions, along North–South lines, or among neighboring states. For example, the EU has consciously sought to develop partnership agreements with third countries as part of its migration management.

In addition, one may also conceive of some aspects of “unilateralism” as comprising global migration governance—insofar as they have extra-territorial scope. Particular emigration states such as the Philippines, India or Mexico attempting to engage their diasporas may be thought of as global governance. Similarly, when Northern states seek to engage in asylum and immigration management through unilateral policies that exert forms of external control over other states and their populations, these might also be thought of as part of global migration governance.

At each of these five levels, private actors play an important role. However, until now, the role of private actors has generally been neglected because of the assumption that migration is a predominantly statist mode of governance. Instead, one can trace the involvement of an array of private non-state actors—firms, trade unions, NGOs, think tanks—at every level of governance. They are involved in each governance stage identified by Abbott and Snidal in their ANIME acronym: agenda-setting, negotiation, implementation, monitoring, and enforcement.<sup>17</sup> Table 2.1 offers a very basic overview of some of the ways in which private actors play a role in global migration governance.

In order to substantiate the table’s identification of the roles of different sets of private actors in different areas of global migration governance, the sections below turn to examine both the private actors (“migration industry”) and the introduction of market mechanisms (“markets for migration”) that exist in the global governance of labor migration, irregular migration, and refugees.

*Table 2.1* The role of private actors in global migration governance

<i>Level of governance</i>	<i>Institutions</i>	<i>Private actor roles</i>
Multilateralism	UNHCR/IOM	Private-sector funding/ implementing partners
	ILO	Trade unions
	ICAO	Private-sector standard setting (e.g. passports)
Embeddedness	GFMD	Participation in Civil Society Days
	WTO GATS Mode IV	Lobbying on visa liberalization
	International Maritime Law	Development of standards
Regionalism	RECs	Role in standard setting/competitive tenders for migration-related contracts
	RCPs	Participation in discussions on technical standards
Bilateralism	Border management	Private contracts for irregular migration management
Unilateralism	Immigration policies	Lobbying and implementation
	Emigration policies	Diaspora groups

## **Labor migration**

The governance of labor migration is characterized by individual states making decisions to liberalize access to their territories and labor markets for particular groups of non-citizens.<sup>18</sup> The liberalization of labor markets can be done unilaterally or on the basis of reciprocity, be it bilateral, regional or multilateral. The decisions that states make—individually and collectively—on liberalization have effects on the private sector. Global rules on labor migration matter to private actors. They shape firms' access to labor and the intra-firm movement of employees, for example.

Consequently, private actors have reason to engage in lobbying to influence the global governance of labor migration. They may do so either through lobbying particular governments transnationally or within the states where they are registered, or through a more direct role, functioning as political actors in their own right within global governance. Either individually or through business associations, firms may be direct participants within multilateral institutions. In playing this role, private actors may lobby to liberalize certain sectors of the labor market or, alternatively, to advocate for protectionism of certain sectors.

To illustrate how private actors indirectly influence the global governance of labor migration through influencing government positions,

one can take the example of the General Agreement on Trade in Services (GATS) Mode IV negotiations within the WTO. GATS Mode IV relates to the so-called “movement of natural persons” across borders to provide services within international trade law.<sup>19</sup> It is an area that has been subject to North–South negotiations at the inter-state level, with many Southern migrant-sending countries seeking to obtain greater access to Northern labor markets in exchange for concessions in other areas of WTO negotiations. However, what has been interesting is the extent to which, in both North and South, private actors within domestic politics have shaped the bargaining positions of the main negotiating states.

The United States has been one of the main actors in negotiations on GATS Mode IV. From an economic perspective, the concessions themselves should be win-win for North and South. They allow Northern businesses and consumers access to the most efficient service providers. However, the uneven distribution of gains and losses among private actors within the United States has led the US position to be subject to intense domestic lobbying by a range of private actors. Initially, the US Trade Representative (USTR) negotiated Mode IV as a trade issue. However, for a range of other actors Mode IV has been an immigration issue and has therefore constitutionally required the approval of Congress. A range of domestic private actors—including trade unions and NGOs such as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the Federation for American Immigration Reform (FAIR)—have opposed Mode IV on the grounds that employers have abused the H-1B visa program to displace US workers and exploit guest workers. This has led Congress to block the USTR from making additional visa concessions under Mode IV. In opposition to this, a range of business associations and multinational corporations have lobbied Congress to liberalize under Mode IV. The Coalition of Service Industries (CSI), which represents 43 corporations and business associations primarily in the telecommunications and financial sectors, as well as tech firms such as Microsoft, Oracle and Intel, have supported moves to liberalize the H-1B visa system through Mode IV.<sup>20</sup>

A similar pattern of lobbying has existed within the Southern “sending states,” within which firms and business associations have played a significant role in shaping negotiating positions. For example, in the case of India, the informal “spokestate” on behalf of the G77 on Mode IV, a number of Indian tech firms have played an active role in attempting to influence negotiations as a means of getting a greater share of H-1B visas for their employees. For example, in 2008 just three Indian

information technology (IT) companies—Wipro Limited, Satyam and the Tata Consultancy Service (TCS)—benefited from 10,000 H1-B visas.<sup>21</sup>

To illustrate how private actors more directly influence the global governance of labor migration through engaging directly with multi-lateral forums, one can take the example of the GFMD. The GFMD has become the main multilateral inter-state forum on labor migration. Yet, it is not an exclusively inter-state forum, and a range of private actors are involved. In particular, the event has been financially and logistically supported by a range of private foundations, most notably the MacArthur Foundation. Its annual Civil Society Days, generally run alongside the main inter-state meetings, attract involvement from private foundations, trade unions, migrant rights groups and businesses. For example, the participant list from the 2010 Mexico GFMD included actors as diverse as foundations such as MacArthur and Ford, the International Trade Union Confederation (ITUC) and national trade union federations, Western Union, and activist groups such as December 18.<sup>22</sup> Recognizing this has gradually led the role of the private sector to be more formally included within the GFMD agenda. For example, the theme of “Engaging the private sector in labor market planning” was part of the 2011 GFMD.<sup>23</sup>

In addition to private actors being increasingly present within the global governance of labor migration (the “migration industry”), so too are a range of market mechanisms, emerging within the global governance of labor migration (“markets for migration”). Of all the areas of migration, labor migration is the most obviously like a market; it is by definition a manifestation of the emergence of a global labor market. However, there is also an additional trend within the governance of labor migration, which accentuates the emergence of an increased role for commodification and competitive exchange: the role of market mechanisms at the inter-state level.<sup>24</sup> Increasingly, states are introducing forms of institutional structure into global migration governance to enable them to better match demand and supply within the global labor market and, collectively, move towards a more Pareto optimal position. Two brief examples highlight this trend:

The UN Department of Economic and Social Affairs (UNDESA) Population Division developed what it called a “Market Place” for the Global Migration Group (GMG). The pilot project, beginning in 2008, was intended to enable states and international organizations to better match their demand and supply in order to develop “win-win” inter-state partnerships, particularly in relation to specific migration projects requiring donor funding or UN agency involvement.<sup>25</sup> In the words of one participating agency, “States articulate their projects and international

organizations and donors respond. This saves wasting time. For example, India posted a query online and received responses from several agencies.”<sup>26</sup> The initiative was seen as especially useful for smaller states that tend to “take what they can get” in the absence of having strong prior bilateral relationships, while enabling donors to selectively earmark support based on their own preferences. For example, Spain used the system to allocate Millennium Development Goals funding to a project on “Youth Employment and Migration.”

Meanwhile, the WTO Mode IV negotiation process is based on a similar form of facilitative multilateralism that implicitly aims to enable states to collectively attain Pareto optimality by replicating features of a market mechanism. States individually declare the visa categories and number of visas in each category they would provisionally be prepared to offer. Based on this draft “schedule,” other states make reciprocal declarations, and adjust their “offers” accordingly. Negotiations then take place behind the scenes (and across other GATS areas and areas of WTO negotiations) until concrete reciprocal commitments are made, which become “locked in” and enforced through the WTO’s supranational governance mechanisms. Similarly to the UNDESA model, the underlying logic of this “facilitative multilateralism” is to create an efficient means to enable states to be better off acting collectively than they would be in isolation.

### **Irregular migration**

Irregular migration relates to the movement of people across borders outside of formal channels. It is an area that states seek to control, both unilaterally and increasingly through inter-governmental cooperation. In particular, states collectively engage in collaboration in areas such as readmission agreements, and they engage in coordination, for example through adopting common standards on passports or biometric technology. These forms of emerging cooperation on irregular migration are leading to recognition of an emerging global governance of irregular migration.<sup>27</sup> Within this context it is possible to identify a growing “migration industry”—in particular, that private actors are playing an increasing role in standard setting, based primarily on knowledge and expert authority. This can be seen both in the area of technical standard setting and that of policy standard setting.

Irregular migration control increasingly relies upon the application of a range of technologies. Biometrics, forensics, remote video surveillance systems (RVSS), and information management systems, for example, are all applied to enable states to manage their borders.<sup>28</sup> In order to be effective, the application of technology to the area of border control



often requires that states adopt common technical standards, which are compatible and integrated. A significant proportion of international cooperation on irregular migration focuses on states engaging in standardization of technologies applied to border management. International organizations such as ICAO, in particular, play a prominent role in securing common standards on passports or the management of international travel. These technical standards are then often disseminated through different RCPs, which facilitate informal dialogue between states on “best practices,” while the International Organization for Migration (IOM) in particular provides support on capacity building to enable states to adopt and implement these common technical standards.<sup>29</sup>

At the technical level, the private sector plays a prominent role in the development of ICAO standards in areas such as passports and aviation security standards. For example, ICAO has a machine-readable travel documents (MRTD) program.<sup>30</sup> Within this context, it has a New Technologies Working Group (NTWG) and convenes regular symposia on MRTDs and biometric and security standards. Among the actors involved are not only public actors but also other stakeholders such as private companies offering technologies and products for effective international identity and border management, airlines and airport authorities, security and facilitation consultants, academics and think tanks. The technological standards promoted and disseminated among states by ICAO are developed by leading security technology firms such as Entrust, Edaps Consortium, Gemalto, Safran, 3M and De La Rue, which sponsor and support ICAO’s work.<sup>31</sup> What is especially interesting is that these technological innovations are then consolidated within public international standards. Because efficient international mobility relies upon the coordination of common standards, actors like ICAO and IOM disseminate standards and practices emerging from small groups of technology companies, which are then applied to the travel documents and security systems that are used at airports and ports of entry around the world.

The private sector plays an increasing role in setting policy standards within irregular migration governance. The main level at which global governance operates in the area of irregular migration is the regional level. RCPs enable states to develop common standards and share best practices, while formal RECs such as the EU also adopt common policy standards on irregular migration management. Increasingly, a range of private actors play a growing role in feeding policy ideas into debates at the national and regional levels either indirectly or through direct participation in inter-state networks such as the RCPs. The Migration Policy Institute (MPI), for example, is actively involved in the development of many European governments’ migration policies, and also works

closely with the European Commission to develop EU migration policy and through quasi non-governmental entities such as the Transatlantic Council on Migration, within which it makes proposals aimed at playing an agenda-setting role in the area of irregular migration in particular.<sup>32</sup> Meanwhile, the European Commission involves a range of private actors in its policy development, putting out competitive tenders, which enables think tanks like the International Centre for Migration Policy Development (ICMPD) to play a prominent role in policy development.<sup>33</sup>

In addition to the presence of a growing range of private actors within irregular migration governance, the inter-state politics of irregular migration is increasingly characterized by a logic of commodification and exchange. States generally recognize that they are no longer able to manage migration by acting alone. They need to cooperate with other states. In particular, Northern “receiving” states need to cooperate with predominantly Southern “sending” states in order to manage irregular migration. In this context a growing array of North–South partnerships have emerged on a bilateral and inter-regional basis that encompass different areas of irregular migration. High-profile partnerships in such areas include the EU’s Global Strategy that has led to pilot agreements with Cape Verde and Moldova, as well as bilateral agreements between, for example, Spain and Morocco, Italy and Libya, Switzerland and Nigeria, Denmark and Kenya, Australia and Malaysia, and the United Kingdom and Tanzania.<sup>34</sup>

Such partnership agreements have covered issues such as readmission agreements, visa standards, circular migration, training and capacity building, rescue at sea, and the extra-territorial presence of border guards, for example.<sup>35</sup> However, rather than simply addressing migration in isolation, many of the partnership agreements have engendered both explicit and implicit conditionalities. Partnerships have used issue-linkage to connect migration to other issue areas such as development and trade, inducing Southern partner states to cooperate on migration management by offering side-payments in a range of other areas. For example, Southern states have been “bought off” with commitments to development assistance, trade concessions, or privileged access to labor markets.<sup>36</sup> Meanwhile, migration has increasingly been used as a “bargaining chip” through which Southern states have enhanced their power vis-à-vis the global North.<sup>37</sup>

## **Refugees**

The global governance of refugee protection has traditionally been a state-centric regime. This is unsurprising given that its primary purpose

has been to oversee and support states' implementation of their obligations under international refugee law. However, at the margins, private actors have always played some role in the refugee regime. In its early years, UNHCR relied upon a grant from the Ford Foundation to provide assistance to refugees in Europe.<sup>38</sup> Since the early 2000s the role of the private sector has expanded massively. In particular, UNHCR has begun to develop a network of corporate and foundation partners as a means of seeking new sources of budgetary funding. Following a trend established by other international organizations, it created a Private Sector Fund Raising Unit in 2006 and, more recently, a Corporate and Foundation Partnerships Unit at its Headquarters in Geneva, and has begun to develop its US Board of Trustees as a basis for building partnerships with multinational corporations in the United States. In 2009, for example, it raised around US\$50 million in private-sector contributions.<sup>39</sup>

Firms have been prepared to contribute to UNHCR largely on the basis of their CSR initiatives, wishing to be associated with a humanitarian brand and sometimes working on particular projects. UNHCR's major private-sector contributors have included Nike, Merck, BP, Motorola Foundation, and All Nippon Airways, for example.<sup>40</sup> Similarly, IOM has begun to engage with a range of private partners, many of which have chosen to focus on supporting the humanitarian dimensions of IOM's work. For example, Chevron, Carrefour, AIG and UBS all support particular IOM activities. Some of these are earmarked for brand development; for example, Starbucks supports work with Colombian displaced persons in areas close to coffee production sites.<sup>41</sup>

As well as serving as a source of funding, private-sector actors have increasingly become engaged partners, working collaboratively with UNHCR to develop ideas and policies. Since 2010, as part of the "modernization" remit of the Deputy High Commissioner for Refugees, the Office has increasingly sought to establish public-private partnerships to offer sources of expertise and innovation in areas such as digital media and engineering. Its Private Sector Fundraising Office in Washington, DC, has played an active liaison role, together with the US Board of Trustees, to foster links with firms and entrepreneurs across the United States, whose role is not confined to philanthropy but extends to being active partners in offering expertise, networks and policy guidance.<sup>42</sup>

In addition to the growing range of private actors involved in the refugee regime, so too is the regime itself increasingly taking on the characteristics of a market. At the time of its creation UNHCR was relatively isolated among international institutions working in the areas of displacement and humanitarian assistance. Subsequent to its creation there has been a proliferation in international institutions working on

related areas, including human rights, humanitarianism, migration, development, and security, at the multilateral, regional and bilateral levels. Some of these have been complementary. The human rights regime, for example, offers sources of “complementary protection” that reinforce core refugee norms. Others have been contradictory, offering states the opportunity to seek alternative service providers, forums and secretariats to address their concerns relating to displacement and migration.<sup>43</sup>

In this context UNHCR staff have increasingly talked of the emergence of a “humanitarian market place,”<sup>44</sup> within which states are able to select between different agencies competing for funding and contracts. The UK government, for example, recently produced a multilateral review, within which it rated different UN and non-UN agencies according to their ability to meet Department for International Development (DfID) priorities. This review illustrates the conscious way in which states are increasingly prepared to engage in forum shopping to select between alternative providers.<sup>45</sup> In turn, international organizations are increasingly aware of the need to compete with a range of alternative service providers. UNHCR, for example, has recently focused on making the case to the Population, Refugees and Migration (PRM) department in the US Department of State that US donations to the Office are more efficient because they “leverage” additional, complementary contributions from other states, illustrating the way in which competition and market pressure are transforming the refugee regime from a realm in which UNHCR once held a relative monopoly over humanitarian service provision to one in which it faces the need to compete according to a market logic.<sup>46</sup>

Furthermore, an increasing number of policy proposals and inter-state partnerships in the area of refugee protection are taking on the logic of commodification and market-based exchange. Based on the recognition that providing asylum imposes costs on states and that—in theory—it can be provided anywhere in the world, a number of proposals have been put forward that involve creating mechanisms for inter-state exchange, whereby some states host refugees and other states compensate the host countries, depending upon their preferences.<sup>47</sup> This logic of “separating purchaser from provider”<sup>48</sup> or “common but differentiated responsibility sharing”<sup>49</sup> has been identified as a way of enhancing the efficiency of the overall refugee regime by ensuring that refugees are hosted and protected where it is least costly.

The analogy of tradable emissions permits in the environmental regime has been used to legitimate the idea on efficiency grounds.<sup>50</sup> However, it has been criticized as leading to the “commodification” of refugees.<sup>51</sup> The most high-profile example of this kind of exchange has been

Australia's partnership with Nauru to run offshore processing centers to assess Australia's asylum seekers' claims on the territory of another state. Such ideas have also been explored by the EU as a means to develop Transit Processing Centres (TPCs) and Regional Protection Zones (RPZs) in the developing world, effectively creating a refugee regime within which some states provide the funding and others provide the territory for protection, based on a market logic.<sup>52</sup>

## **Conclusion**

The concepts of the "migration industry" and "markets for migration" have generally been applied to explore the role of private actors in relation to particular states. However, this chapter has demonstrated that they are equally applicable at the global level. While global migration governance is usually understood to be state-centric and to focus on inter-state cooperation, this chapter has shown that far from being statist, global migration governance is polycentric, involving a range of public and private actors.

This chapter has examined three different global migration regimes, relating to labor migration, irregular migration and refugees. In each regime private actors play an important political role in defining the nature and scope of global governance. Far from simply being "economic actors," they are directly involved in agenda setting, negotiation, implementation, monitoring and enforcement activities, albeit in different ways in each of the different regimes. In the labor migration regime the main source of private influence is through lobbying—both indirectly through government and directly through international institutions. In the irregular migration regime the main source of private influence is through expertise, by providing both technical and policy expertise to governments and international institutions. In the refugee regime, the main source of private influence has been through corporate social responsibility.

In addition to allowing an emerging role for private actors, global migration governance is also increasingly taking on the features of market-based commodification and exchange. This logic of "markets for migration" applies not only to the role of private actors but also to the mechanisms by which states seek more efficient forms of international cooperation. The facilitative multilateralism within the labor migration regime, the role of partnerships based on issue-linkage within the irregular migration regime, and the emergence of market-based responses and the humanitarian marketplace within the refugee regime, all hint at a growing logic of commodification and exchange within the international politics of migration.

However, beyond descriptively highlighting the presence of private actors and market-based mechanisms within global migration governance, the question still remains: on what basis can we judge whether and, if so, to what extent the migration industry and markets for migration matter for global migration governance? How can we know, analytically, if their presence makes a difference to outcomes or, normatively, whether it is a positive or negative thing? How important is the degree of shift from public to private actors? Why does it make a difference? Is there anything inherently different about private actors playing a role in rule making and rule enforcement rather than public actors fulfilling the same functions, or is the difference only contingent, depending on which private or public actors? In other words, how and on what basis can we go beyond description and typology towards answering the question: “so what?”

One way of analytically capturing the shift from public actors to private actors within governance is through the concept of authority. Authority implies a relationship in which rule takers voluntarily comply with the laws and commands exercised by the rule makers.<sup>53</sup> It is often crudely thought of in terms of “legitimized power.” Biersteker and Hall use the concept of “private authority” to identify a shift in rule making and rule enforcement from public actors to private actors.<sup>54</sup> They develop a typology within which they highlight the concept of “market authority” as resulting both from the ability to produce standards that others follow (institutional market authority) and from the growth in market-based decision-making becoming dominant over political decision making (normative market authority). Analytically then, the question remains open as to whether the emergence of private actors in global migration governance constitutes a significant shift in authority.

Normatively, whether one judges the rise of private authority in global migration governance as positive or negative depends on the basic normative goals that one believes migration governance should fulfill. Only when we have analytical clarity over the normative criteria by which we judge migration rules and their enforcement can we really ask whether shifts towards private authority have a positive or negative impact. One might delineate four criteria by which the quality of global migration governance might be judged, each of which entails trade-offs, which the rise of private authority might change in certain ways: legitimacy, rights, efficiency, and equity.<sup>55</sup> The question is not whether or not the migration industry has a positive or negative effect on global migration governance, but rather under what conditions it can have normatively positive or negative effects.

## Notes

- 1 Elspeth Guild, *Security and Migration in the 21st Century* (Cambridge: Polity Press, 2009); and Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008).
- 2 Alexander Betts, "Introduction: Global Migration Governance," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011); Randall Hansen, Jobst Koehler, and Jeannette Money, eds., *Migration, the Nation-State and International Cooperation* (London: Routledge, 2011); Khalid Koser, "International Migration and Global Governance," *Global Governance* 16, no. 3 (2010): 301–16; Rey Koslowski, ed., *Global Mobility Regimes* (Basingstoke, UK: Palgrave Macmillan, 2011); Rahel Kunz, Sandra Lavenex, and Marion Panizzon, eds., *Multi-Layered Migration Governance* (London: Routledge, 2011); and Kathleen Newland, "The Governance of International Migration: Mechanisms, Processes and Institutions," *Global Governance* 16, no. 3 (2010): 331–44.
- 3 Ken Abbott and Duncan Snidal, "The Governance Triangle," in *The Politics of Global Regulation*, eds. Walter Mattli and Ngaire Woods (Princeton, NJ: Princeton University Press, 2009).
- 4 Dana Brown and Ngaire Woods, eds., *Making Global Self-Regulation Work for Developing Countries* (Oxford: Oxford University Press, 2007); Jennifer Clapp and Doris Fuchs, eds., *Corporate Power in Global Agrifood Governance* (Cambridge, Mass.: MIT Press, 2009); Claire Cutler, *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy* (Cambridge: Cambridge University Press, 2002); Claire Cutler, Virginia Haufler, and Tony Porter, eds., *Private Authority and International Affairs* (Albany: State University Press of New York, 1999); Robert Falkner, *Business Power and Conflict in International Environmental Politics* (London: Palgrave Macmillan, 2008); Doris Fuchs, *Business Power in Global Governance* (Baden-Baden, Germany: Nomos, 2005); David Levy and Peter Newell, eds., *The Business of Global Environmental Governance* (Cambridge, Mass.: MIT Press, 2005); Ronnie Lipschutz, *Globalization, Governmentality and Global Politics: Regulation for the Rest of Us?* (London: Routledge, 2005); John Ruggie, "Global Markets and Global Governance: The Prospects for Convergence," in *Global Governance: Towards a New Grand Compromise?* eds. Steven Bernstein and Louis Pauly (Albany: State University Press of New York, 2005); and Susan Sell, *Private Power, Public Law: The Globalization of Intellectual Property Rights* (Cambridge: Cambridge University Press, 2003).
- 5 Emanuela Paoletti, *The Migration of Power and North-South Inequalities* (London: Palgrave Macmillan, 2011); and Rahel Kunz, Sandra Lavenex, and Marion Panizzon, eds., *Multi-Layered Migration Governance* (London: Routledge, 2011).
- 6 Peter Shuck, "Refugee Burden-sharing: A Modest Proposal," *Yale Journal of International Law* 22 (1998): 243–98; Andrew Shacknov, "Crisis and Cure: A Reply to Hathaway/Neve and Shuck," *Harvard Human Rights Journal* 11 (1998): 295–310; James Hathaway, *Reconceiving International Refugee Law* (The Hague, Netherlands: Martinus Nijhoff, 1997); Alexander Betts, "What Does 'Efficiency' Mean in the Global Refugee Regime?" *British Journal of Politics and International Relations* 8, no. 2 (2006): 148–73.

- 7 Jeff Crisp, "Refugees, Persons of Concern, and People on the Move: The Broadening Boundaries of UNHCR," *Refuge* 26, no. 1 (2009): 73–76; and Alexander Betts, "The Refugee Regime Complex," *Refugee Survey Quarterly* 29, no. 1 (2010): 12–37.
- 8 Jan Aart Scholte, *Globalization: A Critical Introduction* (Basingstoke, UK: Palgrave Macmillan, 2005).
- 9 Rey Koslowski, ed., *Global Mobility Regimes* (Basingstoke, UK: Palgrave Macmillan, 2011).
- 10 A. Betts, 'Introduction: Global Migration Governance', in *Global Migration Governance*, ed. A. Betts (Oxford: Oxford University Press, 2011), 4.
- 11 Alexander Betts, ed., *Global Migration Governance* (Oxford: Oxford University Press, 2011).
- 12 Rey Koslowski, ed., *Global Mobility Regimes* (Basingstoke, UK: Palgrave Macmillan, 2011).
- 13 Gil Loescher, *UNHCR in World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001); and Alexander Betts, Gil Loescher, and James Milner, *UNHCR: The Politics and Practice of Refugee Protection*, 2nd edn (London: Routledge, 2011).
- 14 Rey Koslowski, ed., *Global Mobility Regimes* (Basingstoke, UK: Palgrave Macmillan, 2011); and Mark Salter, ed., *Politics at the Airport* (Minneapolis: University of Minnesota Press, 2008).
- 15 Christiane Kuptsch and Philip Martin, "Low-skilled Labor Migration," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011).
- 16 Ryszard Cholewinski, Richard Perruchoud, and Euan Macdonald, eds., *International Migration Law: Developing Paradigms and Key Challenges* (The Hague: TMC Asser, 2007).
- 17 Ken Abbott and Duncan Snidal, "The Governance Triangle," in *The Politics of Global Regulation*, eds. Walter Mattli and Ngaire Woods (Princeton, NJ: Princeton University Press, 2009).
- 18 Alexander Betts and Lucie Cerna, "High-skilled Labor Migration," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011); and Christiane Kuptsch and Philip Martin, "Low-skilled Labor Migration," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011).
- 19 Alexander Betts and Kalypso Nicolaidis, "The Trade and Migration Linkage: GATS Mode IV," Memo prepared for global trade ethics workshop, Princeton University, February 2009.
- 20 Alexander Betts and Kalypso Nicolaidis, "The Trade and Migration Linkage: GATS Mode IV," Memo prepared for global trade ethics workshop, Princeton University, February 2009
- 21 *Indian Express*, "Four Indian Firms Hogged 10,000 H1B Visas," 25 February 2009, [www.indianexpress.com/news/four-indian-firms-hogged-10-000-h1b-visas/427733](http://www.indianexpress.com/news/four-indian-firms-hogged-10-000-h1b-visas/427733).
- 22 Participants list, GFMD 2010, [www.gfmd.org](http://www.gfmd.org).
- 23 Concept Paper, Global Forum on Migration and Development (GFMD), Switzerland, 2011, Taking Action on Migration and Development – Coherence, Capacity and Cooperation, [www.gfmd.org](http://www.gfmd.org).
- 24 Robert Keohane, "The Demand for International Regimes," *International Organization* 36, no. 2 (1982): 325–55.



- 25 Interview with Bela Hovy, Head, UNDESA Population Data Unit, 7 August 2009.
- 26 Interview with Paul Ladd, UN Development Programme (UNDP) Bureau for Development Policy, 8 September 2009.
- 27 Frank Duvell, "Irregular Migration," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011).
- 28 Field visit to US–Mexican border, including presentations by US Border Patrol for San Diego sector, May 2011.
- 29 Frank Duvell, "Irregular Migration," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011); and Randall Hansen, "An Assessment of the Principal Regional Consultative Processes on Migration," *IOM Migration Research Series*, no. 38, 2010.
- 30 Rey Koslowski, ed., *Global Mobility Regimes* (Basingstoke, UK: Palgrave Macmillan, 2011).
- 31 See, for example, ICAO, "Sixth Symposium on ICAO MRTDs, Biometrics and Security Standards," ICAO Headquarters, Montreal, 1–4 November 2010, [www.icao.int](http://www.icao.int).
- 32 See, for example, [www.migrationpolicy.org/transatlantic](http://www.migrationpolicy.org/transatlantic).
- 33 Interview with Aspasia Papadopoulou, EuropeAid Cooperation Office, European Commission, Brussels, 2 October 2009.
- 34 Sandra Lavenex and Rachel Nellen-Stucky, "Partnering for Migration," in *Multi-Layered Migration Governance*, eds. Rahel Kunz, Sandra Lavenex, and Marion Panizzon (London: Routledge, 2011).
- 35 Kunz, Lavenex, and Panizzon, *Multi-Layered Migration Governance*.
- 36 Alexander Betts, *Protection by Persuasion: International Cooperation in the Refugee Regime* (Ithaca NY: Cornell University Press, 2009).
- 37 Emanuela Paoletti, *The Migration of Power and North-South Inequalities* (London: Palgrave Macmillan, 2011); and Kelly Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion and Foreign Policy* (Ithaca NY: Cornell University Press, 2010).
- 38 Gil Loescher, *UNHCR in World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001).
- 39 Alexander Betts, Gil Loescher, and James Milner, *UNHCR: The Politics and Practice of Refugee Protection*, 2nd edn (London: Routledge, 2011).
- 40 See [www.unhcr.org/pages/49c3646c26c.html](http://www.unhcr.org/pages/49c3646c26c.html).
- 41 See [www.iom.int/jahia/Jahia/partnerships/private-sector/lang/en](http://www.iom.int/jahia/Jahia/partnerships/private-sector/lang/en).
- 42 Private discussions with UNHCR staff.
- 43 Alexander Betts, "The Refugee Regime Complex," *Refugee Survey Quarterly* 29, no. 1 (2010): 12–37.
- 44 Jeff Crisp, "Refugees, Persons of Concern, and People on the Move: The Broadening Boundaries of UNHCR," *Refuge* 26, no. 1 (2009): 73–76.
- 45 DfID, "Multilateral Aid Review," 2011.
- 46 Private discussions with UNHCR and PRM staff.
- 47 Peter Shuck, "Refugee Burden-sharing: A Modest Proposal," *Yale Journal of International Law* 22 (1998): 243–98.
- 48 Alexander Betts, "Public Goods Theory and the Provision of Refugee Protection: Of the Joint-product Model in Burden-sharing Theory," *Journal of Refugee Studies* 16, no. 3 (2003): 274–96.
- 49 James Hathaway, *Reconceiving International Refugee Law* (The Hague, Netherlands: Martinus Nijhoff, 1997).

- 50 Alexander Betts, "What Does 'Efficiency' Mean in the Global Refugee Regime?" *British Journal of Politics and International Relations* 8, no. 2 (2006): 148–73.
- 51 Andrew Shacknove, "Crisis and Cure: A Reply to Hathaway/Neve and Shuck," *Harvard Human Rights Journal* 11 (1998): 295–310.
- 52 Gregor Noll, "Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones," *European Journal of Migration and Law* 5, no. 3 (2003): 303–41.
- 53 Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978).
- 54 Thomas Biersteker and Rodney Bruce Hall, eds., *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press, 2002).
- 55 Alexander Betts, "Introduction: Global Migration Governance," in *Global Migration Governance*, ed. Alexander Betts (Oxford: Oxford University Press, 2011).

### 3 Migration trajectories and the migration industry

Theoretical reflections and empirical examples from Asia

*Ernst Spaan and Felicitas Hillmann*

- Migration trajectories as the lens of analysis
- Migration industry: interdependency, cooperation and conflict
- Conclusion

In the analysis of international migration flows, an important but overlooked area in research and policy is the crucial role of the migration industry (MI). We assume that human mobility requires knowledge, skills, time and financial investments—assets that individual migrants often lack. The prospective migrant takes the decision to move or not, depending among other things on (partial) information of political, social and economic conditions in the country of origin, entrance regulations in the country of destination, and access to transnational social networks and supportive products and services along the spatial migration trajectory. The latter implies that migration generates new (employment) opportunities and economic activities for those who link to the flow of migrations and in locations where migration is rife.

Various public and private agencies and actors provide for such information, products and services relating to migration, thereby promoting, facilitating and organizing the process of migration. The information provided by intermediaries is not necessarily accurate or complete; indeed, many provide partial or distorted information, sometimes intentionally. Information has become a commodity that can be capitalized upon for profit and with which migrants can be manipulated. These transactions can be of an informal and formal nature, institutionalized or incidental, regulated and unregulated, and/or reciprocal or commoditized. Once MI has come into existence it will have its own dynamics and impact on migration projects of individuals and will shape the structure of movement—it is the basis for the self-sustainment of migration flows. MI networks straddle various borders, social categories, economic sectors and jurisdictions, and MI has the potential to forge cooperative

linkages between various actors. However, given that sovereign states have an interest in guarding their borders, economies, legal jurisdictions and citizenship, MI can undermine these interests and thereby cause friction, conflicts of interest and countervailing forces. Government policies and regulations create demand for migration-related services, and governments are outsourcing services linked to migration management and monitoring to non-state (commercial) agencies (see Chapter 5, this volume). These non-state intermediary actors function to enhance flexibility, externalize costs and risks, while simultaneously creating business networks.<sup>1</sup>

We argue that the existence of MI provoking self-sustainment of migration is a double-edged sword: on the one hand it bears plenty of opportunities for local, regional and transnational development; on the other hand lines of conflict arise. The traversing of legal, socioeconomic and geographical boundaries is a central characteristic of MI activities and it involves the creation of spatial, socioeconomic, legal and moral spaces of liminality.

We aim to demonstrate how MI can be seen as one explanation for the self-sustainment of migration and for patterns of migration and, in addition, to show that a characteristic of MI is the blurring of (analytical) categories, e.g. legal (legal/illegal and licit/illicit) and functional. As to the latter, there is a blurring of the control and facilitation function of MI: actors or agencies that (formally) function as part of the control or management of migration flows can indirectly help sustain migration, e.g. through corruption of officials turning a blind eye towards undocumented migrants against pay. In the same vein, migration brokers, normally thought of as facilitators, equally take on a control function in that they determine migration outcomes. Certain institutions can be highly ambivalent in their function of facilitation/control.

In the following we present a conceptual outline and illustrate it with empirical examples of migration trajectories and related MI actors. In particular, we aim at identifying at which points MI becomes crucial in facilitating and perpetuating migration, where illicit options come to the fore and how illegal/legal and formal/informal become irrelevant categories for the migrant him/herself. We argue that the informal cannot be discussed without the formal, as they are two sides of the same coin. We focus on different approaches towards the understanding of migrant trajectories—here defined as the collective and “visible” outcome of many individually migrating persons. This implies a shift in focus from the individual to a structural view on migration processes by concentrating on the outcome of collective biographical paths or as a repeated spatial arrangement of migrants. We argue that migration trajectories as well

as MI form a substantial part of what we consider migrant capital, meaning informal resources, such as knowledge of the field and access to resources and networks. Such capital might be transformed into formal structures and commoditized relations at a later point in the migration course.

### **Migration trajectories as the lens of analysis**

The bulk of migration literature still refers to the country of arrival; little literature concentrates on the context of departure and only a small amount of research is done on the journey itself. Often it is taken for granted that the migrant follows a rationale, a planned route. Recently a growing body of literature has started highlighting the importance of “migrant trajectories” for the process of migration. Du Toit<sup>2</sup> observes that:

[M]ore attention should be given to the “journey” than to the “origin” or “destination” because people who move may not know exactly where they are moving to, nor do they necessarily remain there, once they reached this destination. The migrant may explore better opportunities, may move on to a new situation, or may return to the point of departure. Migration is not an act but a process.

Knowles then suggested that “major social transitions were gradual changes whose modulation and complexity are visible in the trajectories of individual lives.”<sup>3</sup> Scanning thousands of obituaries of Welsh emigrants to the United States, typologies of migration sequences showed that the social and spatial context of individual life paths could be traced. Here especially the timing from rural to urban and from agricultural to industrial (e)migration indicated economic change in the sending and the receiving countries, a signal that “capitalist economics were changing rural life through the enclosure of common lands, the commercialization of agriculture, and the decline of the cottage industries, all of which had the effect of displacing rural people.”<sup>4</sup> Here, individual life courses are not seen as “personal” decision, but rather as the coincidence of personal revolution of overseas immigration and a phase of economic transition.

More recent literature does not focus on historical migration patterns, but on current migration movements. The starting point of analysis is no longer the reconstruction of migration patterns through the analysis of mass data, but biographical analysis. The migration experience is interpreted as a continuum between the emigration and the immigration context and as a result of multiple relations between

various social and spatial settings. Furthermore, this literature takes into account that new communication technologies and translocal communication shapes the migration process in an extraordinary way—and even includes in the research SMS and e-mails as important means of communication of social networks.<sup>5</sup> The general assumption of transnationalism that globalization led to the increase of circulatory migration is shared. Still, two main differences are pronounced by the literature on trajectories: first, it much more deliberately points to the importance of regulatory regimes such as recruitment schemes and programs for the routes and patterns of movement. In contrast to transnationalism, those focusing on migration trajectories claim that transmigrants remain bound to nation, culture, ethnicity, and class.<sup>6</sup> These authors reject the idea of a “neoliberal global ecumene” based on the principles of the Washington Consensus—whereas transnationalists would project the possibilities for mobility on the whole world.<sup>7</sup> Migration projects are seen much more as shaped by political economies and connected to the increasing need for making a living (e.g. for paying the school fees for children). Grillo<sup>8</sup> links the need for commoditization to migration processes and he points to political events that might hinder or break down communication between individuals in given countries. Trajectories are influenced by policy developments and regulation as well as through the unfolding of personal events.<sup>9</sup> On a more abstract level this means that trajectories are defined simultaneously through the spatial defining power of states and of migrants, sometimes through their sheer presence on the territory without political rights—as the results of interplay of regulation, opportunities and a variety of stimuli over time.<sup>10</sup> Regulations are not thought to be stable and fixed, but fluid and related to the needs of the economically thriving countries. It is an approach that takes into account the regulatory setting, as an outcome of policy discourses, that shapes the “migrants’ subjectivities and identities in specific ways.”<sup>11</sup> Turner claims that beneath the “increasing global flow of goods and services, there is emerging a parallel ‘immobility regime’ exercising surveillance and control over migrants, refugees and other aliens.”<sup>12</sup> The creation of spatial enclaves such as ghettos, gated communities, and related social practices is seen as the proof of this parallel regime. Instead of the single (isolated) migrant, the placing of the migrant in the countries of emigration and immigration is emphasized.

Second, the analytical focus is on the journey itself and it seeks to relate the individual behavior of migrants to a collective pattern, a fragile pathway. It is not the context of (im)migration that is of interest, but the question why certain places become places of in-migration and nodes of transit. Non-linearity seems to structure the migration process

more than is often assumed in migration studies, and cross-trades such as “work-for-passage” seem to be a common of the trajectories.<sup>13</sup> This “work-for-passage” in a way reminds of the indentured system of past times. The author describes the case of a Nigerian man who was working in the construction sector in Libya to finance the last step of his passage to Europe. He did not receive money for the passage, but a ticket for one of the fragile boats departing for Europe.<sup>14</sup> The case studies by Ho on the highly skilled Singaporeans to London and the case studies on the Africans migrating to Europe (see Chapter 8, this volume),<sup>15</sup> show that the trajectory is to be seen rather as a process in time, which might take several years before that which we consider “migrant capital” finally gets materialized in terms of some visa categories. As Ho notes, migration and global careers are mobilized by the state within the context of globalization and neoliberal capitalism.<sup>16</sup> Even emotional motivations of migrants are included in the research and the realization of emotional relationships turns out to be a structuring variable in many journeys. In sum, the concept of the trajectories steps away from an understanding that sees migration as a planned event: much of the paths adopted by the migrants shape the outcome of the migration process itself and they are partly an outcome of a neoliberal discourse on regulation, myths and the increasing need for commoditization of basic needs. Not only rational, but also emotional factors are at stake when it comes to deciding whether to go to a place or not: trust and personal relations are fundamental for the understanding of migration trajectories. Informal relations and personal networks might evolve into more formal, institutionalized interaction, forming part of migrant capital as we conceptualize it. The migration industry is of enormous importance for understanding these trajectories. If we assume that the journey of the migrant is not planned in detail and is rather a process than a “step,” then the question arises as to who is influencing decision making during the journey: which facilitators, either “little helpers” or more professional, institutional actors, are shaping the migration process and indicate the direction? MI activities are commoditized forms of assistance, and the knowledge about those facilitators and their service are part of what we call “migrant capital.”

### **Migration industry: interdependency, cooperation and conflict**

Migration-related economic actors and activities are not confined to the area of origin, but emerge along migration routes and within the destination areas, whereby they become deeply transnational (see Figure 3.1). As is shown in Figure 3.1, rather than being confined to job brokers

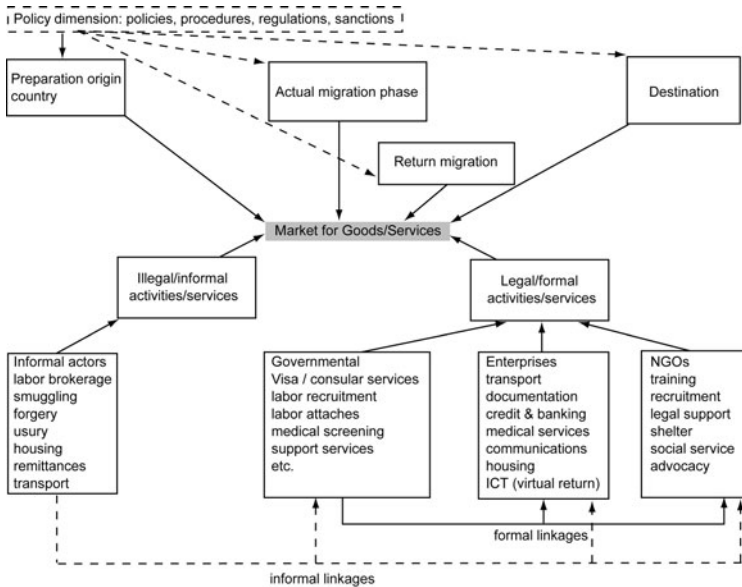


Figure 3.1 Migration trajectories and actors of the migration industry

and people smugglers, we conceptualize MI in a broader fashion, in that it involves all kinds of formal and informal/illegal actors and institutions, functioning as facilitators, regulators and controllers of migration. MI includes inter alia recruitment and travel agencies, government training centers, educational institutions, medical services, advertisers, migration brokers, document suppliers/forgers, notaries, users and migrant non-governmental organizations (NGOs). Microenterprises linked to migration flows evolve in countries of origin, destination and transit. As has been noted in the case of the global nursing marketplace, once the volume of migrants becomes massive, the number of large- and small-scale businesses mushrooms; even non-profit, public-sector services are managed as for-profit businesses.<sup>17</sup> Migrant worker recruitment and related services have become highly lucrative businesses, be it in health, manufacturing or agriculture.<sup>18</sup> US health care facilities pay an average US\$5,000–10,000 per nurse to recruiters.<sup>19</sup>

Thus, migrants are engaged in myriad dyadic relationships and transactions with various actors at origin, transit and destination. These actors and transactions can be of an informal and/or formal nature, institutionalized or incidental, regulated and unregulated, and/or reciprocal or commoditized. The migrants' family, friends and overseas ethnic networks also play an important role in facilitating migration, and one



could argue that these relationships are based on altruism and reciprocity and therefore do not constitute part of MI. However, even in these cases relationships are often commoditized and some reward is expected in return for help, e.g. in the form of remittances or facilitation of the migration of another family member. As for social capital, migrant capital is foreseen to materialize not always in the short term, but eventually in the long run. This is also the case for returned migrants who often function as promoters and facilitators.<sup>20</sup>

Migrant (recruitment) networks straddle various borders, social categories, economic sectors and jurisdictions. These agencies and actors do not operate in isolation and in parallel economic fields, but are engaged on different levels of cooperation and conflict: the legal economic sector and the informal economy become intertwined and interdependent. In the analysis of migration systems and trajectories, concepts that often come to the fore are dichotomies such as national/international, formal/informal, legal/illegal, and regulated/ unregulated. Such categorizations whereby the state is seen as the basic entity in geographic-legal space are linked with methodological nationalism in geography, economics and sociology,<sup>21</sup> but these overlook other spatial and social units responsible for decision making and for action, such as transnational networks. Depending on the specific vantage point taken, certain activities can be considered illegal (e.g. by the state), but legal/acceptable by other actors, e.g. by migrants. In this context the terms licit/illicit are more appropriate.<sup>22</sup> Because they refer to overlapping realities, this challenges existing analytical categorizations.

Rather than trying to draw up taxonomies and analyzing the functions of migration actors/institutions within the context of fixed conceptual boundaries, we propose an approach emphasizing multilevel analysis, and looking at MI as processes and as one asset of migrant capital. Thus, we go beyond a more narrow focus on individual migration experiences by emphasizing the interactions between social and institutional structures, the policy environment, taking into account the multiple perspectives of various MI actors on their roles, conflicts and (trans)actions within the migration trajectory, analogous to “global commodity chains.”<sup>23</sup> We should guard against seeing migrants as passive victims of the interplay of intermediary actors within the migration trajectory. The specific trajectories or pathways are negotiable and flexible and result from the weighing of available options within a given time frame and geographic location, and of negotiations between migrants and MI actors. As Grillo<sup>24</sup> notes, transnational migration consists of a “multiplicity of potential trajectories (from an actor’s perspective they may also be described as orientations, scenarios, narratives, projects,

maybe options) which are often unstable, always likely to become something else.” We take an actor-oriented approach and acknowledge that in a transnational migration trajectory, the individual migrants’ roles and possibilities vary and are the result of an interplay between culture, gender, legal status, class and (negotiating) power vis-à-vis MI actors and regulatory entities. It remains possible to negotiate rights and opportunities outside the boundaries of sovereign nation-states and regulatory regimes,<sup>25</sup> even if this means evading duties and formal regulations.

Next to identifying the nodes and networks, the analysis focuses on the nature of relationships (including governance) between the various actors and identifies at which points MI becomes crucial in facilitating migration, where illicit options come to the fore (and why) and how illegal/legal and formal/informal become irrelevant categories for the migrant him/herself. We aim to show that the informal cannot be discussed without the formal, and are two sides of the same coin.

To illustrate our argument we present examples of migration trajectories and MI in Malaysia and the Philippines.

### ***Indonesian migrant workers in Malaysia***

Labor migration between Indonesia and Malaysia is of long standing and has mainly evolved as a result of demand for agricultural, construction and—more recently—domestic workers. Geographic and cultural proximity, together with porous borders, has facilitated this migration. Whereas earlier Indonesian migration to Malaysia often led to settlement, recent flows are characterized by circularity, transiency and irregularity.<sup>26</sup> This is partly because the Malaysian government policy has become stricter in recent decades, emphasizing nationality rather than ethnic affiliation,<sup>27</sup> resulting in stricter border enforcement, deportations and stiff penalties for illegal migrants and those employing them.<sup>28</sup> Coined *Ops Nyah* (literally “get rid operation”) or *Ops Tegas* (“operation steadfast”), such regulatory actions clearly reflect the purpose and resolve of the government programs to deal with irregular migrants.<sup>29</sup> The change in popular and media terminology also reflects changing sentiment and discourse: in Malaysia’s Immigration Act the official category remains “illegal undocumented migrant,” but since the 1980s, terms such as illegal immigrant (*pendatang haram*) have been widely used, and replaced by “aliens” (*orang asing*) in the 1990s, indicating non-citizenship, but also bearing negative connotations, i.e. deviant behavior, violence and health problems.<sup>30</sup>

However, this has not deterred clandestine migration and in fact has created a niche market for immigration services upon which a large

network of intermediaries has capitalized. The following provides an example of a migration trajectory and illustrates the process, actors and linkages involved.

***Case study: An Indonesian migrant worker in Malaysia***

Pak N. is a migrant laborer from East Java. Before migrating to Malaysia he worked as casual laborer in the local cottage industry, as farmhand and as ambulant trader. This trade proved unsuccessful and after he ran into debt he decided to seek more lucrative employment abroad. Stories of returned co-villagers about the favorable working conditions and the high wages reinforced his decision of moving to Malaysia. He contacted a well-known local middleman who arranged the migration of a group of 17 people. The middleman himself was a returned migrant who had worked in Saudi Arabia and had performed the Hajj. Each had to pay Rp 200,000–300,000 (\$100–150) to Pak HS for his services. The group was then accompanied by a sub-agent from Surabaya who arranged for transport from East Java to the port in Sumatra where they embarked for Malaysia. It took them 19 days to travel overland to Sumatra and then covertly cross the Malacca Straits to Malaysia. As they had to avoid authorities, they moved under darkness and slept in the forest or in dilapidated shacks. In the Sumatran port, local police and the harbor guards were bribed by the sub-agent. However, only seven out of 17 made it undetected into Malaysia; the others were deported and went eventually back home heavily indebted.

After Pak N. and his six companions made it into Malaysia safely they were taken care of by another middleman (*tekong besar*) who already took responsibility for at least another 100 illegal Indonesian workers. The middleman distributed the migrant workers over various construction and plantation employers. Pak N. and his group stayed together and worked on an oil palm plantation and were promised a wage of MYR 20–30 (\$5–9) a day. For his services, the *tekong* in Malaysia asked US \$50/person for his services. This fee was deducted from their wages during the first months of their stay in Malaysia.

For two years he worked near Kuala Lumpur on a palm oil plantation and later as a construction worker. Pak N. has made the trip into Malaysia several times. At the plantation he earned an average MYR 15 daily. Most workers were illegal and lived in a makeshift camp in an isolated part of the plantation, to evade police raids. The work on building sites in Kuala Lumpur was more remunerative at MYR 15–35 a day. The risk of being rounded up by the police and deported was greater, though, in the city. These wages are higher than for comparable work

in Indonesia. The money he earned was invested in a motorcycle, his house and in a small roof-tile business.

Within the migration trajectory we can distinguish various points where migrants engage with MI and *define* the nature of governance. In the preparatory phase the main MI activities are aimed at: 1 Promoting migration—advertising, enticement and active recruitment; 2 knowledge transfer/skill training—e.g. language training, cultural orientation, equipment skills; 3 provision of necessary documentation—passport, affidavits, medical certificate, proof of good conduct; and 4 arranging transportation and assisting in the passing of borders.

In the case above, because his income situation deteriorated, the migrant chose to seek employment abroad. Rather than being actively recruited, he was enticed by success stories of returned migrants from Malaysia and took his fate into his own hands. Instead of officially applying for overseas work, he chose to seek assistance from an unofficial job broker, to avoid the intricate application procedures. Indonesia has several laws in place that seek to regulate overseas manpower recruitment; the official labor recruitment program is implemented under responsibility of the Direktorat Jasa Tenaga Kerja Luar Negeri (Directorate of Overseas Manpower Services). The official route would involve contacting a local office of the Department of Manpower, applying to a registered recruitment company,<sup>31</sup> obtaining a passport, official health certificate and social security membership card and going through a training program at a licensed training centre (Balai Latihan Kerja), some of which requires payment of a fee.

Although the migrant chose to use the services of a local villager, the services rendered did not come for free. From then on, the migrant trajectory was largely outside the governmental purview. From the government's point of view, turning to unlicensed recruiters and middlemen for mediation is an illegal activity, but for the migrant this is not a real issue. The mediator is part of his social network, and trusted for facilitating migration if needed and arranging for travel abroad, even if it involves circumventing regulations. Indeed, this is nothing new in these migrant communities. In the process, power relations become skewed and the migrant relinquishes negotiating power, while being heavily dependable on the information, logistics, and goodwill provided by the middleman and his sub-agents. For the mediator and sub-agents, even if it concerns co-villagers or co-ethnics, transactions are seen as business arrangements, although due to their social proximity some concern over social status and prestige may come into play. Their relationships and transactions are basically informal, commercial and commoditized, rather than reciprocal.

During the actual migration phase, MI actors remain important, as migrants often lack knowledge on (formal) recruitment and emigration procedures, their rights and duties, and have insufficient information on destination and work opportunities. Licensed recruitment agencies facilitate (im)migration procedures and travel arrangements, often providing on-site guidance, next to reception at destination, assisting in obtaining necessary documents (e.g. work permits) and registering with overseas embassies. The extent and nature of official agency involvement in this phase varies. While in the case of overseas domestic worker recruitment in Indonesia, employment agencies' procedures are more restrictive and coercive than the Philippines, in Indonesia it involves transferring and confining migrants to training centers in large cities for long periods, where freedom of movement is restricted and where a system of debt bondage is in place, in which some costs for recruitment, transport and documentation are repaid to recruiters once the migrants have started work at the destination. This indebtedness makes migrants highly dependent and vulnerable and reduces their negotiating power and freedom of movement. In some cases migrant domestic workers, after having left their rural communities, are initially put to work in urban homes until they receive clearance for travel (by officials or the brokers). Out of fear that they will lose their overseas work opportunity, they have little option other than to comply and thus form a cheap, exploitable labor force.

At the destination, MI actors still play a role in determining the migration trajectory. Once undocumented migrants arrive in Malaysia, they are highly dependent on local middlemen who form the linking pin between local employers and the migrants. As in the case described above, undocumented migrants are "sold" by intermediaries to local employers needing labor. Out of fear of deportation due to their irregular status, migrants have few options other than to accept working conditions and wages offered to them, even if these deviate from what was originally promised them. The "trade" in undocumented workers is lucrative for employers and brokers alike and it is here that the formal and underground economies converge.

Under the Malaysian Immigration Act,<sup>32</sup> undocumented migrants are punishable by fines, caning and detention. This also applies to those who assist undocumented migrant workers. Nevertheless, due to its profitability and the need for a flexible, tractable labor force, the use of undocumented workers remains widespread, partly also due to cooperation with government officials who turn a blind eye in return for fees. Even around the notorious Malaysian detention centers, MI actors provide covert services against fees, offering arrangements to alleviate

some hardships that detainees endure or even a way out of their predicament.<sup>33</sup> The asymmetry in power relations between migrants, mediators and government officials creates a social reality in which the status of illegality is manipulated and capitalized upon by formal and informal actors and agencies alike.

In the migration trajectory of (irregular) Indonesian migrants headed for Malaysia, various intermediaries facilitated this migration in return for payment. In some cases an official recruiter or migration brokers organized the whole passage, but more often each actor within the chain takes on a specific role as service provider. For example, more or less professional migration brokers took care of promotion and recruitment in the area of origin, while other agents were responsible for (covertly) transporting migrants along the route and connecting them to employers at destination. Sometimes the future migrant accepted working places that do not offer money, but merely the ticket to the next destination. Instead of agents however, some of these services are also provided by close relatives of the migrant, in which case the commercialized nature of mediation is less obvious.<sup>34</sup> Within migration trajectories there is always a certain division of labor, for example those identified in human-smuggling operations as arrangers/financiers, recruiters, transporters, corrupt public officials or debt-collectors,<sup>35</sup> but the specific functionalities vary and often overlap.

Typical for undocumented migration to Malaysia is the power imbalance and the dependency of migrants on the intermediaries, who control access to the necessary resources, be it information on jobs and border formalities, and social and financial capital. Thus migrants can be manipulated by intermediaries for profit, and MI actors have a bearing on the outcome of the migration trajectory. In origin areas, local brokers—often members of rural elites—are pivotal in fostering and facilitating international migration by giving information and indicating possible points of reference.<sup>36</sup> In the Philippines, too, commercial recruitment agencies and their sub-agents are dominant in the preparation and transit phases of migration.<sup>37</sup> However, migration is not always fully controlled by intermediaries; in many instances migrants venture out on their own. They only make use of migrant capital they accumulated at certain points within the trajectory, e.g. for covertly crossing an international border. After returning home many migrants set out to organize their own subsequent migration trajectory and even become intermediaries for others. Although (clandestine) migrants often face exploitative practices, such as overcharging, many transactions between migrants and their helpers are not the result of force or dependency, but the result of negotiation on conditions and price. Depending on the

service provided, the social relationship between those involved, especially gender, transactions are characterized by reciprocity, varying from generalized reciprocity (altruism) to negative reciprocity, i.e. for profit or exploitation.<sup>38</sup> Particularly when it concerns the services provided to one's personal network, the legality of the transaction becomes less relevant as it is governed more by social and cultural norms.<sup>39</sup>

Migration chains are flexible and unstable: actors enter the arena once opportunities for profit or status arise and their involvement is sometimes short-lived and limited to one service. Although governments have attempted to regulate the recruitment system, a parallel system of governance exists, and both private and public intermediaries resort to irregular practices, such as fraudulent practices within government bureaucracy around issuing of passports and medical certificates.<sup>40</sup> In addition, the use of sub-agents is generally seen as illegal from the state bureaucracy point of view, but is seen as acceptable by formal recruitment agents and prospective migrants alike.<sup>41</sup>

The following example details the process of overseas movement of health workers from the Philippines and the type and nature of linkages involved.

### *Filipino nurses in the United States and Europe*

For about three decades the Philippines have been among the most organized countries of emigration and among those who are in the literature cited as “migrant nurseries.” Gibson and Graham see the Philippines as the first “completely centralized labor market, with an administrative bureaucracy and legal apparatus to process both the contracts and the migrants.”<sup>42</sup> The authors see the level of overt political control of the contract migration flow as reminiscent of the indentured labor system of the nineteenth and twentieth centuries, because here a national government is supplying cheap labor to an international labor market—such as the care-giver program to Canada did in the 1990s or the informal recruitment of care givers to Italy.

Due to ageing workforces, high staff turnover in developed countries and unsatisfactory working and living conditions for health workers, and either despite labor export policies in developing countries, recruiting mechanisms in the industrialized countries or codes of conduct on ethical recruitment of health workers, health worker migration is actually increasing. Moreover, the linkage between health worker education and migration is becoming more pronounced and commercialized.<sup>43</sup> A global market for health workers has evolved, and many labor-exporting countries have shortages of health workers affecting their health systems.<sup>44</sup>

MI plays a significant role in facilitating, organizing and perpetuating migration of (health) workers from developing countries, including the Philippines, to better-off countries. Often, MI is a countervailing force, i.e. providing services aimed at countering and circumventing official regulations and procedures, e.g. related to ethical recruitment of health workers. Although developed countries are aware of the brain and care drain from developing countries and its moral connotations,<sup>45</sup> as manifest in ethical recruitment guidelines,<sup>46</sup> these are not legally binding, can be circumvented and in fact have fostered (underground) recruitment by private recruiters.

In the case of the Philippines—a major exporter of health workers for decades—the negative effect of outmigration on the health sector has been mitigated due to the rapid development of an export-oriented private training industry.<sup>47</sup> The United States is a major destination, next to the United Kingdom, Saudi Arabia, the United Arab Emirates, and Italy in Europe. In terms of recruitment, the government has taken on a larger role in that more bilateral and multilateral formal agreements have been made between origin and destination governments at the expense of individual applications.<sup>48</sup> In many cases the application abroad turns out to be the final resort for health workers in the Philippines.<sup>49</sup>

Filipino migrant domestic workers, on the other hand, particularly those who go through the official government agency Philippines Overseas Employment Administration (POEA), are less restricted and face less coercion.<sup>50</sup> After formal application procedures are carried out they are free to return home until their actual migration abroad. However, despite better regulation, the large demand for overseas work has led to many cases of exploitation by informal agents. Last year, the Filipino Department of Foreign Affairs warned prospective migrants against fictitious recruitment firms. For example, a scam by a fake recruiter based in Bremen, Germany, was disclosed in which Filipino women seeking overseas employment were asked to transfer money through Western Union to an employment agency based in Monza, Italy, in order to complete application procedures.<sup>51</sup>

A typical nurse migration trajectory would involve a number of stages. Kingma<sup>52</sup> describes the different phases as follows:

- 1 Getting an education and a practice license: before being able to move abroad, nurses and physicians first need to get their qualifications. The educational sector in the Philippines is market-oriented and tuned to produce qualified health workers for export. Nursing schools have become a highly profitable business in which many private business and health facilities have a stake, as shown by the



five-fold increase between 1970 and 2004.<sup>53</sup> Among the many partnerships between educational institutions and international health care providers the role of intermediary recruiters such as International Quality Manpower Services in the Philippines is crucial in matching supply and demand. Nurse-importing countries, such as the United States, have established legal bodies, e.g. the National Council of State Boards of Nursing (NCSBN), which are responsible for development and administration of the licensing exam for nurses. Other organizations have entered the business of screening foreign nurses too, e.g. the Commission on Graduates of Foreign Nursing Schools (CGFNS) in the United States.

- 2 A second step is obtaining visa and work permits. This process requires knowledge of visa eligibility and procedures and has spurred business activity of intermediaries, such as lawyers and notaries.
- 3 The next step is finding an employer. The demand for overseas nursing jobs has fostered a large market for (online) advertising, and many health workers negotiate contracts and work permits directly through their future employer. However, a significant number also makes use of the services provided by recruitment firms.
- 4 Next to these, the actual migration requires the involvement of various kinds of businesses, e.g. travel agencies, movers and storage firms.

Transatlantic studies on the migration of care workers give a vivid insight into the dynamics pushing self-sustainment of the migratory movements of Filipinos all over the world. Parreñas<sup>54</sup> exemplified the parallel life of the “servants of globalization” in different settings when studying domestic workers in Los Angeles and Rome. She describes the shifting subject-position of the Filipina domestic workers in “multiple migrant institutions in order to illustrate the process of their constitution as migrant subjects.”<sup>55</sup> The sustainment of migration is made possible because of the transnational family, as a highly personalized form of migration industry, and through the commoditization of emotional ties with the family.<sup>56</sup> In this community we might expect a very strong stock of migrant capital that preconditions the way migrant industry works. The very importance of existing migrant industry, shaping the migrants’ trajectories, is certainly not new. Already in the 1990s migrants replied frequently about their trip from the Philippines to Italy that “there is an agency that manages.” The importance of compliance and duping through migrant industry becomes obvious from interviews with Filipina migrants in Europe.<sup>57</sup> A common strategy of the semi-legal agencies was to make one of the migrants the leader of the journey:

You know what the crazy thing is? This people who arranged the trip made me the leader. They knew I was to London before, so they asked me: “Oh, there are other people going to London, could you be so kind to be a guide for them?” Well, for me I don’t matter if there are people with me, but I didn’t know that they were doing that illegally. I was not suspicious.<sup>58</sup>

Only few migrants are able (in the sense of reflection and awareness of their own situation) to answer more precisely how the migrant industry works when building up the trajectories for the migrants. It becomes clear that the line between the legal and the illegal is felt, but it is not considered to be of importance for their own migration trajectory:

Okay, you are a Filipino person, you want to travel. Usually people who come here (Milan, Italy), have relatives here. If you don’t have relatives, you have friends. And they tell you to go to this agency. Or you just walk in any agency and you say that you have to go to Italy. They will ask you: “Do you have a job?” You are just an ordinary employee. So they have to tamper, to change your income, so that it will appear that you are getting more income. You should have about ... they have a quotation, let’s say you should have 50.000 income in a year, or let’s say a 100.000 pesos (EUR 2.500). Oh, I have about 12.000 pesos! So you cannot travel!—But if you want we could make papers that show that you are working on your own business et cetera et cetera! That means that you have to pay. Because you have to go to this office, to the tax office, to make sure that you are really paying this tax. You have to get that officially ... with the help of some people inside. Bribery is the term for that. To get this in legal forms, stamped, that it is already paid, like this. Once you get this, you have to get the passport. To get a passport is easy. But the big, big question is: how to get the visa? Because it depends on the person. The consul sees all the persons personally. Somebody will say: “I can do that for you, you don’t have to go to, you don’t have to appear in embassy”. If you don’t feel confident to see the consul or to face the consul for an interview, you just pay somebody, thinking that they will come with a visa. Okay, this person working as a travel agent will show you your passport with a stamp of the Italian visa or another European countries visa. You arrive at the airport with your luggage and you think that you will be able to travel. You are on board of the plane and you are happy: I’m on my way to Italy, you make some stops. You are able to enter Amsterdam, Prague or other

countries. Now, how to cross the border is another story. They will help you, but sometimes they let you.

That the migration industry leads to self-sustainment of flows is indicated in the interviews. Due to this self-sustainment the whole attitude of future migrants is changed, with migrant capital leading to a culture of migration. A 29-year-old Filipino care giver in Milan said in an interview:

Before, the dream of every Philippine parent was to send children to school. Now no more. Their dream is to have at least one or two sons or daughters to go abroad and to earn money. Because for them continue school or university meant: better job. But now even a better degree does not ensure you a job ... instead of sending the children to school, they just send them abroad.

## **Conclusion**

In political debate the migration industry is often reduced to its informal and illicit dimensions and is seen as part of the smuggling industry in the countries of departure. Due to the increasingly restrictive entry regulations, migrants have to concentrate even more on alternatives to legal trajectories. However, activities and services related to the flow of migrants are part of the legal, regular economy as well. Migration industry will evolve even more into a specific business, with both legal/formal and illegal/informal dimensions and become of increasing importance.

On a more theoretical level, this chapter has pointed to the mobilization of personal networks for facilitating and sustaining migration flows, while also expanding the focus to look at the wider range of (institutional) actors, governance<sup>59</sup> and activities evolving around the migration process. In particular, it shows the interplay, interdependency and shifting of functions between various actors (including personal/institutional, public/private, legal/illegal), and the impacts this has on policy (and vice versa). Moreover, it shows the two-sided nature of MI, i.e. not only the negative aspects (e.g. smuggling and exploitation), but also the more constructive, positive aspects, such as entrepreneurial activities and economic development impacts in general.

This chapter has aimed at combining two strands of theoretical literature: on migration trajectories and the migration industry. We interpreted them as part of migrant capital and presented two empirical cases, which share certain features: the migration trajectories are constructed

and sustained through MI and migration capital. The intermediaries who facilitate the process of migration are located in and between the licit and illicit, thereby negotiating the modus of visa, travel and employment arrangements. Further, the migrants are tied to emotional and non-rational factors that influence their trajectories. Also, semi-feudal forms of recruitment and work agreements are accepted by the migrants in order to follow their own migration projects.

In the Malaysian and Filipino cases, there are three main factors that account for the difference in recruitment regime:<sup>60</sup> first, MI in the Philippines is better regulated, with long-standing specialized governmental agencies that guide the process (e.g. the POEA and Overseas Workers Welfare Association, OWWA), while in Indonesia there is more room for informal agencies and irregular practices, such as illegal detention of pre-departure workers or fake documents; second, Filipino women are better educated, in particular in English, so they are more aware of contents of official documents and regulations along the way; third, migrant workers in the Philippines are backed up by a more developed migration culture, including civil society advocating for improvement of working conditions and migrant rights.

Certain functional relations and transactions within MI involve the blurring of categories. Given that within a specific migration flow and network various actors and transactions of a formal/informal and legitimate/illegitimate nature are involved simultaneously, these analytical dichotomies do not suffice and we need to use a more comprehensive focus on the whole chain.

Throughout the chapter, rather than trying to draw up taxonomies and analyzing the functions of migration actors/institutions within the context of fixed conceptual boundaries, we have emphasized multilevel analysis, looking at MI as a process. Going beyond a narrow focus on individual migration experiences, we emphasize the interactions between social and institutional structures, the policy environment, while taking into account the multiple perspectives of various MI actors on their roles, conflicts and (trans)actions within the migration trajectory. The fact that irregular practices are not confined to illegal recruiters, but often are part and parcel of the business undertakings of regular recruiters, shows that the distinction between irregular and regular is blurred. A Philippine study showed that irregular practices such as overcharging migrants were performed in majority by licensed recruiters.<sup>61</sup> Both empirical examples show that migration trajectories and migration industry sometimes lead to new and sometimes softer forms of indentured labor. At least, it looks as if the entanglement of the formal and the informal might lead to favoring semi-feudal forms of working conditions.

Although most migrants were aware of “irregular” practices, many migrants accepted these practices out of necessity or because they were seen as acceptable infringements of the law, e.g. speeding up the migration process.<sup>62</sup> Migrating outside the regular channels and working abroad without papers is justified on moral grounds as well, as it is felt that migrants have an obligation to economically support their family or even their country,<sup>63</sup> a view fuelled by public and media rhetoric emphasizing the migrants’ heroism and patriotism.

## Notes

- 1 Chris Benner, “Labour Flexibility and Regional Development: The Role of Labour Market Intermediaries,” *Regional Studies* 37, no. 6/7 (2003): 621–33.
- 2 Brian M. du Toit, “People on the Move: Rural-urban Migration with Special Reference to the Third World—Theoretical and Empirical Perspectives,” *Human Organization* 49, no. 4 (1990): 308.
- 3 Anne Kelly Knowles, “Immigrant Trajectories Through the Rural-industrial Transition in Wales and the United States, 1795–1850,” *Annals of the Association of American Geographers* 85, no. 2 (1995): 246.
- 4 Knowles, “Immigrant Trajectories Through the Rural-industrial Transition in Wales and the United States, 1795–1850,” 256.
- 5 Joris Schapendonk, “Moving and Mediating: A Mobile View on Sub-Saharan African Migration Towards Europe,” in *Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective*, eds. Mireia Fernández-Ardèvol and Adela Ros Hija (Barcelona, Spain: Interdisciplinary Institute of the Open University of Catalonia, 2010), 304f.
- 6 Ralph Grillo, “Betwixt and Between: Trajectories and Projects of Transmigration,” *Journal of Ethnic and Migration Studies* 33, no. 2 (2007): 199–217.
- 7 Grillo, “Betwixt and Between,” 208.
- 8 Grillo, “Betwixt and Between,” 210.
- 9 Elaine L. Ho, “Migration Trajectories of ‘Highly Skilled’ Middling Transnationals: Singaporean Transmigrants in London,” *Population, Space and Place* 17 (2011): 117f.
- 10 Felicitas Hillmann, “New Geographies of Migration. Editorial,” *Die Erde* 141, no. 12 (2010): 1–13.
- 11 Elaine L. Ho, “Migration Trajectories of ‘Highly Skilled’ Middling Transnationals: Singaporean Transmigrants in London,” *Population, Space and Place* 17 (2011): 117.
- 12 Bryan S. Turner, “The Enclave Society: Towards a Sociology of Immobility,” *European Journal of Social Theory* 10 (2007): 289.
- 13 Joris Schapendonk, “Moving and Mediating: A Mobile View on Sub-Saharan African Migration Towards Europe,” in *Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective*, eds. Mireia Fernández-Ardèvol and Adela Ros Hija (Barcelona, Spain: Interdisciplinary Institute of the Open University of Catalonia, 2010), 302.
- 14 Schapendonk, “Moving and Mediating,” 302.
- 15 Schapendonk, “Moving and Mediating.”

- 16 Elaine L. Ho, "Migration Trajectories of 'Highly Skilled' Middling Transnationals: Singaporean Transmigrants in London," *Population, Space and Place* 17 (2011): 122.
- 17 Mireille Kingma, *Nurses on the Move. Migration and the Global Health Care Economy* (Ithaca and London: ILR Press, 2006); James Buchan, "Filipino Nurses in the UK: A Case Study in Active International Recruitment," *Harvard Health Policy Review* 7, no. 1 (2006): 113–20; and John Connell, *Migration and the Globalization of Health Care* (Cheltenham, UK: Edward Elgar, 2010).
- 18 James Buchan, "International Recruitment of Nurses: Policy and Practice in the United Kingdom," *Health Services Research* 42, no. 3 (2007): 1321–35; and Jenna L. Hennebry, "Bienvenidos a Canadá? Globalization and the Migration Industry Surrounding Temporary Agricultural Migration in Canada," *Canadian Studies in Population* 35 (2008): 339–56.
- 19 Barbara L. Brush, Julie Sochalski, and Anne M. Berger, "Imported Care: Recruiting Foreign Nurses to U.S. Health Care Facilities," *Health Affairs* 23 (2004): 78–87.
- 20 Dimitri Fazito and Eduardo L. Rios-Neto, "Emigração Internacional de Brasileiros para os Estados Unidos: As Redes Sociais e o Papel de Intermediação nos Deslocamentos Exercido Pelas Agências de Turismo," *Revista Brasileira de Estudos População* 25, no. 2 (2008): 305–23.
- 21 Andreas Wimmer and Nina Glick-Schiller, "Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology," *International Migration Review* 37, no. 3 (2002): 576–610.
- 22 Willem van Schendel and Itty Abraham, eds., *Illicit Flows and Criminal Things. States, Borders, and the Other Side of Globalization* (Bloomington: Indiana University Press, 2005).
- 23 Global Commodity Chain Analysis (GCCA) focuses on four core elements within a chain (Jason Potts, "Global Commodity Chain Sustainability Analysis: An Analytic Framework for Assessing Ecological Impacts of Commodity Supply Chains and Appropriate Policy Responses," [www.iisd.org/pdf/2007/global\\_commodity\\_chain.pdf](http://www.iisd.org/pdf/2007/global_commodity_chain.pdf)): 1 Input-output structure, i.e. the type of products supplied to the chain, including the transformations these undertake as the product is transferred through the chain; 2 territory, which refers to geographical regions within which chain relationships and related processes are located; 3 governance structure, which pertains to nodes and networks that are operational along a supply chain as well as the social/power relationships they entail; 4 institutional framework, which refers to institutions that technically reside outside the commodity chain specifically, but influence the actions taken along the supply chain (e.g. governmental policy). Key to GCCA is not only to describe relationships and transactions within the chain in terms of producers/consumer dichotomy, but to analyze the key elements of decision-making authority shared among different segments of the supply chain.
- 24 Ralph Grillo, "Betwixt and Between: Trajectories and Projects of Transmigration," *Journal of Ethnic and Migration Studies* 33, no. 2 (2007): 200.
- 25 Bryan S. Turner, "The Enclave Society: Towards a Sociology of Immobility," *European Journal of Social Theory* 10 (2007).
- 26 Rianto Adi, "Irregular Migration from Indonesia," in *Unauthorized Migration in Southeast Asia*, eds. Graziano Battistella and Maruja Asis (Manila/Quezon City, Philippines: Scalabrini Migration Center, 2003), 129–65.

- 27 Ernst Spaan, Ton Van Naerssen, and Gerard Kohl, "Re-imagining Borders: Malay Identity and Indonesian Migrants in Malaysia," *Journal for Economic and Social Geography* (TESG) 93, no. 2 (2002): 160–72.
- 28 Eva-Lotta Hedman, "Refuge, Governmentality and Citizenship: Capturing 'Illegal Migrants' in Malaysia and Thailand," *Government and Opposition* 43, no. 20 (2008): 358–83.
- 29 Diana Wong and Teuku Afrizal Teuku Anwar, "Migran Gelap: Irregular Migrants in Malaysia's Shadow Economy," in *Unauthorized Migration in Southeast Asia*, eds. Graziano Battistella and Maruja M.B. Asis (Manila/Quezon City, Philippines: Scalabrini Migration Center, 2003), 169–227; and Hedman, "Refuge, Governmentality and Citizenship."
- 30 Ernst Spaan, Ton Van Naerssen, and Gerard Kohl, "Re-imagining Borders: Malay Identity and Indonesian Migrants in Malaysia," *Journal for Economic and Social Geography* (TESG) 93, no. 2 (2002): 160–72; and Mohd Muzhafar Idrus, *Representation of Illegal Immigrants in Malaysian Newspapers* (West Virginia University), [wvu.academia.edu/muzhafaridrus/Papers/258473/Representation\\_of\\_Illegal\\_Immigrants\\_in\\_Malaysian\\_Newspapers](http://wvu.academia.edu/muzhafaridrus/Papers/258473/Representation_of_Illegal_Immigrants_in_Malaysian_Newspapers).
- 31 Recruiting companies (PJTKI or Perusahaan Jasa penginah Tenaga Kerja Indonesia) can only operate with a license from the Ministry of Manpower. The official overseas labour program has undergone various changes: in 1986 the Pusat AKAN (under the Sekretariat Jenderal Depnakertran) was the main agency, but in 1999 the Direktorat Penempatan Tenaga Kerja Luar Negeri (PTKLN) took over. Since 2004, the Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2TKI) has implemented the program under law (Undang-undang No 39/2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri).
- 32 Malaysian Immigration Act (2002).
- 33 Eva-Lotta Hedman, "Refuge, Governmentality and Citizenship: Capturing 'Illegal Migrants' in Malaysia and Thailand," *Government and Opposition* 43, no. 20 (2008): 358–83.
- 34 Ernst Spaan, *Labour Circulation and Socioeconomic Transformation. The Case of East Java, Indonesia* (The Hague, Netherlands: Netherlands Interdisciplinary Demographic Institute, 1999); Diana Wong, "The Rumor of Trafficking: Border Controls, Illegal Migration and the Sovereignty of the Nation-State," in *Illicit Flows and Criminal Things. States, Borders, and the Other Side of Globalization*, eds. Willem Van Schendel and Itty Abraham (Bloomington: Indiana University Press, 2005), 69–100; and Felicitas Hillmann, *Jenseits der Kontinente. Migrationsstrategien von Frauen nach Europa* (Pfaffenweiler, Germany: Centaurus Verlag, 1996).
- 35 Andreas Schloenhardt, *Migrant Smuggling: Illegal Migration and Organised Crime in Australia and the Asia Pacific Region* (Leiden, Netherlands: Brill Publishers, 2003), 121–22.
- 36 Frank Eelens and Johan Dirk Speckmann, "Recruitment of Labour Migrants to the Middle East," in *Labour Migration from Sri Lanka to the Middle East*, ed. Frank Eelens, Toon Schampers, and Johan Dirk Speckmann (London, New York: Kegan Paul International, 1992), 41–61; Ernst Spaan, "Taikongs and Calos: The Role of Middlemen and Brokers in Javanese International Migration," *International Migration Review* 28, no. 1 (1994): 93–114; and Mizanur Rahman and Lian Kwen Fee, "Bangladeshi Workers in Singapore: The Views from Inside," *Asia-Pacific Population Journal* 20, no. 1 (2005): 63–89.

- 37 Graziano Battistella and Maruja Asis, "Irregular Migration: The Under-side of the Global Migration of Filipinos," in *Unauthorized Migration in Southeast Asia*, ed. Graziano Battistella and Maruja Asis (Manila/Quezon City, Philippines: Scalabrini Migration Center, 2003), 1–10.
- 38 Marshall David Sahlins, *Stone Age Economics* (London: Tavistock Publications, 1972).
- 39 Richard Staring, *Reizen Onder Regie. Het Migratieproces van Illegale Turken in Nederland* (Amsterdam, Netherlands: Het Spinhuis, 2001).
- 40 Michele Ruth Gamburd, *The Kitchen Spoon's Handle. Transnationalism and Sri Lanka's Migrant Housemaids* (New York: Cornell University Press, 2000), 67.
- 41 Frank Eelens and Johan Dirk Speckmann, "Recruitment of Labour Migrants to the Middle East," in *Labour Migration from Sri Lanka to the Middle East*, ed. Frank Eelens, Toon Schampers, and Johan Dirk Speckmann (London, New York: Kegan Paul International, 1992), 41–61; and Gamburd, *The Kitchen Spoon's Handle*, 61.
- 42 Katherine Gibson and Julie Graham, "Situating Migrants in Theory: The Case of Filipino Migrant Contract Construction Worker," in *Filipinos in Global Migrations: At Home in the World?* ed. Filomeno V. Aguilar (Manila: MOST UNESCO, 2002), 40f.
- 43 Leah E. Masselink and Shoou-Yih D. Lee, "Nurses, inc.: Expansion and Commercialization of Nursing Education in the Philippines," *Social Science & Medicine* 71 (2010): 166–72.
- 44 Gamal I. Serour, "Health Workers and the Brain-drain," *International Journal of Gynecology and Obstetrics* 106 (2009): 175–78; and John Connell, *Migration and the Globalization of Health Care* (Cheltenham, UK: Edward Elgar, 2010).
- 45 James Dwyer, "What's Wrong with the Global Migration of Health Care Professionals? Individual Rights and International Justice," *Hastings Cent Rep.* 37, no. 5 (2007): 36–43; and Lisa A. Eckenwiler, "The WHO Code of Practice on the International Recruitment of Health Personnel: We Have Only Just Begun," *Developing World Bioethics* 9, no 1 (2009): ii–v.
- 46 Beverly J. McElmurry, Karen Solheim, Rieko Kishi, Marcia A. Coffia, Wendy Woith, and Poolsuk Janepanish, "Ethical Concerns in Nurse Migration," *Journal of Professional Nursing* 22, no. 4 (2006): 226–35.
- 47 Churnrurtai Kanchanachitra, Magnus Lindelow, and Timothy Johnston, "Human Resources for Health in Southeast Asia: Shortages, Distributional Challenges, and International Trade in Health Services," *The Lancet* 377 (2011): 769–81.
- 48 Kanchanachitra, Lindelow and Johnston, "Human Resources for Health in Southeast Asia."
- 49 Felicitas Hillmann, "Migrant's Care Work in Private Households, or the Strength of Bi-local and Transnational Ties as a Last(ing) Resource in Global Migration," in *Care and Social Integration in European Societies*, eds. Birgit Geissler and Birgit Pfau-Effinger (Bristol, United Kingdom: Policy Press, 2005), 93–114.
- 50 Vivienne Wee and Amy Sim, "Transnational Networks in Female Labour Migration," in *International Migration in Southeast Asia*, eds. Aris Ananta and Evi Nurvidya Arifin (Singapore: Institute for Southeast Asian Studies, 2004), 179.



- 51 Madel R. Sabater, "Pinoy Jobseekers Warned vs Fake Recruitment Forms," *Manila Bulletin*, 10 January 2010, [www.mb.com.ph/articles/237875/pinoy-jobseekers-warned-vs-fake-recruitment-firms](http://www.mb.com.ph/articles/237875/pinoy-jobseekers-warned-vs-fake-recruitment-firms).
- 52 Mireille Kingma, *Nurses on the Move. Migration and the Global Health Care Economy* (Ithaca and London: ILR Press, 2006).
- 53 Kingma, *Nurses on the Move*, 84.
- 54 Rachel Salazar Parreñas, *Servants of Globalization. Women, Migration and Domestic Work* (Manila, Philippines: Ateneo de Manila University Press, 2003).
- 55 Parreñas, *Servants of Globalization*, 250.
- 56 Parreñas, *Servants of Globalization*, 94.
- 57 Felicitas Hillmann, *Jenseits der Kontinente. Migrationsstrategien von Frauen nach Europa* (Pfaffenweiler, Germany: Centaurus Verlag, 1996).
- 58 Hillmann, *Jenseits der Kontinente*, 131.
- 59 Andrew Baker, David Hudson and Richard Woodward, *Governing Financial Globalization: International Political Economy and Multi-Level Governance* (Abingdon, United Kingdom: Routledge, 2005); and Liesbeth Hooghe and Gary Marks, "Unraveling the Central State, but How? Types of Multi-level Governance," *American Political Science Review* 97, no. 2 (2003): 233–43.
- 60 Vivienne Wee and Amy Sim, "Transnational Networks in Female Labour Migration," in *International Migration in Southeast Asia*, eds. Aris Ananta and Evi Nurvidya Arifin (Singapore: Institute for Southeast Asian Studies, 2004), 179.
- 61 Graziano Battistella and Maruja Asis, eds., *Unauthorized Migration in Southeast Asia* (Manila/Quezon City, Philippines: Scalabrini Migration Center, 2003), 83.
- 62 Ernst Spaan, "Taikongs and Calos: The Role of Middlemen and Brokers in Javanese International Migration," *International Migration Review* 28, no. 1 (1994): 93–114; and Battistella and Asis, *Unauthorized Migration in Southeast Asia*, 83.
- 63 David Kyle and Christina Siracusa, "Seeing the State Like a Migrant: Why So Many Non-criminals Break Immigration Laws," in *Illicit Flows and Criminal Things. States, Borders, and the Other Side of Globalization*, ed. Willem Van Schendel and Itty Abraham (Bloomington, Indianapolis: Indiana University Press, 2005), 153–75.

## 4 The migration industry and developmental states in East Asia

*Kristin Surak*

- **Taiwan**
- **Japan**
- **South Korea**
- **Conclusion**

To the crescendo of calls for systemic approaches to the study of international migration, the nascent field of migration industry studies offers a piquant response.<sup>1</sup> Going beyond kin and friendship networks or the development of a “culture of migration,”<sup>2</sup> the research gathering around this angle of vision provides new insights into the infrastructures vital for directing movement from here to there. By analyzing the matrix of border-spanning businesses—labor recruitment, money lending, transportation, remittance, documentation, and communication services—that open doors to migrants while facilitating connections back home, these studies illuminate how entrepreneurial interest and market mechanisms structure the opportunities available to international movers. Though this field has commendably connected the economic to the social by examining how financial interests and investments may be as important as personal ties in channeling people across borders, it has only haltingly engaged the political, side-stepping the state—as do many of the entrepreneurs it describes—at a loss of analytic breadth.

Prior work on the migration industry has focused largely on illegal or informal activities—whether the risk-laden underground economies managed by coyotes, snakeheads, and brokers that traffic people through back doors, or the more mundane transportation, courier, and communication services that operate in the informal sector.<sup>3</sup> However, this viewpoint has overlooked the places where the migration industry might wield the most influence over human flows: documented migration. Particularly when entry slots are limited—as with guestworker schemes—migration enterprises or entrepreneurs may be positioned to grab a

near monopoly on movement, offering migrants more than just bits of the journey, but an all-or-nothing package deal.<sup>4</sup> By working with—rather than against or simply under—the state, migration entrepreneurs may not only encounter lower risks, but also a cooperative partner likewise interested in the development of their enterprises and a competitive market around them.

Early research in this vein also tended to relegate the state to solely a behind-the-scenes role.<sup>5</sup> While it may provide a supportive or restrictive context in which (or against which) the migration industry develops, the state in these studies remained an adjunct to the object of inquiry—a reference point outside the industry itself that crafts an uneven terrain, but retains no power of initiative. Immigration entrepreneurs and enterprises, in current accounts, are yet firmly a “meso-level” phenomenon.<sup>6</sup> Yet severing the political from the economic in this way may no longer be warranted in an age of creeping neoliberalism, as governments not only surrender sovereignty to markets, but also reconfigure their own functions along their logic. Even so, the interpenetration of markets and governments is hardly new. Long before the Washington Consensus, developmental states have carried out their functions in “synergistic” relationship with the private sector, guiding economic development while reducing the instabilities of the free market in order to build their national economies.<sup>7</sup> In such cases, one would, in fact, be surprised *not* to find the state partnered with migration industry actors.

In his trenchant explanation of Japan’s “economic miracle,” Chalmers Johnson was the first to label and dissect the developmental state.<sup>8</sup> When capital was scarce in the aftermath of World War II, the national government stepped in where the financial sector once stood, taking on the debt of industrial expansion. The department in charge of economic development, the Ministry of International Trade and Industry (MITI), thereby acquired a strong hand in industrial structure policy, as it financed risky investments, guided entrepreneurial decisions, and enhanced the global competitiveness of its goods. South Korea and Taiwan implemented similar versions of the model, instituting the Economic Planning Board on the peninsula and the Industrial Development Bureau on the island.<sup>9</sup> Out of the ruins of war, the assurance of the nation’s economic advancement guided by an elite bureaucracy became the state’s *raison d’être*—so much so that the overwhelming majority of the populations of the three countries consistently stated in polls that the state’s foremost duty was to ensure economic growth. Since the 1990s, all three have been liberal democracies<sup>10</sup>—a legal grounding that took greater force as martial law fell to rising gross domestic product (GDP)—but the political apparatus remained principally concerned with economic

development for the greater good. Throughout most of the postwar period, this mission could be achieved without foreign workers. Hayseeds and housewives, as well as the swell of the baby boom, provided pools of cheap labor readily tapped to quench the thirst of the growing economy. However, these dried by the late 1980s, and businesses began to pressure governments to find new sources. All of the states conceded to the economic demands, but in divergent ways—Taiwan adopted a Singapore-style, tightly managed guestworker program, and Japan instituted a thinly disguised guestworker program while admitting co-ethnics through side doors to fill dirty, dangerous, and difficult jobs, while South Korea alternated between the two models. The intricacies of each offer insight into the possible configurations between states and the migration industry.

## **Taiwan**

From the ruins of war and a GDP on par with sub-Saharan African countries, the Taiwanese developmental state from the 1950s through the 1970s induced striking economic growth by fostering export-oriented light manufacturing. By the 1980s, authoritarian rule began to loosen, privatization of state-run enterprises proceeded apace, and the island achieved the hallmark of any successful economy: an illegal worker population numbering between 50,000 and 100,000. At the close of the decade, the state debated what should be done to control these illicit entrants, and in 1990 decided to experiment with a program recruiting foreign workers to labor on 14 construction projects that would automate the manufacturing sector. Drawing on Singapore's guestworker scheme, this program was elaborated two years later in the Employment Services Act. Under the oversight of the Council of Labor Affairs (CLA), low-skilled foreigners were to be recruited to work in construction, manufacturing, and care giving, so long as they remained supplements to the native work force, did not delay economic up-grading, stayed only temporarily with no access to citizenship, and brought only minimal social costs.<sup>11</sup> To implement the first two objectives, the government designated specific employment sectors and quota limits. The second two were enforced through rigorous health screenings, prohibitions on marriage and pregnancy, and strictures preventing the accumulation of residence time necessary to apply for citizenship. This attempt to control the expanding number of illegal laborers by turning them into guestworkers was complemented by police crackdowns in 1991, broad amnesties in 1992, and mass deportations in 1994. By 2009 the program had 350,000 participants—a figure fixed through

informal negotiations with unions—with Indonesians filling out 40 percent of the quota, and Thai, Vietnamese, and Filipinas (mainly women working as domestics) accounting for around 20 percent of the slots available a piece.<sup>12</sup>

Yet the developmental state did not simply permit a set number of low-skilled foreign workers to enter the labor market freely; it deployed them only to sectors targeted as having specific needs. Construction and manufacturing dominated the quotas in the 1990s, while service industries began receiving more extra hands in the 2000s, with domestic workers now accounting for 40 percent of the total. The impact of these numbers is assessed with an eye to the national economy, and the government is quick to tweak the program in bearish times—manufacturing slots, for example, have been limited to the night shift or particularly undesirable 3D (dirty, dangerous, and demeaning) jobs since the most recent economic downturn. However, this change in job profiles has had less of an impact than the temporary legalization of “unpaid holidays” across the board—a loss of on average four working days a week makes the heavy burden of debt that many migrants incur when coming to the island an impossible load to carry.<sup>13</sup>

Though a free labor market was not opened to migrant workers, the developmental state did take on neoliberal trappings when it came to specifics of program implementation. Employers “pay to play,” with the government collecting a monthly “employment stabilization fee,” running between \$50 and \$175, used to cover costs the state incurs when managing foreign workers and retraining local ones. While country-to-country direct hiring was discussed at the outset, the planning board decided to rely on brokers to implement the program because, as one involved policy advisor related in a personal conversation, “We were dealing with Thailand, Indonesia, and the Philippines—corrupt states you can’t trust. We turned to the private sector because the market is far more efficient” (see Chapter 5 on purported efficiency gains, and Chapter 10 and Chapter 11 on economic instrumentality, this volume). However, the government did more than relegate responsibility to the market—it moved beyond its traditional developmental duties of insulating industries, and fostered competition, neoliberal-style.

The resulting system keeps a tight squeeze on foreigners through the grip of two markets revolving around a shortage of work quotas.<sup>14</sup> At one end, would-be participants in sending states vie for limited spots, paying higher broker fees than incurred for other guestworker schemes, and taking on heavy debts that lock them into their jobs for several years before repayment in full is possible. At the other end, employers battle to acquire and retain limited slots, even hiring people they deem

“useless” workers (women for construction jobs, for example) to keep a grasp on any migrant quotas they have gained. Indeed, the quota may become more valuable than the labor power of the particular individual filling it.<sup>15</sup> The paper-processing middlemen—the employment agencies—rivally compete for business in these two markets. The 800 licensed firms in this tight sector dominated by a handful of large businesses indeed *pay* employers as much as \$700 per migrant to handle their cases—a cost recovered by squeezing the migrants, who typically give over nine months’ salary in fees to the government and employment agencies.<sup>16</sup> Migrants from countries where the government is actively concerned with emigrants and where watchdog non-governmental organizations (NGOs) have emerged may be able to pocket some money at the end of 12 to 18 months of work, but others are often less fortunate. Workers from the more proactive Philippines and Thailand pay \$2,000–3,000 to brokers, whereas \$6,000–7,000 can be extracted from those from Vietnam and Indonesia.<sup>17</sup> Unsurprisingly, middlemen are turning away from the two former countries and towards the two latter ones.

Market competition assists the state in devolving management of the scheme to sub-state actors by foisting “runaway” control onto employers, who would lose the right to hire a foreigner if one under their watch slips into the underground economy. (Indeed, the government collects a deposit and security fees from employers to cover the costs of deportation in the event a worker escapes from the program.) The “success” of this formula is striking. Where South Korea, for example, has a population of 200,000 irregular workers—almost equal to that of its participants in the formal guestworker program—Taiwan has only 25,000 “runaways” from a program employing about 350,000. Yet the highly exploitative conditions of their formal employment—long hours, low pay, no overtime bonus, substandard housing, and physical and verbal abuse—have nonetheless led many participants to abscond. In 1998 the government attempted to combat the rising numbers of illegal workers by granting employers the right to place up to one third of migrants’ earnings into an individual savings account that could be accessed only when the employee’s contract was completed. By the following year, over 80 percent of employers in manufacturing and 70 percent in construction had established these accounts, and the number of program runaways was immediately halved, from 30 percent to 15 percent of participants.<sup>18</sup> Furthermore, the monthly “employment stabilization fee” which bosses pay to participate in the scheme continues to be collected even if a worker runs away. To keep from losing the right to hire foreigners, employers extend monitoring beyond the immediate

work conditions. Some lock migrants into company “housing”—sometimes not much more than a converted cargo container—while employers of domestic workers may make lock-out a threat and refuse care givers keys to the homes in which they live.

The handful of NGOs struggling for migrants’ rights has thus far achieved only “paper victories” of the thinnest sort. In a state outside the international community, and where civil society is embryonic, persuading the government to provide literature on migrants’ rights in English is considered a triumph. Due to their efforts, employment agencies are now rated with an A, B, or C—those falling under the final category given two years to improve or else lose their license. Furthermore, foreign workers can now lodge complaints against employers with the CLA, which may grant a migrant two months to find a new job if the boss is found at fault. Though migrants’ rights organizations count these as wins, they are quick to recognize that implementation is still an uphill battle against a system profitable to not only employers and brokers, but also to the politicians who receive pay-offs from both.<sup>19</sup> As the developmental state, accustomed to a strong hand in economic and social policy, weds neoliberal valorization of the market to its traditional role in guiding private sector development, one wonders whether the boost to market fundamentalism will stifle any further development of migrants’ rights organizations.

## **Japan**

Though points of concordance are strong, the postwar history of migration to Japan presents a somewhat more variegated picture than that of its neighbors, due to its colonial past. Despite the mass movements of ethnic-unmixing in the wake of imperial defeat in 1945, around 600,000 Koreans and 30,000 Taiwanese remained in (or circulated through) their former metropole. As Japan entered the G7 in 1975, a combination of civic group agitation and international pressure achieved substantial gains for the social, political, and economic rights of long-term residents—successes that applied not only to former colonial subjects and their kin, but to foreigners more broadly.<sup>20</sup>

Yet entrance was still not easily gained into a country that prided itself on its ethnic homogeneity. When the bubble economy of the 1980s called for cheaper and more flexible workers, the Ministry of Labor proposed a guestworker scheme—a suggestion quickly stifled by the conservative Ministry of Justice, the ultimate regulator of immigration policy and a standard-bearer of ethnonational purity. However, businesses’ demands were met a few years later when the Immigration

Control and Refugee Act was reformed in 1990, giving force of law to an under-the-table compromise between the Ministry of Labor and the Ministry of Justice, which opened two side doors for foreign laborers.<sup>21</sup> The first door allowed former nationals, up to the third generation, to enter the country on unlimited renewable visas, unshackled with work restrictions—a boon to the 1.5 million Japanese and their descendants in Brazil weathering an economic downturn at home.<sup>22</sup> From a few thousand in the late 1980s, around 300,000 Brazilian-Japanese lived in Japan by 2008, with 260,000 contributing to the workforce.

The second door was created through the Industrial Training Program (ITP), which established a quota for trainees from developing countries to work on a short-term basis for less than minimum wages under the guise of “skills transfer.” By 1993 it was accompanied by a technical intern program—a similar arrangement, but accented by gossamer-thin labor contracts. Now approximately 105,000 participate in the trainee program—a figure dominated by 80,000 Chinese, though Vietnamese, Indonesians, Filipinos, and Thai also contribute to the number—and 80,000 in the technical intern program, a figure with a similar breakdown by nationality. Managing the bulk of both schemes is the Japan International Training Cooperation Organization (JITCO), a body suspended between five ministries, and run by former ministers, retired business chiefs, and bureaucrats.<sup>23</sup> A profitable semi-governmental organization, JITCO receives around \$1 million in governmental funding per year, but much more from its member businesses—approximately \$11 million in membership fees and documentation preparation from participating firms in the fiscal year 2005 alone.<sup>24</sup> Insurance policy and employer commissions contribute additional revenue to this economic organization managed like a business from the office of the president, a post usually filled by a retired governmental minister or head of a major firm.

In the Brazilian-Japanese case, ethnonational interests were glaringly at stake in policy formation. The absence of work restrictions on their unlimited renewable visas signaled that these co-ethnic “brethren” were admitted not solely to “visit ancestors’ graves and learn about the homeland,” but rather answer business and government interests in attracting a flexible workforce that would raise few cultural clashes with Japanese society.<sup>25</sup> However, having come under international fire only 10 years before for its illiberal foreigner policies, the government moved with caution. By couching the program in the language of co-ethnic return for cultural purposes, it remained in line with liberal-democratic norms that reject the use of ascribed characteristics as a filter in labor migration, but sanction them in culturally defined cases of ethnonational return.<sup>26</sup>



The migration industry that emerged around these newly instituted flows developed informally—the government provided a playing field and sometimes served as a referee, but rarely became an active participant in a game played between migrants and the private sector. In São Paulo, the small travel agencies established by the handful of migration pioneers in the 1980s soon evolved into full-scale recruitment businesses. The movement boom following the 1990 Act drove demand and supply. Increasing numbers of people availed themselves of the translation services, start-up loans, job contacts, housing, and transportation offered by these businesses to smooth the trans-Pacific move. Returnees with ties to and familiarity with the situation in Japan capitalized on these gains by opening recruitment businesses themselves. The growing flows of legal migrants encouraged a soon flourishing migration industry.<sup>27</sup> Indeed, few moved outside its reach—over three quarters of Brazilian-Japanese migrants make use of these migration services, and even the majority of family reunification migrants, who might rely on ethnic networks to reduce risks, turn to recruiters in Brazil for securing jobs before departure.<sup>28</sup> Japanese employers also make good use of their services—two thirds of medium-to-large firms employing foreign workers go through brokers to secure the extra hands.<sup>29</sup> Such middlemen supply them with a flexible pool of labor to fill specific gaps without the maintenance costs of full-time employees. These ethnic labor recruitment businesses have, in essence, carved a niche within a more general shift to a “just in time” flexible labor system enabled by deregulation of the job market in the late 1980s. Lifetime employment is now a thing of the past for the almost 35 percent of the Japanese workforce currently engaged in non-regular employment.<sup>30</sup> However, it is the privileged visa status of the Brazilians that enabled extension of the just-in-time delivery system to this stream—undocumented workers are too risky to keep in such pools, and thus become more reliant on social networks to secure employment.<sup>31</sup> The present array suggests that migration industries can be indeed more powerful in legal than in illegal migration streams.<sup>32</sup> In the case of the Brazilian-Japanese, the government has allowed the migration industry to develop—and even inadvertently aided it through neo-liberal deregulation—though it has not become an invested partner in the industry.

The story is different for the trainee and the technical intern programs. Under the guise of “skills transfer” to developing nations, these schemes were implemented as a concession to small and medium-sized businesses’ calls for a guestworker program.<sup>33</sup> The initial one-year limit on contracts was soon expanded to three, ostensibly to enable

participants to refine the “skills” acquired in metal cutting, clothing manufacturing, poultry processing, and other forms of 3D work. Though technical interns are—nominally—covered by labor laws and receive a minimum wage, trainees have not been granted such legal protection, though over a decade of NGO agitation has recently led to system reforms, to be fully implemented by 2013, guaranteeing minimum wages from the second month of employment. Even so, monitoring is difficult, with JITCO unable to extend or uninterested in expanding oversight. Rather than direct hiring, JITCO has devolved the nitty gritty of program management to the private sector, while retaining for itself an advisory capacity. Brokers implement the recruitment scheme, and with the all-too-typical exploitative results: passports are confiscated at the border and management fees of typically \$1,000 per year are charged, while employers extract hundreds of dollars for sub-standard room, board, and clothing costs.<sup>34</sup> To pocket a bit of cash or to keep from losing their jobs, trainees have no option but to put in long overtime hours or work through holidays. Unsurprisingly, the traditional salaryman malady *karōshi*—death by overwork—is all too common.<sup>35</sup>

The trainee and technical intern programs lay bare one of the darker sides of the developmental state. In helping small and medium-sized businesses weather structural transformations, it has recruited migrant workers and extracted their labor power while offering them little in return. By relying on brokers to funnel workers to employers, the state—here, through its agent, JITCO—has condoned and utilized an exploitative migration industry to effect its labor-recruitment policies. As in Taiwan, reforms have been largely reactive and superficial. Local and international NGOs have fiercely lobbied for changes, calling for an above-the-table guestworker scheme along South Korean lines, as will be discussed below, but the national government remains unmoved. While the media have brought some exploitative conditions of the intern and trainee programs to public attention, they also transmit images of foreigners as the culprits behind increasing crime rates, and the relatively open public opinion on migration reflected in polls in the early 1990s has remained consistently closed over the past decade. Though civic groups addressing migrants’ issues have flourished—they counted over 200 by the turn of the millennium<sup>36</sup>—their victories have been confined largely to local-level reforms, where they meet often cooperative partners in municipal governments. Efforts to lobby the national government have achieved only limited and indirect success, and policy makers have few incentives to substantially overhaul a “skills transfer” program that is meeting labor market shortages.<sup>37</sup>

## South Korea

The late 1980s were watershed years for the Hermit Kingdom. The developmental state, which had led stunning economic growth over the prior two decades, could no longer maintain its authoritarian trappings, and the international attention garnered by the 1988 Olympics kept the government from too easily shrugging off mass demonstrations against it. By 1987 the regime was transformed into an operational democracy, headed by a strong executive. As with its neighbors, labor needs in the booming economy outstripped supply, particularly for 3D jobs, and by 1991 an estimated 50,000 irregular workers were in the country. This was still not enough to meet employers' demands, however, and the Korean Federation of Small Businesses (KFSB) lobbied the government to open doors for yet more. Turning east rather than south, the government implemented a Japanese-style trainee program in 1991. The Japanese intern and trainee programs were replicated to a tee in the Korean Industrial Technical Training Program (ITTP), and when Japan extended the program to a three-year time limit on contracts, its neighbor did so as well. On the peninsula, JITCO became KITCO, and was charged with managing the program. Though the Construction Association of Korea, the National Federation of Fisheries Cooperatives, and the National Agricultural Cooperative Federation were later added as implementing agencies, KITCO's predominance was a boon to the KFSB, which oversaw the operations and staffed the personnel of this semi-governmental body with close connections to the *chaebol* business giants.<sup>38</sup> At its peak, participation in the program hovered between 70,000 and 80,000.<sup>39</sup>

However, as the program grew, so did the number of undocumented workers, far outstripping the size of the legal stream. By 2002, 85 percent of foreign workers were laboring illegally. Not just exploitative work conditions, but the ITTP itself pushed foreigners into the gray zone. KITCO extracted such large fees from workers that many—60 percent of program participants in 1993, according to the Ministry of Labor—entered the higher-paying illegal market to pay off the debt. KITCO provided a solution for this as well, running 20 “consulting service” agencies, charged with helping to prevent runaways for a monthly fee. It also encouraged employers and brokers to keep an eye on their employees, collecting deposits from both that would be returned only once the migrant left the country.<sup>40</sup> All of this was a boon to the KFSB, which gathered net profits of around \$50 million between 1996 and 2001, mainly in fees from the agencies taking on the trainees.<sup>41</sup>

The copy, of course, reproduced all of the exploitative elements of the Japanese original, and by the late 1990s, dozens of civil society

organizations began rallying for an improvement in foreign workers' rights, and calling for an above-the-board work permit system based on the Taiwanese model.<sup>42</sup> Though the 1997–98 economic crisis sterilized their efforts, an activist executive—President Rho Moo-hyun, a former human rights lawyer himself—shepherded the reforms through a few years later, and 2003 saw a sudden about-face with the passage of the Foreign Worker Employment and Human Rights Protection Law and the Employment of Foreign Workers Act (EFWA, implemented in 2004).<sup>43</sup> The EFWA established a formal labor recruitment scheme—the Employment Permit Program (EPP)<sup>44</sup>—which replaced the ITTP and granted foreign workers the same rights and minimum wages as nationals.<sup>45</sup> The government took control over the areas mismanaged by the vilified KFSB (renamed KBiz in an attempt at image-enhancement). Migrant selection, registration, orientation sessions, job placement, and return were placed under the auspices of the Human Resources Development Service of the Ministry of Labor, which divvied out responsibilities for employment implementation to a field of over 100 job-search agencies and support centers. This shift from an informal broker system to an above-ground competitive industry lowered the cost of entry borne by migrants from \$3,500 in 2001 to \$1,300 by 2008.<sup>46</sup> Bilateral memoranda of understanding were negotiated with sending countries to stem the most usurious brokers, and quotas were instituted to encourage source states to compete for limited slots. As with the ITTP, the state limits participation to sectors in need of extra hands—manufacturing, construction, agriculture, fishing, and service industries—and channels or curbs flows for what it defines as the benefit of the national economy. Following the most recent economic crisis, the government cut recruitment quotas by three quarters, and eliminated those for the construction industry. Now approximately 150,000—largely from China, the Philippines, and Bangladesh—participate in the program.

The EPP recruits were soon complemented by another body of workers: Chinese-Koreans. In the wake of the 1997–98 economic crisis, the government passed the Overseas Korean Act (1999) in hopes of attracting the US dollars of the large Korean-American community. Worded to include well-off Yankee brethren while excluding poorer compatriots who remained in China and Russia following the collapse of the Japanese empire, the Act came under attack by Korean NGOs for ethnic discrimination. At first the government defended its position by amending the EPP to offer special work permits to Chinese-Koreans which enabled them to enter more easily than other foreigners, but restricted work to only targeted industries during their two-year stay. Criticized as both discriminating among workers and among ethnic

kin, the revision was replaced in 2004 by the Visit and Employment Permit (VEP) program. Implemented the following year, the VEP instituted five-year visas for low-skilled brethren, and has become the main mode of entry for labor migration—about 97 percent of its current 400,000 visa holders come from China, and about 80 percent in search of jobs.<sup>47</sup> With 34 job sectors open to them and allowed to remain in the country even without a job contract, the Chinese-Koreans provide a pool of labor somewhat similar to that of the Brazilian-Japanese.<sup>48</sup>

Though the impact of neoliberal trends towards temporary employment on the job opportunities of Chinese-Koreans has yet to be investigated, one area in which a market logic has risen to dominance is marriage migration.<sup>49</sup> All of the cases discussed have witnessed marked increases in international marriage, with rates approaching 10 percent in Japan and 15–20 percent in South Korea and Taiwan. While local governments in Japan and Taiwan have taken an active role as matchmakers, only in South Korea has the state become invested in such “multicultural” unions, warranting an exploration of its relationship to the migration industries around these streams.

As higher rates of educational attainment and the lure of the cities drew women out of the countryside in the early 1990s, local governments began to take an active interest in the futures of their bachelor farmers and fishermen, unable to secure lifetime companions. The “getting rural bachelors married” projects (now numbering over 60) started by municipalities offered unmarried men between \$3,000 and \$9,000 in aid for securing foreign brides.<sup>50</sup> Spurred on by the injection of funds, a small industry of brokers and matchmakers operating in a gray area of transnational matchmaking took hold, a trend eased by the elimination of bureaucratic red tape, and encouraged by shifts in the domestic marriage broker market.<sup>51</sup> These agencies offer their customers an ever-changing menu of international dishes—Mongolian: hearty and wholesome; Vietnamese: delicate yet strong—and provide package tours for bride selection in the country of choice. Partnered with marriage brokers in the sending states, they arrange a steady parade of women from which the Korean men select a spouse. Though the industry is lucrative, competition can be cut-throat, with Korean agencies trying to edge each other out of partnerships with their best counterparts in sending states.<sup>52</sup> Not only do prospective husbands pay as much as \$8,000 for their services, but prospective wives may pay up to \$2,000 for “fast-track” access to a more developed country.<sup>53</sup>

The 1998 International Marriage Broker Law was a boon to the industry, moving it out of the shadows through a national licensing system, which in 2010 provided accreditation to over 1,200 international

marriage agencies. The law's neoliberal formulation, modeled in part on consumer protection law, set a new framework that defined husbands as consumers with the rights to specific recourses should they be dissatisfied with their purchased products. By 2006, over 70 percent of matchmaking agencies were offering six- to twelve-month "sales warranties," which included phone counseling, home visits, and Korean language instruction.<sup>54</sup> If a divorce occurs within this time period, the broker promises to supply the former husband with a new bride. These service costs, however, eat into profits, and therefore larger companies encourage prospective husbands to sign an agreement that they will not invoke their warranties.<sup>55</sup>

While the government initially kept its hand out of these dealings, over the past five years it has come to target foreign brides in its pro-natalist policies.<sup>56</sup> With the 2006 Healthy Family Law, the state lauded the "multicultural family" as a pillar supporting the country's future. The same year, the Multicultural Family Support Policy Law set up a barrage of programs aimed to culturally assimilate the foreign mothers of the next generation of Korean children.<sup>57</sup> The international marriage industry has been an asset in implementing these measures. When Seoul mandated the establishment of integration courses for multicultural mothers, it turned to brokers to administer them. Now these government-sponsored classes are run as part of larger international marriage enterprises—a shining example of a state with neoliberal hues in symbiotic relationship with core migration industry businesses.

## **Conclusion**

While prior work on the migration industry trained its sights on irregular or illegal entrepreneurial practices that happen within—but do not directly engage with—states, an examination of legal migration streams to the East Asian democracies suggests that states may assume a greater variety of roles. At minimum, these include platform, principal, or piggybacker. The first has been noted since the earliest studies of the migration industry, and can be found in the East Asian context as well. When visas are not connected to specific employment opportunities, as is the case for the Chinese-Koreans and Brazilian-Japanese, informal migration industries flourish much as they do along the Mexican-US border. The state in these cases serves as a platform for action; it shapes the play, but does not join the players.

The game is different, however, when governments are more selective and migrants enter on visas that are limited and targeted in number, length, and job opportunities. In implementing formal or informal

guestworker schemes, states may become principals charging agents to carry out their traditional capacities. Though the particular configuration varies across the cases examined here—Taiwan evinces a stronger mix of neoliberal marketization, Japan holds to developmental state guidance, and South Korea has moved between the two—in all scenarios, the state does not lose ground, but reaps rewards from facilitating or partnering with migration industries. Most concrete are the profits accrued when agents—whether brokers or bureaucracies like JITCO or KITCO—save the government resources that might otherwise be drained through migration policy enforcement. To these can be added the putative efficiency gains of using market mechanisms, lauded in the Taiwanese case, to retain control over flows, but no less important is the “corporate veil” that can be pulled by states to avoid blame for the most exploitative elements of the system (for more thorough discussions of cost shifting and reduction, purported efficiency gains, and blame-avoidance, see Chapter 5 and Chapter 6, this volume).

These benefits may be mutual, or they may come at a dear price to migration enterprises. As the Taiwanese case shows, when the state fosters cut-throat competition among brokers and businesses to ensure that they enforce the government’s desire for legal and limited migration, it can come at the cost of a high rate of business turnover.

However, brokers can serve as more than agents appointed by the state to carry out its traditional functions; they can offer new services as well. States may glom onto sectors of the migration industry that developed through local efforts and make use of available resources for their own ends. This shift in state role from platform to piggybacker is most clearly illustrated by the international marriage industry in South Korea. Here marriage migration agencies have supplied a ready-made institutional infrastructure that the state has hired to implement its pro-natalist multicultural programs—the two sides operating in symbiotic alliance.

Yet these partnerships are not without limits. The Japanese case illustrates how a strong commitment to nationalist principles of ethnic homogeneity can tie a developmental state’s hands when operating within the strictures of a liberal-democratic environment. By permitting Brazilian-Japanese to enter and remain in the country regardless of work contracts, the state rescinded much managerial control over this labor force. When settlement followed and integration problems emerged, the government could not simply send workers home, as it would otherwise. Most recently it has attempted to pay its invited brethren to leave—\$3,000 for one-way tickets to South America with a commitment never to return to the archipelago—though the economic slowdown since

2009 has been more effective in limiting numbers than this short-lived program. Given the Republic of Korea's concern in building a multicultural society—if an essentially assimilationist one—different outcomes, whether intended or unintended, are likely.

Civic groups, however, may be able to apply a stronger solvent against the thickening of collaborations between states and private migration industry actors. The successes of South Korean NGOs in ripping down the corporate veil shrouding KITCO and achieving substantial reform suggest that a strong civil society can work against lock-in effects. Yet the Japanese case warns that their efficacy may be blunted when migration policy making is largely in the hands of bureaucrats rather than elected officials. Indeed, without a lively civil society persistently lobbying for change, a competitive market may yield the yet more exploitative consequences witnessed in Taiwan. Activists on the island lament that the government has become so invested in the migration industry that substantial reform is essentially stymied—the self-reinforcing dynamics oiled by financial kickbacks hindering curtailment of the worst abuses.<sup>58</sup> Taking on a neoliberal program of fostering market competition may be one way of curbing runaways, but at a high price. However, from the perspective of many migrants—onto whom the costs are inevitably devolved—the price may be too dear already.

## Notes

- 1 For a formal definition, see Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008), 154.
- 2 Massey *et al.*'s (1990) study of social networks in migratory flows in movement between Mexico and the United States is a touchstone of this now popular line of analysis. See Douglas Massey, Rafael Alarcon, Jorge Durand, and Humberto Gonzalez, *Return to Atzlan: The Social Process of International Migration from Western Mexico* (Berkeley: University of California Press, 1990).
- 3 See David Kyle and Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives* (Baltimore, Del.: Johns Hopkins University Press, 2001); Robin Cohen, *Global Diasporas: An Introduction* (London: University College London Press, 1997); and John Salt and Jeremy Stein, "Migration as a Business: The Case of Trafficking," *International Migration* 35, no. 4 (1997): 467–94, on the former; and Rubén Hernández-León, *The Migration Industry in the Mexico–US Migratory System*, [scholarship.org/uc/item/3hg44330](http://scholarship.org/uc/item/3hg44330), on the latter. Abello sketches the role of these intermediaries in the growing commercialization of emigration in Asia: see Manolo Abello, "Asian Policies on Labour Migration," in *International Migration Systems: A Global Approach*, eds. Mary Kritz, Lin Lean Lim, and Hania Zlotnik (Oxford: Oxford University Press, 1992), 270–74.



- 4 David Spener, "Some Critical Reflections on the Migration Industry Concept," paper presented at the Migration in the Pacific Rim Workshop, University of California, Los Angeles, May 2009.
- 5 A handful of scholars of emigration have provided notable exceptions to this trend. Hugo and Stahl, for example, analyze how states may enhance, control, or harness emigration by working in conjunction with the "private labor export industry": see Graeme Hugo and Charles Stahl, "Labor Export Strategies in Asia," in *International Migration: Prospects and Policies in a Global Market*, eds. Douglas Massey and J. Edward Taylor (Oxford: Oxford University Press, 2004), 174–200. Gross and Lindquist describe the ways the Philippine government works with and against private emigration industry actors. In cases where the state treats the labor power of its citizens as a resource for export, it becomes necessarily enmeshed in the business of migration: see Jon Gross and Bruce Lindquist, "Conceptualizing International Labour Migration: A Structuration Perspective," *International Migration Review* 29, no. 2 (1995): 317–51.
- 6 Examples include Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008); and John Salt and Jeremy Stein, "Migration as a Business: The Case of Trafficking," *International Migration* 35, no. 4 (1997): 467–94.
- 7 Robert Wade, *Governing the Market: Economic Theory and the Role of Government in East Asian Industrialization* (Princeton: Princeton University Press, 1990), 5.
- 8 Chalmers Johnson, *MITI and the Japanese Miracle: The Growth of Industrial Policy, 1925–1975* (Stanford: Stanford University Press, 1982).
- 9 See Peter Evans, *Embedded Autonomy* (Princeton: Princeton University Press, 1995), 47–60.
- 10 Japan, though, shed authoritarian rule much earlier.
- 11 The program also opened doors to highly skilled workers, but without the quotas, time limits, and work restrictions placed on their lower-skilled colleagues. For an overview on migration to Taiwan in the late 1980s and early 1990s, see Ching-Lung Tsay, "Taiwan: Labor Importer," *ASEAN Economic Bulletin* 12, no. 2 (1995): 175–90; Joseph Lee, "Taiwan," in *Immigration Worldwide: Policies, Practices and Trends*, eds. Uma Segal, Doreen Elliot, and Nazneen Mayadas (Oxford: Oxford University Press, 2010), 335–53; and Lorna Kung, *Taiwan's Labor Migration Policy and the Impact of the Financial Crisis on Migrant Workers*, [smc.org.ph/misa/uploads/country\\_reports/1285920042.pdf](http://smc.org.ph/misa/uploads/country_reports/1285920042.pdf). For an examination of the economic and political interests involved in developing the scheme, see Robert Tierney, "The Guest Labor System in Taiwan: Labor Market Considerations, Wages Injustices, and the Politics of Foreign Labor Brokerage," *Critical Asian Studies* 39, no. 2 (2007): 205–28.
- 12 Full figures can be found in the Council of Labor Affairs, *Statistic Book of Employment and Vocational Training Administration* (2010).
- 13 The government estimates that migrants accrue between US\$3,500 and \$4,500 in debt when entering the country. Low-end and high-end figures can be found in Lorna Kung, *Taiwan's Labor Migration Policy and the Impact of the Financial Crisis on Migrant Workers*, [smc.org.ph/misa/uploads/country\\_reports/1285920042.pdf](http://smc.org.ph/misa/uploads/country_reports/1285920042.pdf), 3, 8.

- 14 For an overview of the quota system, see Raymond Chan, "Taiwan's Policy Toward Foreign Workers," *Journal of Contemporary Asia* 28, no. 3 (1999): 383–400. For recent tweaks to the system see *Migration News*, "Taiwan. Migrant Policy Evolution," migration.ucdavid.edu/mn/more.php?id=3307. Robert Tierney, "The Guest Labor System in Taiwan: Labor Market Considerations, Wages Injustices, and the Politics of Foreign Labor Brokerage," *Critical Asian Studies* 39, no. 2 (2007): 205–28, offers the most trenchant account on both scores.
- 15 For an incisive analysis of the competitive markets for quotas, see Pei-Cha Lan, "Legal Servitude, Free Illegality: Migrant 'Guest' Workers in Taiwan," in *Asian Diasporas: New Conceptions, New Frameworks*, eds. Rachel Parreña and Lok Siu (Stanford: Stanford University Press, 2007), 253–77.
- 16 Lan, "Legal Servitude, Free Illegality"; and Lorna Kung, *Taiwan's Labor Migration Policy and the Impact of the Financial Crisis on Migrant Workers*, smc.org.ph/misa/uploads/country\_reports/1285920042.pdf.
- 17 The figures are from Amy Loveland, "Positioning the Product: Indonesian Migrant Women Workers in Contemporary Taiwan," *Working Paper* 43, Southeast Asian Research, Hong Kong: City University of Hong Kong, 2003: footnote 13.
- 18 By 2004 just under 5 percent of foreign workers ran away, though some found better work conditions in the informal economy. See Pei-Cha Lan, "Legal Servitude, Free Illegality: Migrant 'Guest' Workers in Taiwan," in *Asian Diasporas: New Conceptions, New Frameworks*, eds. Rachel Parreña and Lok Siu (Stanford: Stanford University Press, 2007), 253–77.
- 19 Robert Tierney, "The Guest Labor System in Taiwan: Labor Market Considerations, Wages Injustices, and the Politics of Foreign Labor Brokerage," *Critical Asian Studies* 39, no. 2 (2007): 224–25.
- 20 See Amy Gurrowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State," *World Politics* 51, no. 3 (1999): 413–45; Atsushi Kondo, "Citizenship Rights for Aliens in Japan," in *Citizenship in a Global World: Comparing Citizenship Rights for Aliens*, ed. Atsushi Kondo (New York: Palgrave, 2001).
- 21 On the interests at stake in and the process of reform, see Takamichi Kajita, "Nihon no Gaikokujin Rōdōsha Seisaku," in *Kokisaika Suru Nihon Shakai*, eds. Takamichi Kajita and Takashi Miyajima (Tokyo: Tokyo University Press, 2002); and Takishi Hachiya, "Gaikokujin Rōdōsha Mondai Ukeire to Seifu, Keizaikai no Tachiba," *Kikan Rōdō Hō* 164 (1992): 42–57.
- 22 Some 90,000 Peruvians also qualified and are treated the same, with approximately 60,000 now registered in Japan. Because their numbers are dwarfed by those of their larger neighbors, I will refer mainly to the Brazilian-Japanese for the sake of parsimony.
- 23 On the vicissitudes of these reforms, see Takamichi Kajita, "Kairi Suru Nashonarizumu to Esunishiti," in *Shiminsei no Henyō to Chiiki, Shakai Mondai*, eds. Aoi Kazuo, Kōkichi Shōji, and Tōru Takahash (Tokyo: Azusa Press, 1999); Yasushi Iguchi, *Gaikokujin Rōdōsha Shinjidai* (Tokyo: Chikuma Shinsho, 2005); Takamichi Kajita, Kiyoto Tanno, and Naoto Higuchi, *Kao No Mienai Teijūka. Nikkei Burajirujin to Kokka Shijō Imin Nettowaaku* (Nagoya, Japan: Nagoya University Press, 2005); and Nana Oishi, "Training or Employment? Japanese Immigration Policy in Dilemma," *Asian Pacific Migration Review* 4, no. 2–3 (1995): 367–85.

- 24 The *Daily Yomiuri* newspaper has reported that JITCO charges between \$55 and \$110 for each case it processes (including the yearly contract renewals), and member firms pay between \$500 and \$3,000 in participation fees, depending on their size. See *Daily Yomiuri*, "Training Entity Held Strings for Trainee Visas," 8 November 2006. On the organization of JITCO, see Tadao Uemoto, "Gaikokujin Kenshūsei no Seibōryoku Higai Saiban no Tenmatsu," in *Gaikokujin Kenshūsei Jikyū 300 En no Rōdōsha*, ed. Gaikokujin Kenshūseikenri Nettowaaku, vol. 2 (Tokyo: Akashi Shoten, 2009).
- 25 Takamichi Kajita, "Kairi Suru Nashonarizumu to Esunishiti," in *Shiminsei no Henyō to Chiiki, Shakai Mondai*, eds. Aoi Kazuo, Kōkichi Shōji, and Tōru Takahash (Tokyo: Azusa Press, 1999).
- 26 Kristin Surak, "Convergence in Foreigners' Rights and Citizenship Policies? A Look at Japan," *International Migration Review* 42, no. 3 (2008): 550–75.
- 27 Higuchi refers to this configuration as a "market-mediated migration system." See Naoto Higuchi, "Brazilian Migration to Japan: Trends, Modalities, and Impact," Working Paper for the Expert Group Meeting on International Migration and Development in Latin American and the Caribbean, United Nations Population Division, 2006.
- 28 Higuchi, "Brazilian Migration to Japan." In the series of large-scale surveys between 1998 and 2000, Higuchi also found that dependence on such services decreased with educational attainment, as those with college degrees relied more frequently on their personal savings. For an informative ethnography of migration from Brazil to Japan, see Takeyuki Tsuda, *Strangers in the Ethnic Homeland* (New York: Columbia University Press, 2003).
- 29 Higuchi, "Brazilian Migration to Japan."
- 30 Niel M. Coe, Jennifer L. Johns, and Kevin Ward, "Limits to Expansion: Transnational Corporations and Territorial Embeddedness in the Japanese Temporary Staffing Market," *Global Networks* 12, no. 1 (2012): 22–47.
- 31 Naoto Higuchi, "Brazilian Migration to Japan: Trends, Modalities, and Impact," Working Paper for the Expert Group Meeting on International Migration and Development in Latin American and the Caribbean, United Nations Population Division, 2006, 4.
- 32 Spener suggests this possibility: see David Spener, "Some Critical Reflections on the Migration Industry Concept," paper presented at the Migration in the Pacific Rim Workshop, University of California, Los Angeles, May 2009.
- 33 See Nana Oishi, "Training or Employment? Japanese Immigration Policy in Dilemma," *Asian Pacific Migration Review* 4, no. 2–3 (1995): 367–85.
- 34 The government does little to ease the experience. As in other Singapore-style guestworker schemes, regular health checks are imposed, family reunification and marriage are forbidden, and participants must leave Japan, with no possibility of return.
- 35 According to government records, at least 127 trainees died between 2005 and 2010—a 1:2,600 death rate that is unusually high for youth who must pass a thorough health exam.
- 36 Apichai Schipper, *Fighting for Foreigners: Immigration and its Impact on Japanese Democracy* (Ithaca: Cornell University Press, 2008), provides an orienting analysis of migrant NGOs in Japan.

- 37 On the dulled impact of civic groups on policies affecting migrants, see Deborah Milly, "Policy Advocacy for Foreign Residents in Japan," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspective*, ed. Takeiuki Tsuda (Lanham, Md.: Lexington Books, 2006), 147–69.
- 38 As of 2003, all of KITCO's CEOs have been retired Immigration Office officials. Corruption makes for a lucrative job, and a number of KITCO officials have been arrested for bribery, including its chairman in 1995, its director and manager in 1996, and various staff members in 1997. For a detailed history of the ITTP, see Dong Hoon Seol and John Skrentny, "South Korea: Importing Undocumented Workers," in *Controlling Migration: A Global Perspective*, eds. Wayne Cornelius, Takeyuki Tsuda, Phillip Martin, and James Hollifield (Stanford: Stanford University Press, 2004), 475–510. Kim covers a broader territory in his historical overview of migration to the Republic of Korea (ROK): see Andrew Eungi Kim, "Global Migration and South Korea: Foreign Workers, Foreign Brides and the Making of a Multicultural Society," *Ethnic and Racial Studies* 32, no. 1 (2009): 70–92. For a more critical evaluation of multicultural outcomes, see Hyun Mee Kim, "The State and Migrant Women: Diverging Hopes in the Making of Multicultural Families in Contemporary Korea," *Korea Journal*, winter (2007): 100–22.
- 39 Later, the Construction Association of Korea, the National Federation of Fisheries Cooperatives, and the National Agricultural Cooperative Federation were added as implementing agencies. For an insightful overview of the ITTP, see Dong Hoon Seol, "NGOs, Trade Unions, and Employers Associations in Contested Terrain: Mobilizing the Public Opinions for/against Foreign Labor Policies of Korea, 1995–2005," paper presented at the International Studies Association Annual Meeting, Honolulu, 2005.
- 40 This was apparently preferable to losing the \$300 that companies deposited with the KFSB to ensure they retained the migrant. Recruiters also had to deposit \$100 with the KFSB, returned only after the migrant left the country. See Kil-Sang Yoo, *Korea*, OECD Country Report (Paris: Organisation for Economic Co-operation and Development, 2003).
- 41 Timothy C. Lim, "NGOs, Transnational Migrants, and the Promotion of Rights in South Korea," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspectives*, ed. Takeyuki Tsuda (Lanham, Md.: Lexington Books, 2006), 235–71.
- 42 With a long history of anti-government activism, civil society in South Korea is strong. As of 2004 there were at least 150 migrants' rights organizations. On the role of civil society groups in expanding migrants' rights, see Timothy Lim, "Racing from the Bottom in South Korea? The Nexus Between Civil Society and Transnational Migrations," *Asian Survey* 43, no. 3 (2003): 423–42.
- 43 For a detailed history of the EFWA, see Yong-Wook Lee and Hyemee Park, "The Politics of Foreign Labor Policy in Korea and Japan," *Journal of Contemporary Asia* 35, no. 2 (2005): 143–65; and Dong Hoon Seol, "Migrant Workers in the Midst of Reforming Foreign Labor Policy in Korea," in *Xen: Migration, Labor and Identity*, eds. Yong Soon Mi and Allan de Souza (Seoul, South Korea: Samzie Space, 2004), 26–30.
- 44 This is sometimes translated as the Employment Permit System (EPS).
- 45 The ITTP still exists, but in miniature form. Companies with foreign subsidiaries can recruit trainees, though the program operates on a much smaller scale than in the past.

- 46 In-Jin Yoon, "A Comparative Analysis of Immigration Policy in South Korea and Taiwan: With a Focus on Foreign Migration Workers," working paper, series 3, Asiatic Research Institute, Seoul, 2009.
- 47 For a subtle analysis of the legal vicissitudes surrounding the changing visa statuses open to Chinese-Koreans, see Chulwoo Lee, "How Can You Say You're Korean? Law, Governmentality, and National Membership in South Korea," paper presented at the Law and Society Annual Meeting, Chicago, 2010.
- 48 However, the state's initial reluctance to build a smooth road of entry for some co-ethnics suggests that its moves do not resemble those of the Japanese government, which cloaked its co-ethnic labor migration scheme in internationally acceptable standards. On the politics behind co-ethnic entrance policies, see Nora Hui-Jung Kim, "Korean Immigration Policy Changes and the Political Liberals' Dilemma," *International Migration Review* 43, no. 2 (2008): 576–96.
- 49 Not formally a type of labor migration, marriage migration may, in practice, serve as another means to the same end. Three quarters of foreign women who enter marriages through brokers cite economic reasons as the main motive behind their move, and they have a higher rate of participation in the labor force and work longer—an average of 47 hours per week—than do Korean women: see Dong Hoon Seol, "Women Marriage Immigrants in Korea: Immigration Process and Adaptation," *Asia Pacific Forum* 33 (2006): 32–59. Bachelors may take on spouses as a cost-saving extra hand in the family business or a cheaper version of a domestic worker, and some foreign brides view marriage as an easier path to enter the labor market than applying for an EPP visa.
- 50 Figures in Hyun Mee Kim, "The State and Migrant Women: Diverging Hopes in the Making of Multicultural Families in Contemporary Korea," *Korea Journal*, winter (2007): 100–22.
- 51 Small-scale "marriage counsellors," who received both matchmaking fees and a bonus for successful marriages between Koreans, were increasingly edged out by larger "marriage information businesses" that did not collect bonus fees, and many counsellors turned to the international marriage market for new customers: see Dong Hoon Seol, "Women Marriage Immigrants in Korea: Immigration Process and Adaptation," *Asia Pacific Forum* 33 (2006): 32–59.
- 52 The competition is much tighter in the popular Vietnamese market than in the Chinese or Filipino markets: see Dong Hoon Seol, "Women Marriage Immigrants in Korea: Immigration Process and Adaptation," *Asia Pacific Forum* 33 (2006): 32–59. The system is based on the business model set up in Taiwan in the late 1980s.
- 53 For many women participating, these partnerships represent an alternative entry on a labor recruitment scheme—and indeed many brokers sell it as such. However, only a minority luck into the ideal situation of being granted the independence to work, create a life of their own, and send money home. Many are shocked to find themselves under the thumb of domineering mothers-in-law, violence is common among the poor, rural men refused by Korean women, and an increasing number of these bachelors are tying the knot only to secure cheap domestic workers to care for aging parents: see Hyun Mee Kim, "The State and Migrant Women: Diverging Hopes in the Making of Multicultural Families in Contemporary Korea," *Korea Journal* (winter 2007): 100–22.

- 54 Timothy C. Lim, "NGOs, Transnational Migrants, and the Promotion of Rights in South Korea," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspectives*, ed. Takeyuki Tsuda (Lanham, Md.: Lexington Books, 2006), 111–12, citing a 2006 policy report by Han and Seol, "Matchmaking Agencies and their Regulation Policies in Korea."
- 55 Timothy C. Lim, "NGOs, Transnational Migrants, and the Promotion of Rights in South Korea," in *Local Citizenship in Recent Countries of Immigration: Japan in Comparative Perspectives*, ed. Takeyuki Tsuda (Lanham, Md.: Lexington Books, 2006), 12.
- 56 Hovering around 1.22, South Korea's fertility rate is the lowest in the world.
- 57 The law also narrowed the common-sense definition of "multicultural families" to include only unions between Koreans born in South Korea and foreigners. See Hyun Mee Kim, "The State and Migrant Women: Diverging Hopes in the Making of Multicultural Families in Contemporary Korea," *Korea Journal*, winter (2007): 100–22, for an acute analysis of multicultural policies and marriage migrants.
- 58 For an application to the Taiwanese case, see Robert Tierney, "The Guest Labor System in Taiwan: Labor Market Considerations, Wages Injustices, and the Politics of Foreign Labor Brokerage," *Critical Asian Studies* 39, no. 2 (2007): 223–26.

# 5 The neoliberalized state and the growth of the migration industry

*Georg Menz*

- **The outsourcing of migration control**
- **Appointing new gatekeepers: the outsourcing of control to transportation companies**
- **Outsourcing migration detention**
- **Conclusion**

The regulation of migration reflects not only the interplay of societal actors and their relative power resources, but also the configuration of the state apparatus and its ideological preoccupations. Whilst European governments have re-engaged with the notion of actively solicited migration since the early 2000s, such labor migration ultimately comprises only one quantitatively limited access channel within the broader paradigm of managed migration. The flipside of such re-discovery of actively solicited economic migration and the attendant attempt to compete for human resources with classic countries of emigration is a much more restrictive approach towards migrant categories that not only arrive spontaneously and in an uninvited fashion but that are, moreover, deemed a potential economic burden.

There are a number of lacunae in the existing migration scholarship in political science, at least three of which are worth highlighting. First, an ontological and methodological bias in the existent literature on idiosyncratic national models of immigration and integration still lingers, often obscuring the view for commonalities in migration regulation in countries with similar levels of socioeconomic development, notwithstanding certain differences in the legacies or philosophical approaches towards migration regulation. Such “stamps, coins and flags” approaches, for all their empirical richness, may impede meta-level attempts at theorizing migration regulation, inflating the importance of national idiosyncrasies. Second, the state is commonly undertheorized and simply taken for granted as is. Interestingly, the neo-Marxist-inspired accounts

of the 1970s were much more advanced in this regard, critically reflecting on the role of the state and the motivation of its involvement in migration regulation. In much of the scholarship since, the state is treated as a black box, whose role need not inspire critical reflection, despite fundamental and transformational underlying changes in state–society relations since the late 1970s. Third, considerations of political economy, even fairly evident macro-level shifts in terms of focus and category of production, which might be slightly simplistically summarized by referring to the shift from Fordism to post-Fordism, are similarly conspicuously absent from analytical accounts, yet it is beyond doubt that economic and economic considerations shape migration patterns.

The main emphasis of this chapter will focus on the second point. As this volume argues, a migration industry has emerged partially in response to more restrictive policies that aim to aid potential migrants in negotiating or even circumventing practical barriers to migration, regardless of the legality of such actions. This encompasses economic activities in a legal gray zone—or indeed well beyond the realm of legality—that have emerged in response to state regulation of migration, both in concrete physical terms and in the slightly more abstract sense of regulating migration categories.

Some of the activities of this migration industry, however, are of a different nature and emerge in collaboration with the state apparatus. Far from being the monolithic leviathan of caricature, the contemporary Western state has, in fact, been subject to the paradigmatic shift implied in the ideological embrace of neoliberalization and though the extent of this shift varies considerably across countries, its implications entail the involvement of private-sector providers in aiding in migration regulation. This perfectly legal and in some cases growing component of the migration industry is thus an outgrowth of the implementation of reforms inspired by the paradigm of new public management that envisioned the state as being overloaded, potentially parasitic and almost certainly inefficient. Though the activities of other components of the migration industry may well be illegal, however, the entrepreneurial risk-taking Schumpeterian spirit of its key protagonists ironically sits very well with the broader zeitgeist of a neoliberal age. There are thus economic activities, often highly lucrative in nature, that are associated with migration processes and that are either sanctioned by the state and consist of outsourced devolved activities or involve activities that aim to counteract state regulations by circumventing physical and legal barriers.

This chapter focuses on empirical developments regarding the privatization and outsourcing of migration management in the United Kingdom, the Netherlands and Germany, the United States and Australia.<sup>1</sup>



It argues that the involvement of private actors is most pronounced where neoliberalization is most advanced. This claim informs the case selection. The argument is put forward that migration management is increasingly influenced by broader macroeconomic considerations, including prominently the rise of new public management in public policy design, but also financial and political blame-avoidance strategies. Privatization and outsourcing does not necessarily imply that migration control is carried out by private actors in lieu of actions otherwise taken by public authorities. Instead, the state involves private actors in migration enforcement in addition to maintaining—and often extending—a state migration management apparatus. The involvement of airlines, shipping companies and private security companies thus provides an additional layer of migration management and does not automatically result in the retreat of the state. In fact, such private actors are commonly bound by contractual arrangements, though following the classic principal-agent dilemma, privatization, once pursued, may well create self-reinforcing dynamics and lock-in effects with the growth of a migration prison industry complex that is difficult to control and curtail. In exploring the broader context of tectonic changes in political economy, it also becomes possible to account for changes in migration management that an earlier contribution by Guiraudon and Lahav charts, but ultimately struggles to categorize.<sup>2</sup> Migration control is indeed being extended “upwards, ... downward ... and outward”,<sup>3</sup> yet these processes do not unfold in a random fashion, but rather are intrinsically linked to functions traditionally considered part of the core domain of state responsibility being outsourced to private actors.

It is simply erroneous to assert that states have lost their control capacity.<sup>4</sup> Instead, they have sought new channels and mechanisms of control, including greater involvement of private-sector actors. In fact, the neoliberal state is not necessarily lean or residual in all areas. It has prioritized preoccupations about establishing business-friendly investment conditions. By no means does this imply a retreat or reduction of the punitive and disciplinary state functions and related capacities. If anything, the punitive, repressive and controlling elements of state power are expanded, whilst economic “embedding” functions central to the Keynesian-dominated welfarist state are abandoned. Earlier state theorists, notably Poulantzas, forecast a dichotomy between a liberalized economy and an increasing control and surveillance regime aimed at those considered deviant or somehow ill-fit to contribute to the accumulation process.<sup>5</sup>

[I]t seems to be precisely this incapacity to make a clear distinction between “threats” and “resources”, between the “dangerous” and

the “laborious” classes or, to follow another sociologically successful dichotomy, between “social junk” and “social dynamite”, which compels the institutions of social control to regroup whole sectors of the post-Fordist labour force as “categories at risk”, and to deploy consequent strategies of confinement, incapacitation and surveillance.<sup>6</sup>

Wacquant makes a similar argument that stresses the rise of the disciplining penal state, which renders what are often mere survival strategies into pathological and deviant behavior, thus “penalizing the poor.”<sup>7</sup> The state thus involves private-sector actors in the detention, prevention and control of migration flows, especially those considered unwanted. Transportation companies are incorporated into the design of migration flow management and, in some cases, private security companies manage detention facilities. Zolberg helpfully referred to the geographical shift of control as constituting “remote control” migration detention.<sup>8</sup>

The involvement of private actors creates new policy dynamics in at least three different ways. First, path-dependent lock-in effects are being created that shape—but do not determine—subsequent developments. The privatization of detention facilities has proven in practice to be a self-perpetuating policy choice that seems difficult to limit or undo, even after a change in government. Second, new actors in migration policy present a potential for regulatory capture in the sense of agents successfully influencing the principal’s position. This is somewhat ironic, given that privatization was often pursued to widen margins of maneuver by allowing speedy and flexible provision of detention space, unencumbered by lengthy public-sector routines. Interest groups, “by creating structures to control or adapt to uncertainty ... have contributed to the development of a more complex and rapidly changing policy environment.”<sup>9</sup> Third, involvement of private-sector companies can also be seen as a way of extracting oneself from accountability and avoiding the often-unpleasant implementation of the most immediate and potentially aggressive forms of direct interaction with migrants.

### **The outsourcing of migration control**

Existing accounts of state sovereignty in migration often ignore the complex dynamics of involving private actors in migration control. Such debates also often do not appreciate the implications of the structural transformation of the capitalist state. In the 1980s, the embrace of neoliberalism first in the United Kingdom and the United States and subsequently, to different degrees, throughout Western Europe, Australia and elsewhere prompted the diagnosis of a “hollowed-out” state.<sup>10</sup>

Concomitantly, new public management approaches introduced more market-oriented guidelines for procurement, internal management and public resources policy of public administration so as to deliver similar results with greater cost efficiency. The involvement of private actors in migration detention and prevention management was very much influenced by these approaches, for it promised a retreat of the state, the end of state monopoly service provision in this area, the alleged efficiency and flexibility gains associated with private-sector involvement, and potentially reduced costs, although this latter point did not feature prominently in policy and public debates at the time. In fact, there is no scholarly consensus on the question of whether privatization of prisons affords savings or may not create perverse incentives that will result in more detention and consequently higher costs.<sup>11</sup>

The emergence of post-Fordist production patterns, the abandonment of Keynesianism and the embrace of neoliberalism as a dominant paradigm in macroeconomic policy design have reshaped the nature of the contemporary state with important repercussions for migration management.<sup>12</sup> This link between the neoliberal restructuring of the state and migration regulation remains underexplored and underappreciated.<sup>13</sup> Milton Friedman declared on this issue:

A new ideology ... must give high priority to limiting the state's ability to intervene in the activities of the individual. At the same time, it is absolutely clear that there are positive functions allotted to the state ... [N]eoliberalism argues that it is competition that will lead the way. The state will police the system, it will establish the conditions favourable to competition ... Citizens will be protected against the state, since there exists a free private market, and the competition will protect them from another.<sup>14</sup>

These elements of neoliberalism can be readily identified in the outsourcing of migration control to private actors. Cost shifting, blame avoidance, and ideological preference for private-sector providers all play roles in the outsourcing of direct control functions to transportation companies, including airlines, trucking and shipping companies. Migration control by remote control offers the advantage of shifting the financial burden—and also the blame in cases of non-compliance or accidents—to third actors. States have also privatized detention of migrants, often concomitantly or even ahead of the privatization of prisons, in what might appear to be an exercise in testing feasibility.

Migration management against the backdrop of a neoliberal reconceptualization of the state and its tasks does not entail ending migration

flows altogether. Human resources matter greatly and migrants are warmly welcomed or at least tolerated, as long as they promise to contribute to accumulation. The flipside of newly liberalized economic migration policies are more restrictive practices towards unsolicited migration flows, characterized as constituting an economic drain and a potential political threat. Neo-Marxist accounts of migration in the 1970s already highlighted the reserve army of labor function that the post-war labor migrants often involuntarily inhabited, encouraged by business–government alliances.<sup>15</sup> The renaissance of actively solicited economic migration in Europe in the early 2000s and its endurance in the United States and Australia are thus perhaps not altogether remarkable. The neoliberalized state is inclined to a class-biased representation of interests because it considers its responsibilities towards lower socioeconomic segments of society as consisting of control and surveillance<sup>16</sup> and, where and if still possible, in re-commodifying “deviant” individuals who seek to escape the confines of wage labor. What seems genuinely novel and a worthy object of analysis, however, is that such disciplining functions, including vis-à-vis migrants, can be outsourced to private-sector actors, even if they touch upon the Weberian monopoly over the legitimate use of force.

It is hardly surprising that governments take a keen interest in regulating the composition of the population, a control function referred to in Foucault’s terms as “biopower.” However, the way in which governments attempt to do so is understood differently depending on the perspective adopted. The neo-Marxist-inspired state theorists of the 1970s emphasized three key points, which need to be addressed in the following. First, there is Poulantzas’s understanding of the state as being largely insulated from societal pressures, yet nevertheless being far from monolithic to the extent that the so-called “power bloc”—a congregation of influential political, social and economic actors—in its internal power politics, institutional rearrangement and struggle for domination, influences the state’s stance and positioning. This element is used, albeit in a much more pluralistic fashion, by highlighting the powerful role of private actors and their vested interests, lock-in effects they help perpetuate, and attempts to become or remain part of the power bloc. Second, the state retains its autonomy. The concept of neoliberalization, therefore, should not be read as a crude and vulgar Marxist allegation of the state being the executive tool of capitalist interests. State autonomy will be defended, but this does not preclude, of course, that in individual areas of state activity regulatory capture *de facto* has ensued, or indeed that such autonomy truly prevails comprehensively and is not largely rhetorically alleged for political reasons. Third, the

state needs to guarantee its own underlying material resources and thus assure its reproduction over time. This means that the earlier two points of state control may not grow so financially burdensome as to jeopardize the very means of reproduction of the state apparatus and the aims it serves. This obviously highlights an alternative explanation for the shedding of control functions and their outsourcing to private companies. Neoliberalization since the mid-1970s was thus also a response to the (perceived) overload of the state and a purported solution to a financially unsustainable array of activities.

However, neoliberalization is not the only pertinent factor. Policy making institutions and rules of the game shift drastically—and, it would appear, irreversibly—once private-sector actors become involved in migration control. While the immediate rationale underpinning the involvement of private sectors was almost entirely due to a neoliberal obsession over alleged efficiency gains, the ideological faith in the superiority of private-sector solutions per se, and alleged cost savings, once such a transition has been made, self-perpetuating and self-enhancing effects are created that are difficult to counter.

As in earlier work, I emphasize the institutional idiosyncrasies of different national models of politico-economic governance that are deemed largely irrelevant in the more abstract theoretical accounts of the state.<sup>17</sup> It would be misleading to discount such different incarnations of capitalism and the attendant differences in expected outcome. Thus I hypothesize that the degree of neoliberalization matters in terms of the involvement of private actors in carrying out functions of transport, detention, prevention and deportation of migrants. The case selection consequently juxtaposes three countries with relatively high degrees of neoliberalization—Australia, the United Kingdom and the United States—with two countries in which this process is much less advanced, namely the Netherlands and Germany.

### **Appointing new gatekeepers: the outsourcing of control to transportation companies**

Obvious problems affecting the accumulation process in the mid-1970s precipitated more restrictive migration policies and ended active recruitment of labor migration throughout Western Europe. The United States and Australia similarly reconsidered their migration quotas. However, in lieu of other sizable legal access channels, family reunion and, increasingly, political asylum emerged as principal migration categories. This rise in humanitarian categories of migration entailed individuals who were perceived as difficult to integrate into the labor market. Political

instability in the 1970s led to dramatic increases in numbers of refugees worldwide. Consequently, by the mid-1980s Western European governments were exploring new mechanisms of controlling and impeding migration flows that arrived spontaneously and outside of tightly constrained economic migration channels. With the Iron Curtain still restricting land access, the key mode of transport was via air and to a lesser extent seaways. Classic emigration countries such as Australia and the United States had long since implemented legal provisions permitting either the imposition of fines or at least obliged transportation companies to remove non-admitted foreign nationals. An early precedent was the 1793 United Kingdom Registration of Aliens Act, which obliged ship captains to report numbers, names and occupations of foreign passengers to local port authorities upon arrival and introduced a £10 fine, raised to £20 in 1836, per passenger for whom such information was not provided. While airlines had always been required to check the documentation of passengers at point of embarkation under the terms of the 1944 Chicago Convention on International Civil Aviation (Annex 9), this document did not prescribe carrier sanctions and in fact expressly forbid them, however with an important caveat: “[carriers] shall not be fined in the event that any control document in possession of a passenger are found by a Contracting State to be inadequate or if ... the passenger is found to be inadmissible to the State” (Art. 3.36 Annex 9) *unless* “there is evidence to suggest that the carrier was negligent in taking precautions” (Art. 3.37.1).

The 1990 Schengen Implementing Convention obliged European Union (EU) member states to introduce carrier sanctions eventually, while the 27 June 2001 EU directive (EC 2001/51/EC, OJ L 187: 45), initiated by the French government, forces member states to do so with important ramifications both for the two member states without such provisions in national law—Ireland and Sweden—and, by implication, the 2004 and 2007 EU newcomers along with Norway, Iceland, and Switzerland. Schengen was preceded by national governments throughout Western Europe introducing carrier sanctions on what were then still largely government-owned “flag carriers” for carrying undocumented migrants. By the early 1990s privatization of the airlines was slowly turning this measure into a *de facto* form of privatization of migration detention.

The rationale behind the introduction of carrier sanctions was to impede unauthorized physical entry to Europe. Similar considerations motivated Australian and US policy makers. However, in Europe at least, the involvement of airlines in migration control, identification document verification and deportation coincided with the rise of neoliberal

ideology in the mid-1980s. In practice, most of the burden fell on airlines, since few migrants chose to enter Europe as stowaways<sup>18</sup> and trucking only played a minor role, and that primarily in the early 2000s as a means to cross the English Channel and enter the United Kingdom clandestinely.<sup>19</sup> Shipping today plays practically no role whatsoever anymore as a route of transportation for undocumented or “stowaway” migrants in northern Europe, although people “trafficking” using sea transport is, of course, commonplace in the Mediterranean.

This shedding of traditional responsibilities to private-sector actors met with little enthusiasm among the airlines. Though the authorities in some cases offered training and education measures (notably in Australia, Germany and the Netherlands),<sup>20</sup> it imposed significant financial burdens in terms of the obligation to repatriate and statutory fines. Even such training measures often involved a financial contribution by the airlines. In practice, it often proved difficult to enforce payment of fines levied, especially on foreign airlines. Annual expenditure for major European airlines on this aspect of migration management is around €50 million,<sup>21</sup> while in Australia 0.12 percent of all arriving airline passengers are refused entry and are consequently repatriated at the airline’s expense.<sup>22</sup> On top of preventive measures, constant training measures for employees and even research into “hotspots” for emigration and passport fraud, the airlines face the unpleasant specter of being obliged to carry deportees who commonly resist repatriation with the attendant negative implications for public relations, the hazardous impact on operational maintenance and the undesired attention of anti-deportation political activists.<sup>23</sup> For major European airlines that rely on revenues from transit passengers for the lucrative transatlantic routes, the control obligations imposed by North American governments also have important financial ramifications, as do transit passengers absconding themselves whilst in transit in the airlines’ European hubs.<sup>24</sup>

It is worth mentioning, if only in passing, that airlines are also implicated in the deportation of failed migrants, though the legal framework is a very different one and the financial implications are more clearly positive, notwithstanding the potential negative fallout regarding public perception and public relations more generally. Airlines also profit from ticket sales; one source suggests that British Airways received £4.3 million in 2006 alone for the transportation of returned migrants.<sup>25</sup> This appears a rather low estimate, given that throughout the 2000s in excess of 50,000 individuals were deported from the United Kingdom annually. In 2007, UK carrier XL Airways withdrew from a £1.5 million contract with the Home Office entailing the removal of failed asylum seekers to the Democratic Republic of the Congo. As the company

could extract itself without legal repercussions, some doubt is cast on the allegedly legal obligation to partake in deportation. In any case, deportation is big business in the United Kingdom: in 2009–10, 64,750 individuals were forcibly removed, necessitating a total spend of £18,073,370 on scheduled flights and £10,300,000 on chartered flights by the UK Border Agency.<sup>26</sup>

## **Outsourcing migration detention**

While the outsourcing of remote control was proceeding apace, the management of the detention of “undesirable” immigrants also commenced in the mid-1980s and coincided with an ideological infatuation with new public management principles. As the degree to which the privatization of migration detention seems to correlate directly with the neoliberalization of macroeconomic policy more generally, the empirical results from Europe are presented in the order of a continuum of neoliberalization. In addition, developments in the United States and Australia are juxtaposed with European trends and will be presented briefly.

In Europe, the United Kingdom was the first country to embrace the management of migration detention by private companies. The legislative foundation for detention was created in the shape of the 1971 Immigration Act. However, detention was intended as a tool for brief periods immediately prior to deportation. The UK Border Agency’s Enforcement Instructions and Guidance states, “Detention must be used sparingly, and for the shortest period necessary,”<sup>27</sup> though this appears to be frequently ignored in practice. As early as August 1970, the Conservative government contracted Securicor to manage a small detention facility in Harmondsworth near Heathrow Airport and a second one near Manchester Airport. Thus, the privatization of migration detention predates prison privatization. The early 1970s also witnessed the practice of holding detained migrants in prison, a practice only rendered illegal after passage of the 1999 Immigration and Asylum Act. In the late 1980s Securicor also used a converted car ferry to house detainees. In 2005, 10 detention centers in the United Kingdom focused exclusively on migration detention, six of which are managed by private-sector companies with a total capacity of 2,935 places, representing a significant increase from its capacity of 250 in 1993.<sup>28</sup> Strikingly, the contracts all involve only three multinational conglomerates, with recent consolidation and a bewildering array of trading names obfuscating the picture of what is an essentially oligopolistic market structure: GEO Group Limited, G4S and Serco. The former two are active in the United States and Australia as well. The contracts are lucrative,



with total costs charged to the Home Office per detainee, per week reaching £1,230.<sup>29</sup> G4S is also responsible for providing transportation services, including between detention centers and to deportation flights, to both the Home Office and to HM Prison Services. Despite repeated attempts made over a two-year period, representatives refused to be interviewed for this study. Details of the contracts regarding transportation are not in the public domain.

Jones and Newburn chronicle the privatization of select prisons in the United Kingdom in the late 1980s in detail, which developed in synchronicity and involving the same corporate actors as greater private-sector involvement in the management of migration detention centers.<sup>30</sup> By 1988, nearly half of all detained immigrants were held in privately managed facilities, be this in Harmondsworth or elsewhere, according to a survey by the Joint Council for the Welfare of Immigrants.<sup>31</sup> Ideological zeal, advocacy by the neoliberal think tank the Adam Smith Institute<sup>32</sup> and persistent lobbying from a UK subsidiary of the American company Corrections Corporations of America (CCA), as well as the fairly ideologically biased composition of the 1988 House of Commons Home Affairs Select Committee (including inter alia John Wheeler MP, who simultaneously served as Director General of the British Security Industry Association), were all contributory factors in the genesis of the 1991 White Paper: *Custody, Care and Justice: The Way Ahead for the Prison Service in England and Wales*.<sup>33</sup> During 1991 two prisons were contracted out to private security companies, with Campsfield Detention Centre in Oxfordshire becoming Britain's first major privately managed migration detention facility, run by Group 4 Securitas International (later G4S). G4S also managed two offshore detention centers in Coquelles and Calais in northern France.

The lock-in effects created became evident quickly, as new Home Secretary Jack Straw broke his promise within seven days of Labour winning the 1997 national elections that "at the expiry of their contracts a Labour government will bring these prisons into proper public control and run them directly as public services."<sup>34</sup> He agreed to two new privately financed prison deals immediately and was later to announce that all new prisons in England and Wales would be privately constructed and operated.<sup>35</sup> Hopes for a fresh approach to migration detention or the promised end to private-sector involvement were quickly squashed. While the 1998 White Paper, "Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum," promised a distinction between asylum seekers and undocumented migrants in detention treatment, reserving it for the latter category, in practice detention continued and new facilities came on stream. In fact, all new detention construction

was to be carried out by private companies under the Blair and Brown governments. Notwithstanding the claims of the Copenhagen School regarding the securitization of migration regulation or any nagging concerns over state sovereignty, the role of private actors was thus enhanced, not limited, over time.

In light of the high operating costs, perennially resurfacing problems with abusive treatment of inmates and an uncertain deterrence effect on would-be migrants, it seems surprising that the privatization course was not seriously questioned. Reports of abusive treatment of inmates were frequent.<sup>36</sup> A fire and major unrest at Yarl's Wood in Bedfordshire in February 2002 which erupted over alleged mistreatment of inmates a mere three months after the opening of the site, highlighted both the substandard quality of service and infrastructure provision and, in the detailed enquiry that followed the riots, the extremely tight schedule imposed on private contractors to construct the site.<sup>37</sup> Major disturbances have also been recorded at Campsfield, Lindholme and Harmondsworth over the years. A number of these centers have been the subjects of highly critical reports by the Chief Inspector of Prisons.<sup>38</sup> A number of scholars support the view that in the United Kingdom lock-in effects had been created. Harding argues that financing and contractual arrangements are designed to lock in governments with private contractor arrangements that are impossible to disentangle during the course of such contracts.<sup>39</sup> In addition, continuous lobbying (UK-SEC-1) proceeded apace. The profitability of immigration detention induces companies to play an "originating role" and act as policy entrepreneurs.<sup>40</sup> Feeley concurs: "Historically, entrepreneurs may have been the single-most important source of innovation ... Many—perhaps most—new forms of punishment in modern Anglo-American jurisdictions have their origins in the proposals of private entrepreneurs."<sup>41</sup> The predominant role that private contractors play in British migration detention management also, oddly, places the government in a relatively weak bargaining position and perhaps partially contributes to the feeble degree of oversight and accountability exercised. Key operational and financial details of the contracts between the Home Office and private contractors are treated as confidential and of a private contractual nature, which impedes oversight by parliament.

The privatization of detention facilities proved more politically contentious in most of the other continental European countries. In the Netherlands there are six detention centers and three "application centers." In 2005 a total of 12,485 were detained; in 2006, 12,480; in 2007, 9,595; and in 2008, 8,585. G4S is involved in operating the Detentiecentrum Zeist with 540 inmates, which is located in Soesterberg near

Schiphol Airport. Public outcry over harsh conditions at detention sites, which was sparked in part by a 27 October 2005 fire at the Schiphol Airport detention facility that resulted in the deaths of 11 detainees due to poor fire safety procedures, has gradually led to some reforms, in particular with respect to safety regulations at detention facilities.<sup>42</sup> The Minister of Justice resigned over the ensuing protest and a subsequent study by this ministry confirmed poor health and safety practices.<sup>43</sup>

In the Dutch debate, the introduction of private-sector companies has been relatively controversial and has consequently been undertaken only on a very limited scale. The main arguments used in favor were related to alleged efficiency and the potential for better value for money, yet the political backlash created by the incident at Schiphol has stalled any considerations of increased involvement of private-sector companies. Lobbying activities are somewhat less pronounced than in the United Kingdom. However, despite the Schiphol scandal in 2005, with earlier fires on the site reported in 2004 and 2003, the contract with G4S was extended in 2007 for another six years, suggesting a lock-in effect. G4S also provides approximately 50 percent of all security personnel for detention centers elsewhere, including in Zaandam, Rotterdam, and the Rotterdam-based detention boats.<sup>44</sup> Regular inspections are carried out by the Inspectorate for Sanction Implementation.

In Germany the privatization of detention has proven highly politically contested and ultimately did not proceed fully. Detention and indeed prison management is the responsibility of the individual states. However, there are currently three prisons (Burg, Offenburg, Hünfeld) in which private-sector companies are providing services. Hünfeld was a pilot project implemented by the right-wing Hesse state government in December 2005 after political agreement in the coalition treaty of 1999, despite significant resistance and vociferous criticism from the unions, the political opposition and a number of criminal justice experts. However, a legal panel within the Hessian State Ministry of Justice, briefed with examining the relevant legal framework, discovered that the criminal justice system is legally defined as being a component of the state's legal remit (*Staatshoheit*) and this, in light of Art. 33.4 of the German Basic Law, could therefore not be privatized. Consequently, Serco is providing general services to the prison, yet the wardens are civil servants and direct employees of the state of Hesse.<sup>45</sup> Both North Rhine-Westphalia and Brandenburg have tendered certain service provisions to private-sector companies. European Homecare operates reception and detention facilities at Düsseldorf Airport and at Büren. Given both legal concerns and political resistance to involving private-sector companies in such a sensitive policy domain, there is no interest in

broadening the remit of private-sector involvement. Political resistance combined with a comparatively low extent of neoliberalization thus led to only minimal involvement of private actors.

Outside of Europe the privatization of migration detention center management was pioneered in Australia and the United States. In both countries, the privatization of prisons and migration detention centers proceeded concurrently. Notably, the involvement of private actors has also been continued even after the election of center-left governments. Both ideological neoliberal considerations and arguments alleging costs savings have been used in justifying the outsourcing of detention management. In Australia, privatization of detention facilities commenced in 1997 under the conservative Howard government, though at the state level, prison privatization had already been pioneered by the conservative state government of Queensland with the Borallon Correctional Centre near Brisbane in 1988.<sup>46</sup> The 1992 Migration Amendment Act modifying the original 1958 Migration Act has rendered mandatory the detention of “unlawful immigrants,” including all asylum seekers, which had previously been only permitted but not prescribed. The new legislation also removed the previous maximum time limit to detentions of 273 days. The responsible Department of Immigration and Australian Citizenship (DIAC) first cooperated with Australasian Correctional Services (ACC), a subsidiary of the US Wackenhut Corrections Corporation, entering a 10-year general contract on 27 February 1998. Considerations of economizing, “value for money,” the United States as a role model, a new public management preference towards private-sector solutions and of capacity concerns in the public sector were all factors in the initial decision.<sup>47</sup> The Financial Management and Accountability Act 1997 obliges government procurement to be led by considerations of “value for money.” By 2001 DIAC was no longer convinced that ACC was providing this, but rather than re-thinking privatization altogether, DIAC simply re-tendered the job in August 2001, eventually deciding to replace ACC with Group 4 Falck on 27 August 2003.<sup>48</sup>

After a change in government in 2007 there were expectations that the new Labor government of Rudd would modify immigration policy significantly,<sup>49</sup> including bringing an end to the controversial offshore processing of refugees in Nauru and the Christmas Islands, known as the so-called “Pacific solution.” Indeed, mandatory detention was modified somewhat and rendered no longer applicable to asylum seekers not deemed to constitute a security threat. In addition, regular reviews of pending cases were introduced and a new ombudsman was appointed to review decisions and avoid the somewhat opaque style that had prevailed, especially in the offshore centers. However, the facilities in the

Christmas Islands were not closed down and, surprising to many and despite Labor's promise in opposition, the tender underway in 2007 was continued. Accused of breaking an election promise, Minister of Immigration and Citizenship Chris Evans explained the rationale:

The absence of alternative public service providers would require the extension of the current contract arrangements for a minimum of two years. The cancellation of the tender process would expose the Commonwealth to potential compensation claims from the tenderers ... The broader policy issues of public versus private sector management of detention services will be addressed following an evaluation at the end of the term of the contracts concluded as part of the tender process.<sup>50</sup>

A parliamentary enquiry into migration detention in August 2009 highlighted the persistent concerns of non-governmental organizations (NGOs) over the lack of scrutiny and accountability of private service provision and reiterated earlier criticism regarding poor-quality management, excessively high costs, and ineffective performance management systems.<sup>51</sup> Insisting that the standards of service provision had been raised in the new tender, in May 2009 Global Solutions Limited (GSL) was selected as the provider of services at the more low-security immigration residential housing facilities and transit accommodation, while Serco was awarded the contract for the 11 more high-security detention centers and related transportation services. Despite the promise of better value for money and higher standards of service, the fundamental course of privatization had not been reversed.

In the United States immigration detention itself is a relatively new phenomenon and the involvement of private companies spearheaded prison privatization. As early as 1979 the then Immigration and Naturalization Service (INS) began involving private companies in detainment of undocumented immigrants prior to hearings or deportation, whilst by 1988, 800 of the 2,700 foreigners in INS custody were held by private companies.<sup>52</sup> In 1983 the INS entered its first major contract with the newly founded CCA, established by the Corrections Commissioners of Tennessee and Virginia along with the Chairman of the Tennessee Republican Party in 1980. This company was to move into Britain and Australia and become a major international conglomerate. Shortly thereafter, the INS concluded a second contract with Wackenhut Services (since consolidated with GEO Group Limited), initially to build and operate a detention facility in Denver, Colorado.<sup>53</sup> Throughout the 1980s and 1990s both companies rapidly expanded their share of prison

place provision and—thanks in no small part to the Reagan administration’s punitive Sentencing Reform Act of 1984—the prison population rapidly swelled during these two decades. In immigration terms, the 1996 Illegal Immigration Reform and Immigration Responsibility Act proved a watershed, for it rendered even minor offences committed by legal residents grounds for mandatory detention and deportation and, in such cases, could also be applied retroactively. Consequently, the number of deportations doubled to nearly 60,000 between 1995 and 1997.<sup>54</sup> The INS continued to own a few facilities itself and cooperated with state and local authorities for the detention of immigrants. In 2010, 67 percent of all detainees were kept in state and county jails, 13 percent in facilities owned by the re-christened Immigration and Customs Enforcement (ICE) and 17 percent in privately owned facilities.<sup>55</sup> A recent study suggests that repeated cases of overcharging ICE for migrant detention by county governments and the spectacular growth in local prison facilities are the result of wrong incentives created by the outsourcing of migrant detention to local government.<sup>56</sup> Journalistic reports from California suggest that, there and elsewhere, such federal money has become a major source of revenue, amounting to US\$55.2 million in 2008 alone.<sup>57</sup>

The revival in the economic fortunes of CCA and GEO Group Limited, the two major private prison companies, along with smaller companies such as Cornell Corrections and Management and Training Corporation, commenced during the Bush Jr. administration. In June 2003, the ICE set out a 10-year strategy to remove all “removable aliens” from US territory, known as “Operation Endgame.”<sup>58</sup> Deportation levels rose to 349,000 by 2008 and average detention rates reached 31,345. Supporting the expansion of privately managed detention facilities, CCA’s total expenditure expanded from \$410,000 in 2000 to \$3 million in 2004.<sup>59</sup> Consequently, 13 percent of CCA’s revenue, which reached \$1.5 billion in 2008, came directly from ICE that year, federal contracts in total for 40 percent of revenue, and the company provided 50 percent of all private prison beds in the United States. GEO Group Limited, which reported \$1.2 billion in revenues for 2007, credits ICE for 11 percent and federal contracts for 27 percent of its operating revenue.

The increased efforts to raise levels of deportation and mandatory detention have rapidly led to increases in capacity needs and the private providers have exploited this new demand.

## **Conclusion**

The rise of private actors in the management of migration flows since the mid-1980s coincides with the embrace of neoliberal ideology, the

paradigmatic embrace of new public management and the involvement of private companies in punitive forms of societal steering. Both control and enforcement functions have been outsourced to private companies. Immigration policy management of physical access is characterized by the co-opting of transportation companies, while private security companies are involved in the operation of detention facilities. Strikingly, this involvement of private actors is more advanced in the more neoliberalized Anglo-American cases of the United Kingdom, Australia and the United States than it is in either Germany or the Netherlands. Privatization of migration detention often accompanies prison privatization and creates powerful lock-in dynamics, which render policy reversals extremely difficult. Despite the changes in governments in all three Anglo-American countries over the course of the past 30 years, the general policy of privatization of detention has not been reversed and barely modified, even under center-left auspices. Powerful lock-in effects have been created. There appears to be a forceful movement towards self-reinforcing dynamics in this principal–agent relationship.

## Acknowledgments

Field research was supported by a grant from the British Academy, for which the author would like to express his gratitude.

## Notes

- 1 Reference is made to several personal interviews, including: DE-TRANS-1, an interview with a representative of a German airline; DE-TRANS-2, an interview with a representative of a German trucking sector interest association; UK-TRANS-1, an interview with a representative of a British airline; UK-TRANS-2, an interview with a representative of a British trucking sector interest association; UK-SEC-1, an interview with a representative of a British security sector interest association; NL-SEC-1, an interview with a representative of a Dutch security company; AUS-GOV-1, an interview with the Australian Ministry for Immigration and Citizenship; AUS-GOV-2, an interview with the Australian Ministry for Immigration and Citizenship; and US-GOV-1, an interview with US Immigration and Customs Enforcement.
- 2 Virginie Guiraudon and Gallya Lahav, “A Reappraisal of the State Sovereignty Debate: The Case of Migration Control,” *Comparative Political Studies* 33, no. 2 (2000): 163–95.
- 3 Guiraudon and Lahav, “A Reappraisal of the State Sovereignty Debate,” 164.
- 4 Pace Yasmin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, Ill.: University of Chicago Press, 1994); and Saskia Sassen, *The Global City: New York, London, Tokyo*, 2nd edition (Princeton, NJ: Princeton University Press, 2001).

- 5 Nicos Poulantzas, *Staatstheorie* (Hamburg, Germany: VSA Verlag, 2002).
- 6 Alessandro de Giorgi, *Re-Thinking the Political Economy of Punishment* (Aldershot, England: Ashgate, 2006), 76.
- 7 Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, UK: Duke University Press, 2009).
- 8 Aristide Zolberg, "Matters of State: Theorizing Immigration Policy," in *The Handbook of International Migration: The American Experience*, eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage, 2000), 71–93.
- 9 John Heinz, Edward O. Laumann, Richard L. Nelson, and Richard H. Salisbury, *The Hollow Core: Private Interests in National Policy-Making* (Cambridge: Cambridge University Press, 1993), 371.
- 10 Richard Rhodes, "The Hollowing Out of the State: The Changing Nature of the Public Service in Britain," *The Political Quarterly* 65, no. 2 (1994): 138–51; B. Guy Peters, "Managing the Hollow State," in *Managing Public Organisations: Lessons for Contemporary European Experience*, ed. Kjel Eliassen and Jon Kooiman (London: Sage, 1993); and B. Guy Peters, "Shouldn't Row, Can't Steer: What's a Government to Do?" *Public Policy and Administration* 12, no. 2 (1997): 51–61.
- 11 See inter alia Charles Logan, *Private Prisons: Pros and Cons* (Oxford: Oxford University Press, 1990); and Richard Sparks, "Can Prisons be Legitimate? Penal Politics, Privatization, and the Timeliness of an Old Idea," *British Journal of Criminology, Delinquency and Deviant Social Behaviour* 34, Special Issue (1994): 14–28.
- 12 Susanne Soederberg, Georg Menz and Philip Cerny, eds., *Internalizing Globalization: The Rise of Neoliberalism and the Decline of National Varieties of Capitalism* (Basingstoke, UK: Palgrave, 2005).
- 13 A cogent exception is Olaf Köppe, "The Leviathan of Competitiveness: How and Why do Liberal States (Not) Accept Unwanted Immigration?" *Journal of Ethnic and Migration Studies* 29, no. 3 (2003): 431–49.
- 14 Milton Friedman, "Nyliberalismen og dens Muligheter" [Neoliberalism and its Prospects], *Farmand*, 17 February 1951: 89–93, cited in Jamie Peck, *Constructions of Neoliberal Reason* (Oxford/New York: Oxford University Press, 2010), 3–4.
- 15 Stephen Castles and Gundula Kosack, *Immigrant Workers and Class* (Oxford: Oxford University Press, 1973); Manuel Castells, "Immigrant Workers and Class Struggles in Advanced Capitalism: The Western European Experience," *Politics and Society* 5, no.1 (1975): 33–66; and Michael Piore, *Birds of Passage: Migrant Labor and Industrial Societies* (Cambridge: Cambridge University Press, 1979).
- 16 See Nicos Poulantzas, *Staatstheorie* (Hamburg, Germany: VSA Verlag, 2002).
- 17 Georg Menz, *The Political Economy of Managed Migration* (Oxford: Oxford University Press, 2008); and Georg Menz and Alexander Caviedes, eds., *Labour Migration in Europe* (Basingstoke, UK: Palgrave, 2010).
- 18 Interviews DE-TRANS-1, UK-TRANS-1.
- 19 Interviews DE-TRANS-2, UK-TRANS-2.
- 20 Interviews DE-TRANS-1, AUS-GOV-2.
- 21 Interview UK-TRANS-1.
- 22 Interview AUS-GOV-2.
- 23 Interviews UK-TRANS-1, DE-TRANS-1, UK-SEC-1.



- 24 Interviews UK-TRANS-1, DE-TRANS-1.
- 25 Emma Ginn, *Outsourcing Abuse: The Use and Misuse of State-sanctioned Force During the Detention and Removal of Asylum Seekers* (London: Medical Justice Network, 2008), 14.
- 26 *Lords Hansard*, 6 September 2010: 36W.
- 27 UK Border Agency, *Enforcement Instructions and Guidance* (London: UKBA, 2009), ch. 55.1.3.
- 28 Christine Bacon, "The Evolution of Immigration Detention in the UK: The Involvement of Private Prison Companies," Working Paper 27, RSC, Oxford: University of Oxford, 2007.
- 29 *Lords Hansard*, 2 October 2006.
- 30 Trevor Jones and Tim Newburn, "Comparative Criminal Justice Policy Making in the United States and the United Kingdom: The Case of Private Prisons," *British Journal of Criminology* 45, no. 1 (2005): 58–80.
- 31 Joint Council for the Welfare of Immigrants (JCWI), *1998 Annual Report* (London: JCWI, 1998).
- 32 Adam Smith Institute, *The Omega Justice Report* (London: Adam Smith Institute, 1984); also notably Peter Young, *The Prison Cell* (London: Adam Smith Institute, 1987).
- 33 Christine Bacon, "The Evolution of Immigration Detention in the UK: The Involvement of Private Prison Companies," Working Paper 27, RSC, Oxford: University of Oxford, 2007, 11–13.
- 34 *The Times*, 8 March 1995.
- 35 Christine Bacon, "The Evolution of Immigration Detention in the UK: The Involvement of Private Prison Companies," Working Paper 27, RSC, Oxford: University of Oxford, 2007, 19.
- 36 Emma Ginn, *Outsourcing Abuse: The Use and Misuse of State-Sanctioned Force During the Detention and Removal of Asylum Seekers* (London: Medical Justice Network, 2008).
- 37 Stephen Shaw, *Investigation into Allegations of Racism, Abuse and Violence at Yarl's Wood Removal Centre: A Report by the Prisons and Probation Ombudsman for England and Wales* (London: Prisons and Probation Ombudsman, March 2004).
- 38 Chief Inspector of Prisons, *Report on an Unannounced Full Follow-Up Inspection of Harmondsworth Immigration Removal Centre* (London: HM Inspectorate of Prisons, 2008).
- 39 Richard W. Harding, "Private Prisons," in *The Handbook on Crime and Punishment*, ed. Michael Tonry (Oxford: Oxford University Press, 1998), 19–56.
- 40 Tim Newburn, "Atlantic Crossings: 'Policy Transfer' and Crime Control in the United States and Britain," *Punishment and Society* 4, no. 2 (2002): 165–94.
- 41 Malcolm Feeley, "Entrepreneurs of Punishment: The Legacy of Privatisation," *Punishment and Society* 4, no. 3 (2002): 321–44.
- 42 Interview NL-SEC-1.
- 43 *The Dutch News*, 22 September 2006.
- 44 Ministerie van Justitie, *Detentibooten Zuid-Holland locatie Rotterdam Inspectiebericht Vervolgonderzoek* (The Hague, Netherlands: Ministry of Justice, 2007); Ministerie van Justitie, *Detentiecentrum Noord-Holland locatie Zaandam Inspectierapport Doorlichting* (The Hague, Netherlands: Ministry of Justice, 2010); and interview NL-SEC-1.

- 45 *Süddeutsche Zeitung*, 31 March 2008; and interview DE-SEC-1.
- 46 Douglas C. McDonald, "Public Imprisonment by Private Means," *British Journal of Criminology, Delinquency and Deviant Social Behaviour* 34, Special Issue (1994): 29–48.
- 47 Interview AUS-GOV-1.
- 48 Australian National Accounting Office (ANAO), *Management of the Tender Process for the Detention Services Contract*.
- 49 Chris Evans, "New Directions in Detention: Restoring Integrity to Australia's Immigration System," speech at Australian National University, Canberra, 29 July 2008.
- 50 Evans, "New Directions in Detention."
- 51 Parliament of Australia, *Immigration Detention in Australia: Facilities, Services and Transparency* (Canberra, Australia: House of Representatives Printing and Publishing Office, 2009).
- 52 Douglas C. McDonald, "Public Imprisonment by Private Means," *British Journal of Criminology, Delinquency and Deviant Social Behaviour* 34, Special Issue (1994): 30.
- 53 McDonald, "Public Imprisonment by Private Means."
- 54 INS data in Antje Ellermann, *States Against Migrants: Deportation in Germany and the United States* (New York: Cambridge University Press, 2009).
- 55 Immigration and Customs Enforcement (ICE), *US Immigration and Customs Enforcement: Detention Management Program*, 2010, [www.ice.gov/partners/dro/dmp.htm](http://www.ice.gov/partners/dro/dmp.htm); and interview US-GOV-1.
- 56 Judi Greene and Sunita Patel, *The Immigrant Gold Rush: The Profit Motive Behind Immigrant Detention* (Geneva, Switzerland: UN Special Rapporteur on the Rights of Migrants, 2007).
- 57 *San Diego Union-Tribune*, "Detention Dollars: Tougher Immigration Laws Turn the Ailing Private Prison Sector into a Revenue Maker," 4 May 2008; and *Los Angeles Times*, "Cities and Counties Rely on Immigrant Detention Fees," 17 March 2009.
- 58 US Department of Homeland Security Bureau of Immigration and Customs Enforcement, *Form M-592 (8/15/03) ENDGAME Office of Detention and Removal Strategic Plan, 2003–12 Detention and Removal Strategy for a Secure Homeland* (Washington, DC: US Department of Homeland Security, 2003).
- 59 *San Diego Union-Tribune*, 4 May 2008.

# 6 The rise of the private border guard

## Accountability and responsibility in the migration control industry

*Thomas Gammeltoft-Hansen*

- **The rise of the private border guard**
- **Human rights responsibility across the public–private divide**
- **Lifting the corporate veil**
- **Conclusion**

On 12 October 2010 Jimmy Mubenga was to be deported from the United Kingdom. The 46-year-old Angolan national had come to the country as a refugee 16 years earlier, but his status was revoked after his involvement in a pub fight and subsequent criminal conviction. Three security guards escorted him through Heathrow Airport and on board British Airways flight 77 to Luanda. The exact details of the events that followed are still unclear and currently subject to criminal investigation. Several passengers on board the plane reported that Mubenga repeatedly complained that he could not breathe and that he was being held down with his head between his knees while security guards on either side of him were forcibly restraining him. While the airplane taxied to the runway, Jimmy Mubenga first lost consciousness and subsequently died.

The three security guards responsible for carrying out Jimmy Mubenga's deportation worked for the Anglo-Danish security company G4S. Up until the Mubenga incident G4S held the exclusive contract with the UK Border Agency to provide escort for all immigration detainees deported from the United Kingdom.<sup>1</sup> The loss of this contract does not end G4S' involvement in migration management activities, however. As the world's largest security company, G4S is involved in a plethora of migration functions all over the world, from operating immigration detention centers in the United Kingdom, to carrying out passenger screening and profiling at European airports, and to running deportation buses along the US–Mexican border. In 2012, the UK Border Agency signed a new contract with G4S to house asylum-seekers. Yet G4S is

only one example of a growing trend to contract out, or in other ways involve, private actors in migration management. The last decades have seen the emergence and rapid growth of a distinct *migration control industry* with private companies taking over a wide range of erstwhile governmental functions to screen, control, detain and deport migrants.

The migration control industry raises a number of questions as to the significance of this development for both migrants and the outsourcing states. Within law and political science, migration control has traditionally been viewed as an inalienable function of the state; a key sovereign prerogative flowing from control over territory. The privatization<sup>2</sup> of migration management in this sense represents a fundamental reorganization of state sovereignty that may have a lasting impact on the actual performance of control as well as the development of migration policies in outsourcing states. As previous chapters in this volume equally point out, however, privatization of migration management does not necessarily mean that states are losing control, but rather that they seek to establish such by other means. Yet, the migration control industry does raise a number of concerns in regard to the rights of migrants and refugees and the ability to ensure democratic controls in this field. Where do we locate responsibility in situations such as the Jimmy Mubenga incident—with the security guards in question, at the corporate level, or with the outsourcing state?

The present chapter sets out to provide a general introduction to the migration control industry as a subset of the migration industry at large. The first section maps the different modes through which private actors are today assisting or taking over otherwise governmental migration management functions. From this overview it is suggested that this outsourcing process may be qualitatively characterized by simultaneous processes of increased politicization, multi-layering and hybridity. Section two looks at the migration control industry from a human rights perspective. Repeated reports suggest that human rights and asylum obligations are being undermined as a result of outsourcing migration control. A brief look at the legal avenues for ensuring responsibility does indeed suggest that, while not impossible, ensuring responsibility in situations of outsourcing does impose an additional legal threshold. Finally, section three probes the structural conditions for ensuring accountability in the operation of the migration control industry. Like other areas of outsourcing, much of the migration control industry appears to operate behind a corporate veil creating an “out of sight, out of mind” effect that further complicates public oversight and independent scrutiny in this area.

The rise of the migration control industry in this sense fundamentally impacts both the human rights of those subjected to control and the

democratic ability to ensure rule of law in this area. Yet, at a time when asylum and immigration is highly politicized, part of the marketability of the migration control industry may well be exactly that governments can, through privatization, avoid the ordinary checks and balances of a democratic system.

### **The rise of the private border guard**

Over the quarter century, the migration control industry has come to encompass nearly every aspect of migration management. Private actors and contractors are today involved at every step of the migratory process: from pre-arrival checks, through control at the border and immigration detention to carrying out deportations. The co-optation or incorporation of private actors for the purpose of migration control is not, however, a new phenomenon as such. Perhaps the oldest, and still most widespread, example of outsourcing in this area is the imposition of financial or other penalties on private transportation companies. As early as 1902 the US Passenger Act demanded shipmasters sign an affidavit to verify that all passengers were in good physical and mental health.<sup>3</sup> Those found inadmissible by US immigration officers were to be transported back at the cost of the steamship company.

The modern variant of such carrier sanctions emerged in response to the increase in “jet age” asylum seekers, which made most asylum countries impose similar demands on airlines from the second half of the 1980s onwards.<sup>4</sup> In addition to the cost of bringing back passengers without the required documents or visas, an additional fine was imposed on the carrier.<sup>5</sup> The threat of such fines has made private airline companies gradually take on a number of control functions related to document checks, forgery control and passenger profiling—often in close consultation with or under the guidance of governmental immigration officers. In addition, most airlines today either employ former immigration officers to head their security divisions or themselves contract these tasks to specialized security companies. Given the high fines, any lack of proper documents or suspicions of document forgery are likely to lead to carriers rejecting passengers at the point of departure. As a result, carrier sanctions today constitute a primary tool for ensuring pre-arrival migration control and a major obstacle for many migrants and refugees to reach the territory of their prospective destination state by regular travel.

The delegation of migration control to private airlines may further entail a responsibility by carriers to take custody of rejected passengers in transit or at the point of destination until they can be returned.

Consequently, carriers effectively become responsible for detaining migrants and asylum seekers. A number of cases have thus emerged where passengers have been held either at hotels under guard by private security companies, or in privately managed detention zones at the airport.<sup>6</sup> A notorious example is the transit zone at the “Sheremetyevo 2” airport in Moscow, which according to Nicholson “has held up to 20 passengers at any one time, including refugees who have been denied flights to Western European States.”<sup>7</sup> While agreements or contracts with the host state have in some instances been formalized for the purpose of carrying out these tasks, detention zones are generally operated by airline companies with de facto no way to address human rights claims or launch asylum claims.<sup>8</sup>

Another form of outsourcing pre-arrival migration control concerns visa applications. Rather than dealing with visa applicants at embassies and consulates, a number of governments today require visa applicants to go through specialized and pre-approved visa agencies. In some cases airline companies themselves take on this role, since carrier sanctions mean that airlines have a vested interest in ensuring that travelers will be accepted by the destination state.<sup>9</sup> Yet the use of visa handling agents also seems to be a growing business outside the carrier framework. Mumbai-based VFS Global operates visa application centers on behalf of 42 countries and 26 diplomatic missions, processing more than 7 million visas annually.<sup>10</sup> In the United Kingdom 80 percent of all visa applications are being handled by VFS Global and its American counterpart CSC WorldBridge. Under EU law the use of commercial intermediaries in visa applications is open to each member state and the Common Consular Instructions provide for private agents performing tasks ranging from the basic supply of identity and other supporting documents to tour organizers taking care of travel documents, insurance and internal transfers.<sup>11</sup> Moreover, policy proposals for common EU visa application centers foresee the possibility of outsourcing visa applications entirely to private contractors.<sup>12</sup>

In most circumstances visa facilitation companies will handle the preparation, initial screening and administrative processing and then forward applications, including biometric data and other personal information, to national immigration authorities, which retain final decision-making power. Visa applicants only deal with the corporate intermediary. From the perspective of these companies, outsourcing visa facilitation is often presented as a win-win situation, providing a trusted intermediary for states to vouch for visa applicants, thereby reducing the workload of consular visa officers, and assisting applicants in their application process, and therefore increasing their chance of success.<sup>13</sup> Yet, the use of

visa facilitation companies may also form part of a deterrence strategy for governments concerned about irregular immigration and asylum seekers. First, the use of private intermediaries may mean that applicants will have to pay an additional fee to the company on top of the often hefty fee that states charge for processing an application. Second, by ensuring that applicants only deal with the private company, any cases where applicants might claim asylum at the embassy are avoided.<sup>14</sup>

At the physical border a number of states today make use of private contractors to assist national border authorities in performing immigration and security checks. Under the Immigration Asylum and Nationality Act 2006, the power to search vehicles, vessels and trains in the United Kingdom may be transferred to private contractors certified by the Home Secretary.<sup>15</sup> The United Kingdom further employs contractors as part of their juxtaposed control scheme operated at French ports. Here, private search officers are able to act independently of government immigration officers to search vehicles and detain and escort any persons found to the nearest immigration detention facility.<sup>16</sup> It also employs a private company, Serco, to run the National Border Targeting Centre and the Carrier Gateway—two central components in the UK e-Borders Initiative, a £1.2 billion immigration project to be completed by 2015. In the United States a number of private security and defense companies have been contracted to assist national border control as part of the Secure Borders Initiative. In 2006 Boeing won the bid for setting up SBInet: a multibillion high-tech border surveillance system along the United States–Mexico border including sensor towers, radar scanners and possibly aerial surveillance drones. The contract, which was terminated in 2011, would have involved Boeing designing and setting up the system as well as Boeing operators directing US border guards to intercept irregular border crossers.<sup>17</sup>

In other instances border security is being completely outsourced to private contractors. As part of the general privatization trend, entire ports and airports in both Europe and North America are now run and owned by private companies.<sup>18</sup> Since 2005 Israel has privatized border control at the major crossing points between Israel and the West Bank. At several places Israeli officials have been withdrawn from the border check areas, and inspections are handled solely by private contractors such as the private military company Modi'in Ezrachi. The Ministries of Defence and Public Security have justified privatization on grounds related to efficiency and better service, yet several complaints have been filed by border crossers regarding harsh treatment, and voices have been raised that privatization is first and foremost a way for the Israeli authorities to absolve themselves of legal responsibility.<sup>19</sup>

Last, but not least, a number of countries have contracted private companies to operate immigration detention facilities as well as to organize and carry out deportations. In the United States, 400,000 immigrants were detained in 2010—half of whom were held in privately run facilities.<sup>20</sup> In the United Kingdom, private contractors currently run seven out of 11 detention centers.<sup>21</sup> In addition to G4S mentioned in the introduction, two other players dominate this market. The first is US-based GEO Group, which has been running detention centers and prisons in Australia, South Africa, the United Kingdom and the United States. GEO Group currently controls approximately 7,000 out of 32,000 detention beds in the United States. Up until 2012 GEO Group also ran the US immigration detention center located at Guantanamo Bay, which is used to detain persons interdicted in the Caribbean. The second company is Serco, which operates detention centers and escort services in Australia and the United Kingdom as well as supplying electronic tagging devices for asylum seekers. In 2009 the company won a five-year, AU\$370 million contract to operate immigration detention centers at 13 different locations in Australia.<sup>22</sup>

Parallel to the expansion of the types of private involvement in migration control, one might also point to a number of qualitative changes and developments in the way that private controls are enacted. The first of these is closely connected to the increased security concerns in regard to migration and border control. The requirements placed on carriers to perform security checks, scanning and verifying documents and submitting data to national authorities, have increased substantially since the terrorist attacks of 11 September 2001.<sup>23</sup> Both the United States and the European Union (EU) now operate schemes requiring carriers to deliver advanced passenger information (API) data on all passengers to the authorities of the destination state before landing.<sup>24</sup> At the same time, profiling and behavioral techniques aimed at identifying potential security threats may inadvertently target asylum seekers; the fear and desperation leading to flight is easily mistaken by security officers for risk factors, leading to a denial of boarding.<sup>25</sup> Lastly, given the nature of the 2001 attacks, airlines themselves are becoming increasingly concerned about security risks and thus occasionally of their own accord implement additional passenger screening and security procedures.

In some respects the heightened security concerns could be argued to work against privatization of migration control. Before the 2001 attacks, airport security in the United States, including passenger screening, was largely assigned to airlines and private airport Federal Aviation Administration oversight.<sup>26</sup> Yet in November 2001, legislation was passed to renationalize airport security under the newly established



Transport Security Administration, leading to the creation of more than 60,000 new federal employee posts.<sup>27</sup> Similarly, the bid by Dubai Ports World, a government-owned company of the United Arab Emirates, to purchase six already privately owned ports in the United States started a national debate about the security impact of completely privatized port facilities.<sup>28</sup> No policy changes resulted from this debate, however, and despite the introduction of federal immigration officers, the use of private agents for the purpose of migration control and the obligations placed on them have continued to grow in other areas.

Second, the privatization of migration control is becoming increasingly multi-layered. The imposition of control obligations upon carriers has not only resulted in carriers hiring and training their own security and inspection staff, but also in a growing use of subcontractors and thus further outsourcing. As the demands and standards required of airlines, sea transporters and port companies by destination states keep developing, hiring specialized security agents to carry out these functions is becoming more attractive, and to some companies often the only viable option.<sup>29</sup> Boeing thus engaged nearly 100 subcontractors under the SBInet program. Information about which companies have been subcontracted and what tasks they are performing has not been made publicly available.<sup>30</sup>

Similarly, private contractors are increasingly acting as intermediaries in the implementation of inter-state cooperation in regard to migration management. In the border region between Ukraine and Russia a number of private or quasi-public companies funded by the EU and individual member states have thus provided technical material for border control, including document scanners, communications equipment and airplanes, as well as training Ukrainian border authorities in profiling techniques, deployment and organizational setup.<sup>31</sup> This equally complicates the question of legal responsibility. While migration control is not carried out directly by these companies, they arguably aid Ukrainian authorities in establishing controls in a country with a known record for refusing asylum seekers and refugees at the border.

Third, and finally, private involvement in migration control is being embedded in more complex arrangements between the relevant actors. While the imposition of, for example, carrier sanctions in principle leaves the organization and modes of control up to the airlines and transportation companies, in practice states exercise a great deal of influence over the control functions carried out and more intimate relationships are thus developing between national immigration officers and airline employees.<sup>32</sup> The United Kingdom has thus offered to waive fines if airlines agree to comply with its “approved gate check” regulations.

This involves British immigration officers training airline staff in profiling techniques and detecting forged documents, the institution of an additional control procedure immediately prior to boarding and regular audits of airline performance by government officials.<sup>33</sup>

In a number of countries such training and monitoring are today carried out through the secondment of immigration liaison officers working with airlines at points of departure and transit.<sup>34</sup> While such officers seldom have the authority to carry out migration control directly, they often advise carriers whether to take on board or deny individual passengers. In addition, countries like the United Kingdom and the United States have introduced procedures requiring carriers to forward passenger biodata to the destination country at check-in, thereby allowing national immigration authorities time to check relevant databases and on that basis notify carriers about whether to board passengers or not.<sup>35</sup> More hybrid public/private partnerships appear to be developing as part of the privatization of migration control. As the intersections between public and private are becoming increasingly blurred and hard to disentangle, determining where private involvement begins and where public authority ends becomes likewise difficult.

In sum, the migration control industry has not only come to encompass almost every aspect of migration management, it also seems to have substantially transformed the way that migration control is being carried out. Privatization first of all feeds into more general trends, such as security logics and the externalization of control. There is a substantial overlap between actors in the migration control industry and private contractors used for other purposes, such as defense and prison management (see also Chapter 5, this volume). Private contractors have further been instrumental in expanding migration control overseas, perhaps avoiding the sovereignty conflicts and legal responsibilities that are likely to accompany similar actions by public immigration officers (see also Chapter 7, this volume). Yet, the migration control industry also adds more particularized dynamics and problematics. A diffusion of authority emerges in the privatization process, as corporations themselves outsource or divide into multiple subsidiaries. Similarly, the growth of more hybrid and complex public-private partnerships increasingly obscures the line between public and private to the point where such a distinction becomes arbitrary in itself.

Given the general trend towards privatization, the almost exponential growth of the migration control industry in the last decades should perhaps not come as any surprise. Yet it is a far cry from the classical conception of migration control as a core function of the sovereign state. As in other cases where states privatize governmental functions,

questions may be raised as to the flipside of such outsourcing, namely the ability to ensure legal responsibility and public accountability in the exercise of these powers. As shall be seen, the privatization of migration control presents a particularly vulnerable case in this context. As foreigners, migrants and refugees often have a harder time accessing relevant complaint mechanisms and advocacy institutions. Exacerbating this issue, a large part of the migration control industry further takes place “out of sight,” at points along the migratory route or in difficult-to-access locations, such as offshore detention centers, which further hampers democratic control.

### **Human rights responsibility across the public–private divide**

Despite the growth in privatization across all sectors of society, it is only relatively recently that wider attention has been brought to the implications of such privatization on human rights realization.<sup>36</sup> The adverse effects of carrier sanctions and other forms of privatized migration control upon asylum seekers have, however, been pointed out repeatedly.<sup>37</sup> Carrier sanctions are generally operated indiscriminate of human rights concerns, and asylum seekers are particularly likely to be rejected as they are naturally prone to lack full documentation and unlikely to have been granted a visa. As pointed out by the United Nations High Commissioner for Refugees (UNHCR):

Forcing carriers to verify visas and other travel documentation helps to shift the burden of determining the need for protection to those whose motivation is to avoid monetary penalties to their corporate employer, rather than to provide protection to individuals. In so doing, it contributes to placing this very important responsibility in the hands of those (a) unauthorized to make asylum determinations on behalf of States, (b) thoroughly untrained in the nuances and procedures of refugee and asylum principles, and (c) motivated by economic rather than humanitarian considerations.<sup>38</sup>

In some cases, states have sought to waive fines for passengers who subsequently claim or are granted asylum. In practice, these exceptions appear to have little effect. As long as airline companies are faced with a prospect of substantial economic penalization for erroneous decisions regarding undocumented asylum seekers, they are likely to adopt a preventive logic of “if in doubt, leave them out.”

Similar criticisms have been raised in connection with privately run immigration detention centers. As noted by former UN Rapporteur on

Torture, Nigel Rodley, “the profit motive of privately run prisons in the United States and elsewhere has fostered a situation in which the rights and needs of prisoners and the direct responsibility of states for the treatment of those they deprive of freedom are diminished.”<sup>39</sup> As a starting point, the very detention of asylum seekers may constitute a violation of international refugee law.<sup>40</sup> The coincidence of private companies running prisons and running immigration detention centers has further led to situations where guards fail to recognize the difference between punitive and administrative detention, in some instances even placing asylum seekers within general prisons.<sup>41</sup> Several reports further document instances of racism, overcrowding, ill-trained staff, and lack of access to outside contacts and appeal possibilities.<sup>42</sup> In Australia, GEO Group lost its contract following a commission report that found numerous and repeated violations of children’s human rights during immigration detention.<sup>43</sup> In the United States, a lawsuit was brought after 16 stowaway migrants ended up being detained by private security company Danner in a dingy, windowless, 12 by 20-foot cell. Following unrest among the detained, a Danner employee, untrained in the use of firearms, used a shotgun as a cattleprod and the gun went off, killing one migrant and wounding another.<sup>44</sup>

Last, but not least, the Mubenga case in particular has put a spotlight on the practice of private contractors in the context of deportations and forced escorts. Following the incident, a number of former and current G4S staff have come forward, claiming that senior management had disregarded internal warnings about poor training and unsafe restraint techniques. The most notorious of these is known as “carpet karaoke” and involves bending deportees over in their seats and placing their head between their legs, forcing the person to struggle for breath and shout downwards toward the floor. While the technique is rumored to be particularly efficient in calming down disruptive detainees, it may also lead to positional asphyxia, a form of suffocation.<sup>45</sup> In 2007 the Western Australian Human Rights Committee similarly ordered G4S to pay a AU\$500,000 fine for inhumane treatment, after G4S drivers had ignored detainees begging for water during a transport journey, leaving one to drink his own urine.<sup>46</sup>

International human rights law is in principle neutral on privatization.<sup>47</sup> Governments remain free as regards their mode of governance and nothing in the human rights treaties explicitly prohibits decisions to contract out or privatize service provision. Yet various human rights institutions have emphasized that in the process of privatization, continued respect for human rights must be ensured. As the European Court of Human Rights asserted in the *Costello-Roberts* case, a state

“cannot absolve itself from responsibility by delegating its obligations to private bodies or individuals.”<sup>48</sup> Certain human rights obligations are, furthermore, broadly phrased, making the issue of private or public implementation irrelevant. The International Covenant on Civil and Political Rights thus demands that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>49</sup> In other words, although the means and actors through which human rights obligations are realized may change in the course of privatization, states maintain ultimate responsibility under international law.

In practice, however, this view is moderated by the public–private distinction, creating a legal threshold for state responsibility in cases of privatization. As noted by the International Court of Justice:

... the fundamental principle governing the law of international responsibility [is that] a State is responsible only for its own conduct, that is to say the conduct of persons acting, on whatever basis, on its behalf.<sup>50</sup>

The separation between the public and private spheres has been a constitutive element of liberal societies and remains a key norm of both domestic and international law. In the modern vision of the nation state, regulatory functions and the exercise of power came to be centralized and monopolized by the state. Outside this, the market and private relations are both considered to be apolitical and thus subject to regulation under distinct legal regimes both at the national and the international levels.<sup>51</sup> As, politically speaking, the public–private distinction has become increasingly artificial, certain inroads have been made to ensure legal responsibility in cases of privatization. Yet, as a legal construction the public–private distinction still retains importance in setting certain thresholds for establishing state responsibility and in separating the legal venues through which migrants and refugees subjected to the migration control industry may seek redress.

Under general international law, a state maintains direct responsibility for the conduct of private actors when private actors are either exercising “governmental authority,” or where it can be shown that the state is “directing or controlling” the particular conduct.<sup>52</sup> Yet, the test in each instance is onerous. There is no internationally accepted definition of what constitutes governmental authority, and states have thus been seen to apply different and varying tests. According to the US Supreme Court it is not enough that a private actor serves a “public function”—the particular task has to be one that is considered “traditionally the

exclusive prerogative of the State.”<sup>53</sup> While this definition ought to encompass established contractors carrying out border control and immigration detention to the extent that these functions are indeed considered traditional functions of sovereignty, it may still eclipse certain scenarios where private actors are merely considered adjunct to the immigration control performed, e.g. pre-arrival control performed by airlines.<sup>54</sup>

Proving that a private actor acts under the direction or control of a state is no less demanding. Following the International Court of Justice, the fact that a government finances, trains and in other ways supports a private entity is not enough; it has to be shown that the particular actions in question are imputable to the state.<sup>55</sup> Establishing this “real link” may become particularly problematic where privatization involves the use of subcontractors. Moreover, it may insulate the state from responsibility where private contractors act outside or in excess of their instructions. In the case of *Medina v. O’Neill*, concerning the detention of 16 stowaways by Danner Inc. mentioned above, the US Court of Appeal found that while the “public power” test was satisfied and the government thus responsible for the detainees, the lack of knowledge of the deplorable conditions under which the immigrants were held did not constitute a violation of the due process clause.<sup>56</sup>

As a matter of international human rights law, states also maintain certain positive or due diligence obligations that may provide additional avenues where the causal connection between state and private actor does not fulfill the requirements above. In *Velásquez Rodríguez v. Honduras*, the Inter-American Court of Human Rights thus found that the widespread occurrence of disappearances in Honduras, even though it could not be proved that these were directly imputable to the Honduran government, nonetheless engaged the responsibility of Honduras—not “because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the convention.”<sup>57</sup> In practical terms this may require states to ensure, for example, proper regulatory frameworks for all private actors exercising migration control, relevant training and regular monitoring.<sup>58</sup> Determining the exact content of due diligence obligations, however, is a matter of interpretation and depends on the factual circumstances. Consequently, assessing what may reasonably be expected from a state is open to contestation and states have been keen to argue that they were either unknowing or incapable of taking action to prevent human rights abuses.<sup>59</sup> Moreover, the application of due diligence obligations to actions overseas remains debatable, possibly excluding responsibility in cases of airline control, private visa contractors and offshore detention centers.<sup>60</sup>

The legal difficulties in ensuring state responsibility for private conduct may appear somewhat paradoxical in light of the fact that privatization today constitutes a systemic feature of modern governance. Most legal responses have been characterized by ad hoc solutions with little coordination and a sometimes circular logic.<sup>61</sup> The very definition of the private sphere is based on its consisting of non-state actors; *inter alia* autonomous and independent of government funding, control, authority or direction. By defining private actors simply by what they are not, it first of all becomes difficult to discern between the very different actors in this field and their rather different relationships to the state: from bands of private vigilantes to international security or military contractors. Second, and more fundamentally, this dichotomous definition serves to reinforce the notion that private actors are *prima facie* removed from the sphere of public international law.<sup>62</sup> It is in this sense that establishing state responsibility in cases of privatization becomes problematic, as it sets out by assuming a distinction that may simply not be there in the first place.

### **Lifting the corporate veil**

Closely connected to the question of legal responsibility is the issue of institutional monitoring and public accountability. Even though norms do in principle exist to ensure state responsibility for human rights violations by private actors exercising migration control, it is quite another matter to ensure that such cases are in fact brought to public attention and prosecuted by national or international courts.

Proponents of privatization argue that governing through market mechanisms may increase accountability. Noting that control and accountability of governmental actors and institutions is often far from perfect, it has been argued that clear economic incentives and contracts may actually prove more efficient in regulating agent behavior. Second, the distance between governments and private contractors makes it easier to carry out a critical appraisal, and private entities may be more open to reform and change. Third, the competitive environment surrounding private contractors may lead major corporations in a given market to themselves develop codes of conduct and accept accountability mechanisms in order to create a market brand *vis-à-vis* potential customers.<sup>63</sup>

Several counter-arguments may, however, be raised with regard to this position, suggesting that market-based migration control is by design inherently difficult to govern. Even where clear contracts or other regulatory frameworks are in place, the legal barrier between states and private actors breaks the ordinary administrative chain of command.<sup>64</sup>

Even the best of contracts may not foresee the full need for appraisal and monitoring and may thus equally become a straitjacket preventing further action and scrutiny.<sup>65</sup> Second, public employees are both more visible and in many countries have explicit guarantees against repercussions for expressing opinions publicly or for whistleblowing. Third, practice in regard to private military companies seems to indicate that even where legal provisions for public scrutiny are in place, the resources for governmental monitoring often lag behind the pace and scale of privatization itself.<sup>66</sup> Lastly, private companies seldom have a direct interest in public oversight as any critique may entail negative economic consequences and be detrimental to the company's competitive position. Where such an interest convergence nonetheless exists, for example for image reasons, voluntary codes of conduct or soft law accountability mechanisms have so far not proven particularly effective.<sup>67</sup> Rather, the danger of such arrangements is that accountability is further removed from state authority and "ceremonialized" by paying lip service to official principles without any efficient enforcement mechanisms.<sup>68</sup> Thus, the corporate veil works not only to separate legal responsibilities but also to cloak the practices of private actors.<sup>69</sup>

The existence of a corporate veil is perhaps most evident in regard to the use of airlines to perform *de facto* immigration control. Governments have been reluctant to produce figures making the amount of fines imposed publicly available and seldom systematically gather data with regard to the numbers and the identities of those rejected.<sup>70</sup> The carrier sanctions legislation is, by design, weak in terms of democratic control, accountability and judicial avenues for those rejected.<sup>71</sup> Save for reasons of protesting against the imposition of fines mentioned above, carriers themselves have little further incentive for giving out information on these issues which may convey a negative picture of companies to customers. Thus, even where airlines are asked by governments or NGOs to provide "denied boarding" figures, they do not always do so.<sup>72</sup>

Rejection by a private company such as an airline is, moreover, not subject to national administrative regulations. It is not a public decision, and those rejected can thus be sent back without any notification of the decision and, in principle, without leaving any trace.<sup>73</sup> In addition, the extraterritorial venue of most rejections makes it even more difficult for both national institutions and civil society to access those rejected.<sup>74</sup> As a result, only a handful of cases concerning carrier controls have ever been brought before national courts, despite modern carrier legislation having been in place for more than 25 years.

Where privatization of migration control is governed by contracts, the possibilities for monitoring and visibility are improved somewhat.



The higher likelihood of state responsibility for any human rights violations in these situations—as compared with the mere use of economic sanctions—may, first of all, give a greater incentive for governments to ensure accountability. Second, contracts give added possibilities for states to require vetting, adequate training of privately employed personnel, regular monitoring and performance reports. The United Kingdom has thus introduced both clear contractual limits for responsibility as well as a national supervisory function for the use of privately contracted immigration search officers.

Nonetheless, even where a clear contractual relationship is established, accountability and public scrutiny may still remain insufficient. This becomes clear when examining the growing number of cases of human rights abuses in privately operated detention facilities, as also mentioned in the previous section. In Australia, the conditions in some privately managed asylum and immigration detention centers have been described as gravely lacking in external accountability and monitoring.<sup>75</sup> Access to information about conditions in the centers has been further hampered by attempts by those managing them to prevent access from outsiders. Australasian Correctional Management (ACM), which ran four detention centers in Australia from 1998 to 2004, was known to require all external professionals entering ACM facilities (such as medical staff or teachers) to sign confidentiality agreements preventing them from disclosing any information regarding detainees or the administration of the centers.<sup>76</sup>

Parallels may be found in other countries using private contractors to run asylum and immigration detention facilities. Following a BBC documentary documenting racism and physical abuse of immigrant detainees at Oakington detention center, the UK Prisons and Probation Ombudsman issued a report pointing to several cases of misconduct by G4S in the running of the center and their forced escort operations. The report further pointed to a number of problems relating to monitoring and oversight.<sup>77</sup> In the United States, the American Civil Liberties Union pointed to the lack of oversight of privately operated immigration detention facilities and accused Corrections Corporation of America (CCA) of overcrowding cells and cutting supplies and medical care to save costs.<sup>78</sup> An employee in charge of reviewing disciplinary cases at one of the company's Houston facilities squarely told *The New York Times*, "I am the Supreme Court."<sup>79</sup>

In sum, even where privatized migration control is clearly contractually regulated and carried out within the territorial jurisdiction, effective monitoring still risks being hampered. This situation is only exacerbated where privatized migration control takes place extraterritorially,

as is the case for pre-arrival control by airlines or privately run offshore immigration detention centers, such as the one at Guantanamo Bay. An important lesson in this regard may be learned from the related field of private military companies. Despite an apparent desire on the part of governments to regulate private military company activities and a number of national and international efforts to implement regulatory frameworks, accountability mechanisms and various standards and codes of conduct, it has been difficult to implement them effectively; very few cases have been brought against private military companies, and even companies with established records of mismanagement continue to receive new contracts.<sup>80</sup>

The migration control industry shares a number of similarities with private military companies in these respects. One may even fear that governments have less of an interest in ensuring effective oversight and monitoring in this area, and that the consequences of private migration control are easier to keep invisible than are the actions of private military operators. So far this area has certainly received much less public attention. The privatization of migration control in this sense thus not only serves to partially insulate states from legal responsibility, but also provides an institutional distancing of control practices away from the state.

## **Conclusion**

Since 2004 travelers have been welcomed to the United States by posters declaring the Customs and Border Protection Agency as “the face of our nation.” Immigration control, in itself an innovation of the Westphalian state system, has always been considered a core function of sovereignty. Yet, today the face of migration control is increasingly turning corporate. Government outsourcing has given rise to a migration control industry that encompasses nearly every aspect of migration management. From pre-arrival control to immigration detention and deportation, a new market for migration management has emerged, where contractors and other corporate entities are increasingly taking over this once exclusively public domain.

Yet, in the current wave of privatization, we may be losing sight of the flipside of sovereign power—namely, democratic accountability and respect for the rights of those subjected to control. This chapter has recounted a number of human rights violations carried out by contractors and other private actors engaged in migration management functions. Of course, one should be careful about drawing hard judgments between state-run and privately run migration management in terms of general

human rights performance. There is no shortage of examples of human rights abuses when it comes to publicly run detention centers or forced removals either. Ironically, the United Kingdom began outsourcing deportation escorts in the mid-1990s following the death of another deportee at the hands of the special Metropolitan Police Deportation Squad.<sup>81</sup> Yet, as this chapter has tried to elucidate, by its very design the migration control industry brings about certain responsibility and accountability gaps, which risks further undermining human rights of migrants and refugees.

This may be seen first in the difficulty of holding states legally responsible for human rights violations by private actors carrying out migration management functions. While general principles of international and human rights law may be relied upon to attribute private conduct to state control, as well as to impose due diligence obligations upon states for human rights violations by private actors, a threshold in each instance remains and little case law has so far been brought forward in the area of immigration control. Importantly, however, these areas of law are still developing and responding to the political developments in privatizing public functions. Even though the public–private distinction in human rights law appears to leave certain gaps when it comes to establishing state responsibility in these situations, it is thus far from impenetrable.

Second, the privatization of migration control raises a number of issues regarding institutional accountability and transparency. While privatization in general has been argued by some to lead to increased accountability, this does not seem to be the case for migration control. The control performed by carriers is largely invisible to public scrutiny, and little is done to register or keep track of those rejected for onwards travel. The situation may be somewhat better where private actors are governed through clear contractual relationships. Yet the case of privately operated immigration detention centers still points to several shortcomings that reinforce the notion of a “corporate veil” complicating both governmental and civil society monitoring.

More generally, this chapter has questioned the feasibility of leaving human rights fulfillment to private companies. The migration control industry does not answer to the general public, but to its shareholders and the contract. Consequently, companies in this business are driven by market logic and the pursuit of financial gain that more often than not seem to eclipse or contradict human rights concerns. Ensuring human rights compliance may involve a financial risk that private companies are not willing to take. This is perhaps most evident in the case of airlines, where the very design of the financial penalty regulations creates

a strong disincentive for airline personnel to take on board even bona fide refugees if they do not have the required visa or other entry documents. Private contractors may similarly seek to maximize profits to the detriment of migrants' rights, as has been documented in several inspection reports of privately run immigration centers.

The lack of transparency and legal accountability mechanisms accompanying private migration control may, of course, ultimately be seen as a benefit by governments concerned that the issue of asylum and immigration puts them in a hotspot, caught between liberal principles and the need to ensure efficient border control. In the market for migration management, the very label of being "private" thereby becomes valuable in itself. Legally, privatization may be used as a strategy to insulate governments from liability in regard to the human rights violations that almost inevitably follow when trying to approximate immigration control to a minimalist reading of international refugee and human rights law. Institutionally, privatization works to distance control functions from the state by creating the appearance that migration control is, precisely, private and thus external to the state itself.

In both instances, however, the success of this market ultimately depends on maintaining this idea of separateness between public and private, government and contractor. One can hope that casting further light on the practices of this growing industry might provoke not only legal developments, but also a more fundamental discussion about the political legitimacy of outsourcing sovereign functions like migration control.

## Notes

- 1 In May 2011 the UK Border Agency contract was taken over by another company, Reliance Security.
- 2 For the present chapter, "privatization" is used loosely to refer to different transfers of public services and functions to private bodies. This may include formalized instances, where such transfers are governed by legal contracts, as well as more de facto transfers, such as the case of carrier sanctions, where non-state migration control is exercised as an indirect consequence of governmental legislation and policy.
- 3 Aristide Zolberg, "Matters of State," in *The Handbook on International Immigration*, eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999), 71–93, at 75.
- 4 In the United States, in addition to the 1902 Passenger Act, carrier liability for bringing in aliens without valid passports and visas has been part of the Immigration and Nationality Act since 1952 (the MacCarran-Walter Act, Section 273). In Canada, similarly, rules were introduced as part of the 1976 Immigration Act. In the European context, legislation to impose obligations and concurrent fines upon carriers was implemented by Belgium, Germany and the United Kingdom in 1987. Antonio Cruz, *Shifting*

- Responsibility: Carriers' Liability in the Member States of the European Union and North America* (Stoke-on-Trent, UK: Trentham Books, 1995), 5. In Denmark, legislation was passed in 1986, but only came into force in 1989. Since 1990, Art. 26 of the Schengen Convention has further obliged signatory states to impose sanctions on all carriers who transport aliens without the necessary travel documents.
- 5 Under current EU law amounting to €5,000.
  - 6 Ruwantissa Abeyratne, "Air Carrier Liability and State Responsibility for the Carriage of Inadmissible Persons and Refugees," *International Journal of Refugee Law* 10 (1998): 675–87, at 681; and Jane Hughes and Fabrice Liebaut, eds., *Detention of Asylum-Seekers in Europe: Analysis and Perspectives* (The Hague, Netherlands: Martinus Nijhoff, 1998), 108–9.
  - 7 Frances Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations," *International and Comparative Law Quarterly* 46 (1997): 586–634, at 598f.
  - 8 Elspeth Guild, "The Borders of the European Union: Visas and Carrier Sanctions," *Tidsskriftet Politik* 7 (2004): 34–43; Virginie Guiraudon, "Before the EU Border: Remote Control of the 'Huddled Masses,'" in *In Search of Europe's Borders*, eds. Kees Groenendijk, Elspeth Guild, and Paul Minderrhoud (The Hague, Netherlands: Kluwer Law International, 2002), 191–214, at 203; and Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987," 598.
  - 9 Elspeth Guild, *Moving the Borders of Europe*, inaugural professorial lecture delivered at CPO Wisselleerstoel at the University of Nijmegen, 30 May 2001, 49.
  - 10 Information available from [www.vfsglobal.com](http://www.vfsglobal.com).
  - 11 Common Consular Instructions on Visas for the Diplomatic Missions and Consular Posts. 2005/C 326/01, 22 December 2005, Section VIII(5).
  - 12 European Commission COM(2006) 269, "Proposal for a regulation of the European Parliament and of the Council amending the common consular instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organization of the reception and processing of visa applications," 31 May 2006.
  - 13 Elspeth Guild, *Moving the Borders of Europe*, inaugural professorial lecture delivered at CPO Wisselleerstoel at the University of Nijmegen, 30 May 2001, 50.
  - 14 Given that embassies and consulates are recognized as places where states exercise extraterritorial jurisdiction, such cases may under certain circumstances engage the human rights responsibilities of the embassy state. See e.g. *W.M. v. Denmark*. European Commission of Human Rights, Appl. No. 17392/90, 14 October 1992.
  - 15 UK Immigration Asylum and Nationality Act 2006, Sections 40 and 41.
  - 16 UK Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls).
  - 17 Joseph Richey, "Fencing the Border: Boeing's High-tech Plan Falts," *Corpwatch*, 9 July 2007, [www.corpwatch.org/article.php?id=14552](http://www.corpwatch.org/article.php?id=14552).
  - 18 Mark Salter, "Governmentalities of an Airport: Heterotopia and Confession," *International Political Sociology*, no. 1 (2007): 49–66, at 50.
  - 19 Meron Rapoport, "Outsourcing the Checkpoints," *Hareetz*, 2 October 2007; Guillaume Auda, "Checkpoints Go Private," *France 24*, 17 March

- 2008; and Tobias Buch, "Israeli Shift to Private Security Draws Fire," *Financial Times*, 3 June 2008.
- 20 Nina Bernstein, "Companies Use Immigration Crackdown to Turn a Profit," *The New York Times*, 28 September 2011.
- 21 Bernstein, "Companies Use Immigration Crackdown to Turn a Profit."
- 22 Bernstein, "Companies Use Immigration Crackdown to Turn a Profit."
- 23 Mark Salter, "Governmentalities of an Airport: Heterotopia and Confession," *International Political Sociology*, no. 1 (2007): 49–66, at 54; and Virginie Guiraudon, "Enlisting Third Parties in Border Control: A Comparative Study of its Causes and Consequences in Borders and Security Governance," in *Managing Borders in a Globalized World*, eds. Marina Caparini and Otwin Marenin (Geneva, Switzerland: Geneva Centre for the Democratic Control of Armed Forces, 2006).
- 24 Council directive 2004/82/EC, "On the Obligation of Carriers to Communicate Passenger Data," 29 April 2004.
- 25 *Remote Controls: How UK Border Controls are Endangering the Lives of Refugees* (UK Refugee Council, December 2008), 46.
- 26 Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge: Cambridge University Press, 2007), 58.
- 27 The Aviation and Transportation Security Act of 2001, 115 Stat. 597 (19 November 2001); and Verkuil, *Outsourcing Sovereignty*, 59.
- 28 Verkuil, *Outsourcing Sovereignty*, 69.
- 29 Verkuil, *Outsourcing Sovereignty*, 68; Imke Kruse, *Creating Europe Outside Europe: Externalities of the EU Migration Regime*, paper presented at ECPR Conference, Theories of Europeanisation. Marburg, 18–21 September 2003, 15; and Virginie Guiraudon, "The Constitution of a European Immigration Policy Domain: A Political Sociology Approach," *Journal of European Public Policy* 10 (2003): 263–82.
- 30 Joseph Richey, "Fencing the Border: Boeing's High-tech Plan Falters," *Corpwatch*, 9 July 2007, [www.corpwatch.org/article.php?id=14552](http://www.corpwatch.org/article.php?id=14552).
- 31 Ivalyo Gatev, "Border Security in the Eastern Neighbourhood: Where Biopolitics and Geopolitics Meet," *European Affairs Review* 13 (2008): 97–116, at 110f.
- 32 Sophie Scholten and Paul Minderhoud, "Regulating Immigration Control," *European Journal of Migration and Law* 10, no. 2 (2008): 123–47, at 136; and Jens Vedsted-Hansen, "Privatiseret Retshåndhævelse og Kontrol," in *Ret og Privatisering*, ed. Lin Adrian (Copenhagen, Denmark: Gad Jura, 1995), 173–75.
- 33 Frances Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations," *International and Comparative Law Quarterly* 46 (1997): 586–634, at 592–93.
- 34 Sophie Scholten and Paul Minderhoud, "Regulating Immigration Control," *European Journal of Migration and Law* 10, no. 2 (2008): 123–47, at 137; and Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd edition (Oxford: Oxford University Press, 2007), 379.
- 35 In the United Kingdom this is known as the e-Borders programme and provided for by the 2006 Immigration, Asylum and Nationality Act. Developing the technology and setting up the program have similarly been outsourced.

- 36 For a more exhaustive analysis of state responsibility for human rights violations by private actors carrying out migration control, see Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control* (Cambridge: Cambridge University Press, 2011), chapter 5.
- 37 Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge: Cambridge University Press, 2007); Jens Vedsted-Hansen, "Privatiseret Retshåndhævelse og Kontrol," in *Ret og Privatisering*, ed. Lin Adrian (Copenhagen, Denmark: Gad Jura, 1995); Morten Kjærum, ed., *The Role of Airline Companies in the Asylum Procedure* (Copenhagen, Denmark: Danish Refugee Council, 1988), 16–23; *Remote Controls: How UK Border Controls are Endangering the Lives of Refugees* (UK Refugee Council, December 2008), 44–51; *Defending Refugees' Access to Protection in Europe* (European Council for Refugees and Exiles, December 2007), 29–31; and "No Flights to Safety: Airline Employees and the Rights of Refugees," Amnesty International, ACT 34/21/97, November 1997.
- 38 "Position on Conventions Recently Concluded in Europe (Dublin and Schengen Conventions)," UN High Commissioner for Refugees, 16 August 1991.
- 39 Nigel Rodley, "Foreword," in *Capitalist Punishment: Prison Privatization and Human Rights*, eds. Andrew Coyle, Allison Campbell, and Rodney Neufield (Oxford: Clarity Press, 2003), 7.
- 40 Art. 31 of the 1951 Refugee Convention obliges states not to penalize refugees for irregular access to their territory and was specifically inserted to recognize that refugees may occasionally have an overriding need to seek entry, even if under false pretences or not in possession of proper documentation.
- 41 Ira P. Robbins, "Privatisation of Corrections: Violation of US Domestic Law, International Human Rights, and Good Sense," in *Privatisation and Human Rights in the Age of Globalisation*, eds. Koon de Feyter and Felipe Gómez Isa (Antwerp, Belgium: Intersentia, 2005), 57–90, at 86.
- 42 "Submission to the National Inquiry into Children in Immigration Detention," Australian Lawyers for Human Rights, Submission No. 168 to the Australian Human Rights Commission, 10 October 2002; and "Inquiry into Allegations of Racism and Mistreatment of Detainees at Oakington Immigration Reception Center and While Under Escort," Report by the Prisons and Probation Ombudsman for England and Wales, July 2005.
- 43 National Inquiry into Children in Immigration Detention, "Australia Breaches Children's Human Rights," 13 May 2004.
- 44 Ira P. Robbins, "Privatisation of Corrections: Violation of US Domestic Law, International Human Rights, and Good Sense," in *Privatisation and Human Rights in the Age of Globalisation*, eds. Koon de Feyter and Felipe Gómez Isa (Antwerp, Belgium: Intersentia, 2005), 57–90, at 64.
- 45 Paul Lewis and Matthew Taylor, "G4S Security Firm was Warned of Lethal Risk to Refused Asylum Seekers," *The Guardian*, 8 February 2011.
- 46 Nina Bernstein, "Companies Use Immigration Crackdown to Turn a Profit," *The New York Times*, 28 September 2011.
- 47 Felipe Gómez Isa, "Globalisation, Privatization and Human Rights," in *Privatisation and Human Rights in the Age of Globalisation*, eds. Koon de Feyter and Felipe Gómez Isa (Antwerp: Intersentia, 2005), 9–32, at 16.

- 48 *Costello-Roberts v. The United Kingdom*, European Court of Human Rights. Appl. No. 13134/87, 25 March 1993.
- 49 UN International Covenant on Civil and Political Rights, Art. 10.
- 50 *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, International Court of Justice, 26 February 2007, paragraph 406.
- 51 Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006), 187ff.
- 52 See *Responsibility of States for Internationally Wrongful Acts*, International Law Commission, annexed in UN General Assembly resolution 56/83 of 12 December 2001, Arts. 5 and 8.
- 53 *Rendell-Baker v. Kohn*, United States Supreme Court, 457 US 830 (1982), 842.
- 54 As I have argued elsewhere, however, the “exclusive state prerogative” test is hardly correct. On the contrary, the International Law Commission seems to imply that under certain circumstances airlines may be exercising “governmental authority” when carrying out, for example, security function. Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control* (Cambridge: Cambridge University Press, 2011), 181.
- 55 *Case Concerning Military and Paramilitary Activities in and Against Nicaragua*, International Court of Justice, ICJ Reports 1986, 27 June 1986, paragraph 17.
- 56 *Medina v. B. O’Neill Garcia*, United States Court of Appeal, 5th circuit, 838 F. 2d 800 (1988), paragraph 17.
- 57 *Velásquez Rodríguez v. Honduras*, Inter-American Court of Human Rights, Series C, No. 4 (1988), 29 July 1988, paragraph 88.
- 58 Carsten Hoppe, “Passing the Buck: State Responsibility for Private Military Companies,” *European Journal of International Law* 19 (2008): 989–1014, at 993.
- 59 Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control* (Cambridge: Cambridge University Press, 2011), 204.
- 60 Gammeltoft-Hansen, *Access to Asylum*, 200–4.
- 61 Matthew Flinders, “The Politics of Public-private Partnerships,” *British Journal of Politics and International Relations* 7 (2006): 215–39, at 299.
- 62 Philip Alston, “The ‘Not-a-Cat’ Syndrome: Can the International Human Rights Regime Accommodate Non-state Actors?” in *Non-State Actors and Human Rights*, ed. Philip Alston (Oxford: Oxford University Press, 2005), 3–36, at 3.
- 63 Laura Dickinson, “Contract as a Tool for Regulating PMCs,” in *From Mercenaries to Markets*, eds. Simon Chesterman and Chia Lehnart (Oxford: Oxford University Press, 2007), 217–38, at 230; Douglas McDonald, ed., *Private Prisons and the Public Interest* (Piscataway, New Jersey: Rutgers University Press, 1991), 189; and Charles H. Logan, *Private Prisons: Cons and Pros* (Oxford: Oxford University Press, 1990).
- 64 McDonald, *Private Prisons*, 188.
- 65 Anna Leander, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force* (Rome, Italy: Centro Militare di Studi Strategici, 2006).
- 66 David Isenberg, “A Government in Search of Cover,” in *From Mercenaries to Markets*, eds. Simon Chesterman and Christian Lehnart (Oxford: Oxford University Press, 2007), 82–93, at 87–88.



- 67 James Cockayne, "Make or Buy? Principal-Agent Theory and the Regulation of Private Military Companies," in *From Mercenaries to Markets*, eds. Simon Chesterman and Christian Lehnart (Oxford: Oxford University Press, 2007), 196–216, at 207; Anna Leander, *The Impunity of Private Authority: Understanding PSC Accountability*, paper presented at Standing Group of International Relations, ECPR, University of Torino, 12–15 September 2007.
- 68 Cockayne, "Make or Buy?" 207–8.
- 69 Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge: Cambridge University Press, 2007); and Anna Leander, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force* (Rome, Italy: Centro Militare di Studi Strategici, 2006), 98–103.
- 70 Virginie Guiraudon, "Enlisting Third Parties in Border Control: A Comparative Study of its Causes and Consequences in Borders and Security Governance," in *Managing Borders in a Globalized World*, eds. Marina Caparini and Otwin Marenin (Geneva, Switzerland: Geneva Centre for the Democratic Control of Armed Forces, 2006); and Frances Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations," *International and Comparative Law Quarterly* 46 (1997): 586–634, at 598.
- 71 Sophie Scholten and Paul Minderhoud, "Regulating Immigration Control," *European Journal of Migration and Law* 10, no. 2 (2008): 123–47, at 131.
- 72 Frances Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations," *International and Comparative Law Quarterly* 46 (1997): 586–634, at 598.
- 73 Virginie Guiraudon, "Enlisting Third Parties in Border Control: A Comparative Study of its Causes and Consequences in Borders and Security Governance," in *Managing Borders in a Globalized World*, eds. Marina Caparini and Otwin Marenin (Geneva, Switzerland: Geneva Centre for the Democratic Control of Armed Forces, 2006), 8.
- 74 Frances Nicholson, "Implementation of the Immigration (Carriers' Liability) Act 1987: Privatising Immigration Functions at the Expense of International Obligations," *International and Comparative Law Quarterly* 46 (1997): 586–634, at 598; and Jens Vedsted-Hansen, "Privatiseret Retshåndhævelse og Kontrol," in *Ret og Privatisering*, ed. Lin Adrian (Copenhagen, Denmark: Gad Jura, 1995), 176.
- 75 Professor Richard Harding, speaking of Curtin Immigration Reception and Processing Centre. Speech delivered at International Corrections and Prisons Association on 30 October 2001. Excerpt available from [www.refugeeaction.org](http://www.refugeeaction.org).
- 76 "Submission to the National Inquiry into Children in Immigration Detention," Australian Lawyers for Human Rights (Submission No. 168 to the Australian Human Rights Commission, 10 October 2002).
- 77 "Inquiry into Allegations of Racism and Mistreatment of Detainees at Oakington Immigration Reception Centre and While Under Escort," Report by the Prisons and Probation Ombudsman for England and Wales, July 2005.
- 78 Leslie Berestein, "Immigration Agency, Contractors are Accused of Mistreating Detainees," *San Diego Union Tribune*, 4 May 2008. The issue gave

rise to a lawsuit, *Kiniti et al. v. Myers et al. Second Amended Complaint*, United States District Court of the Southern District of California. Filed 24 January 2007. The case was settled with the Department of Homeland Security and CCA 4 June 2008.

- 79 *The New York Times*, 19 February 1985. Cited in Ira P. Robbins, "Privatization of Corrections: Violation of US Domestic Law, International Human Rights, and Good Sense," in *Privatisation and Human Rights in the Age of Globalisation*, eds. Koon de Feyter and Felipe Gómez Isa (Antwerp, Belgium: Intersentia, 2005), 57–90, at 61.
- 80 Anna Leander, *The Impunity of Private Authority: Understanding PSC Accountability*, paper presented at Standing Group of International Relations, ECPR, University of Torino, 12–15 September 2007; Anna Leander, *Eroding State Authority? Private Military Companies and the Legitimate Use of Force* (Rome, Italy: Centro Militare di Studi Strategici, 2006); Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press, 2003).
- 81 Joy Gardner, who suffocated after being gagged with masking tape. Amnesty International, "United Kingdom—Death in Police Custody of Joy Gardner," EUR 45/05/95, August 1995.

# 7 Private security companies and the European borderscapes

*Martin Lemberg-Pedersen*

- **Actors and dynamics in the European borderscapes**
- **Externalized private security company borderscaping**
- **The neoliberalization of European borderscapes**
- **The financing and political economy of private security company borderscaping**
- **Conclusion**

This chapter examines the implications of the increasing involvement of private security companies (PSCs) on the formulation and practices of European immigration and border control. The rise of private involvement in border control can be seen as a subset of the migration industry, alongside, and sometimes interacting with, other subsets like facilitating or rescue services relating to migratory movement (see Introduction).

At the outset, it is argued that the European borders are not static geographic phenomena, but rather borderscapes—that is, dynamic and multifaceted sites of interventions for public and private actors. These interventions can be conceptualized as processes of borderscaping, whereby the political, epistemological and physical elements of borders are dissolved, redefined and re-territorialized. The notion of borderscape contracts is suggested as a way of highlighting the role played by PSCs in these processes. Some examples of PSC borderscape contracts are examined. These include the UK Border Agency's outsourcing of border enforcement functions to G4S, Finmeccanica's role in the construction of Libyan border control capacities and PSC involvement in the European external border surveillance system (EUROSUR) project's numerous advanced borders projects. It is argued that PSC's role in externalization<sup>1</sup> and their development of new, advanced technologies securitizes and thus transforms the day-to-day governance of the European borders. This, in turn, leads to serious questions regarding the opaqueness of borderscape budgets, lock-in effects making it difficult

for public actors to reverse PSC militarization of borders and the humanitarian consequences of this for migrants.

The chapter conceptualizes this development as cases of neoliberalization<sup>2</sup>—that is, systemic shifts in the logic guiding public–private relations, which result in the inclusion of PSCs into the forums designing the European borderscapes.<sup>3</sup> It is argued that PSC lobbyism through formal and informal forums reinforces a market dynamic where the industrial suppliers of border control technologies create a demand for their products in order to facilitate these systemic shifts. Some examples include the European Organization for Security (EOS), and the Frontex Agency’s Research and Development (R&D) Unit’s cooperation with PSCs on drones for border control. Moreover, several “blurred” public/private EU forums, like the European Security Research Advisory Board (ESRAB) and the European Security Research and Innovation Forum (ESRIF), have been granted a large influence on the formulation of the European Union’s (EU) priorities on security research. One notable outcome, it is ventured, has been increased EU subsidies to PSC research into high-tech borderscapes exemplifying how PSCs are involved in the multileveled governance of the European borderscapes.

The chapter suggests that the financial flows underpinning PSC borderscaping back to powerful financial actors, like the international banking sector, investment management firms and EU member states’ export credit agencies (ECAs). The activities of these actors, it is argued, show that the militarization of Europe’s borders is grounded not only in a desire to prevent immigration, but also in European politics of supporting military and control exports with public funds, even if this leads to increased debt in especially developing countries. The influence of PSCs and their financial supporters on the European border politics presents severe problems for the democratic transparency and humanitarian standards of European borderscapes.

### **Actors and dynamics in the European borderscapes**

The expansion of European border control in the 2000s raises important questions about the geographic, sociological and political construction of borders and the notion of borderscapes is useful for theorizing this development. Borderscapes can be defined as multidimensional and dynamic abstractions of knowledge and technologies<sup>4</sup> and the European borderscapes thus encompass control practices within Europe, at Europe’s external borders as well as the control externalized to third countries. Borderscapes are landscapes of power, in a constant flux and

always in the process of being constructed.<sup>5</sup> Applying the framework of borderscapes opens up the European borders as socio-geographic landscapes in time and space and allows us to distinguish between the different actors and interests in bordering processes. It therefore becomes vital to ask who is involved in this construction and what impact these actors have on the construction of particular borders. While these actors have diverse interests such as border control, facilitating legal migration or conducting search and rescue operations at sea, this chapter focuses on the involvement of PSCs in European border control. This is conceptualized as borderscape contracts and comparing the services provided by two of the world's largest PSCs involved in border control, Finmeccanica and G4S, is a useful entry point for understanding the functionality of such contracts.

Finmeccanica is an Italian group specializing in the space and defense industries with an annual turnover of €11 billion. It employs 72,000 people in 72 countries and its chairman and chief executive officer (CEO), Guiseppe Orsi, who replaced Pier Francesco Guarguaglini as the CEO in December 2011, is a Fellow of the Royal Aeronautical Society and has been honoured with the Commander of the British Empire title in 2010.<sup>6</sup> Finmeccanica has numerous subsidiary companies, specializing themselves along seven distinct markets: aeronautics (for instance Alenia Aeronautica), helicopters (AugustaWestland), space (Thales Alenia Space), defense and security electronics (Selex Sistemi Integrati), defense systems (MBDA), but also energy and transportation.<sup>7</sup> The Finmeccanica Group is, thus, active in a range of markets of relevance to comprehensive border control technologies.

G4S (formerly Group 4 Securicor) is a multinational conglomerate created in 2004 when British Securicor and British-Danish Group 4 Falck merged. It is the world's largest security company, employing 625,000 people in over 120 countries, and had an annual turnover in 2009 of €8 billion. Its Chief Executive, Nick Buckles, is the chairman of the Ligue Internationale des Sociétés de Surveillance (the Ligue), an influential global association of private security organizations. G4S also has numerous subsidiary companies involved in aspects of the security industry, such as defensive and protective services (Armorgroup, Progard Securitas), prisons (Wackenhut Services), electronic surveillance equipment (Group 4 Technology) and outsourced justice services (GSL). G4S companies are involved in border control along the United States–Mexico border, and in UK and Australian detention centers. Moreover, G4S secures several American military bases, provides security at the Baghdad International and Amsterdam Schiphol Airports, and protects Israeli settlements on the West Bank.<sup>8</sup>

The activities of Finmeccanica and G4S illustrate how borderscape contracts involve many of the same companies that figure on the transnational market for military and security service, or in short “the market for force.”<sup>9</sup> Borderscape contracts are processes whereby the dissolution, redefinition or re-territorialization of borderscapes is outsourced. PSC borderscaping, then, embeds these border transformations in what we can call the market for borderscape contracts, characterized by the dynamics of supply, demand, loans and competition. Since national governments are behind the initial decision to privatize borderscapes, this subset of the migration industry is therefore intimately connected with state-driven economies (see Introduction and Chapter 5, this volume). Yet, as also supranational institutions like the European Commission or non-governmental organizations (NGOs) outsource functions relating to the management of borders, borderscape contracts vary in character and complexity regarding the services supplied, the companies involved and the kind of public–private partnership resulting from them.

Finmeccanica and G4S illustrate how many PSCs respond to the fluidity of the market for borderscape contracts by pursuing a conglomerate strategy of buying, branching off, merging and sub-contracting with other PSCs, resulting in a number of specialized subsidiary companies. From the PSC perspective, this approach strengthens the likelihood of landing groups of contracts for connected border functions and thus for the maximizing of their profit. From a perspective focusing on the human rights of migrants, however, this conglomerate strategy makes it difficult to keep checks and balances on both the competences and the legal responsibilities of the various actors involved in border control.<sup>10</sup> For governments, the complexity of the market for borderscape contracts offers them a chance to distance themselves from the controversies that surround border control.<sup>11</sup> As such, the European outsourcing of border functions to PSCs has resulted in the re-bordering, or transformation, of the spatiality of Europe’s borders in ways that feed into the increasingly restrictive immigration policies of European states. The question is then how this link between complex re-bordering processes and political agendas should be understood.

Here, the model of securitization points out that political actors’ framing of immigration as a security concern transfers border control from the sphere of political choices to that of state security.<sup>12</sup> Yet, because discursive variants of securitization seem to assume a centrality of public discourses for security governance, this makes it difficult to address the pivotal roles played by transnational, formal and informal networks in the transformation of European border governance. Also, while it is true that securitizing discourses in general create a threat environment

conducive to the PSCs' military solutions, we also need analytical tools to trace the specific consequences of PSC involvement for the governance of borders. The border solutions promoted and supplied by PSCs rarely feature in public discourses and yet they have pervasive effects for states' administration of inclusion and exclusion at their borders. Jef Huysmans's alternative view on securitization has something to offer in this context because it replaces discursive analyses of securitization with a focus on how security priorities are realized through day-to-day, and less mediatized, technocratic processes.<sup>13</sup>

When it comes to the concrete services provided, some borderscape contracts pertain to the operation of detention and deportation technologies, while others concern the research and development of surveillance functions, hardware supplies or the training of personnel. We should therefore distinguish between contracts for the enforcement of border control and those for the construction of border infrastructures. The development of border infrastructures resembles so-called BTO (build-transfer-operate) contracts, where contractors build a border system, transfer it to the host state and are then given a contract for maintaining or operating it. While Finmeccanica is pursuing contracts for border infrastructures, G4S focuses on contracts outsourcing the operation or expansion of already existing border control functions.

In 2007 the UK Border Agency made a three-year contract with G4S' Transport PLUS Service worth £12 million for the transfer of around 85,000 asylum seekers annually between detention and removal facilities in the United Kingdom. The operation of most UK detention centers has also been outsourced to PSCs. To name a few, the removal centers in Brook House, Dungavel, Oakington and Tinsley House are operated by G4S, while HM Prison Services and Serco manage others.<sup>14</sup> Also, G4S was contracted to conduct deportations out of the United Kingdom. This contract also involved substantial sub-contracting, such as the hiring of security guards for the flights, and of airlines such as British Airways, Czech Airlines and BMI.

The creation of the EUROSUR database is an example of outsourced research and development in border control systems, which involve a substantial amount of sub-contracting. At the beginning of 2009, the EU's Directorate General for Justice, Freedom and Security called for a technical study to be finished by 2013 into a European border control system. The goal of the border system is to provide full situational awareness of cross-border movement through a "common pre-frontier intelligence picture" gathering information about migrant mobility in third countries by aerial and satellite images. This R&D project was outsourced to the German conglomerate ESG, which then subcontracted

the Finmeccanica subsidiary SELEX-SI, French Thales, US-based AGIS and the European conglomerate EADS.

The EUROSUR sub-projects receive substantial subsidies from several financial EU instruments, such as the External Borders Fund, the Schengen Facility, and the EU Framework Research Programme (FP7). To mention only a few, the TALOS project (Transport Autonomous Patrol for Land Border Surveillance system, subsidized with €12.9 million out of €19.9 million) is developing unmanned aerial vehicles (UAVs), or drones, capable of tracking smugglers and “illegal migrants.” Its project participants include the Turkish electronic and military company Aselsan and the Hellenic and Israeli aerospace industries. The I2C project (Integrated System for Interoperable sensors and Information sources for Common abnormal vessel behaviour detection and Collaborative identification of threat) (subsidized with €9.9 million out of €15.9 million) purports to identify “early threats” through sensors registering uncooperative or abnormal vessel behavior, which may indicate that it transports migrants. It involves defense and aviation companies like Sofresud and Airshipvision International. Finally, the seaBILLA project (Sea Border Surveillance) (subsidized with €9.8 million out of €15.5 million) focuses on fighting illegal immigration, that is, boat migration in the Atlantic and south Mediterranean through unmanned air systems and passive sensors. It involves Eurocopter, EADS, Thales Defense, BAE Systems, and Finmeccanica subsidiary Aleania Aeronautica.<sup>15</sup>

The growth of the market for borderscapes during the 2000s has reconfigured the processes behind Europe’s border control in ways that facilitate restrictive immigration policies. Moreover, borderscape contracts, such as the plethora of EUROSUR subprojects or G4S’ escorted deportations out of the United Kingdom, all have a more pervasive impact on the governance of borders than mediatized political discourses categorizing immigration as a security threat. PSCs’ influence on the European borders can therefore be seen as vital for realizing the specific technocratic governance of insecurity of Europe’s borders. The relations between the EU, Libya, Italy and Finmeccanica provide a telling example of this and of how securitization processes can be intimately linked to bilateral and common-European interests in preempting migration.

### **Externalized private security company borderscaping**

The expansion of borderscape contracts should be seen in direct correlation with the externalization of European migration control to involve evermore cooperation with third countries, and the borderscape contracts involving Libya are a prime example.



Thus, during the 2000s, Libya had become a prime transit route for Europe-bound migrants, creating business opportunities for smugglers willing to sail migrants across the Mediterranean. The European Commission perceived this industry of facilitating migrant mobility as gangs exploiting both migrants and European borders and calls for “fighting” and “combating” smuggling and illegal migration began proliferating in EU policy documents.<sup>16</sup> In the following years, the possibility of externalizing migration control to Libya was pursued with evermore fervor. Thus, under the Danish Presidency, the European Council’s November 2002 conclusions argued that cooperation with Libya on illegal migration was not only desirable, but also “essential” and “urgent.”<sup>17</sup> The year after, Italy requested that the EU arms embargo towards Libya be partially lifted, thereby allowing Libya to purchase “necessary equipment for border control in the framework of illegal immigration control” from European companies.<sup>18</sup>

On 11 October 2004 the European Council decided to lift the arms embargo on Libya and the same year a technical EU mission was sent to engage the country in a cooperative agreement on migration control. Another technical mission to Libya was conducted by Frontex in 2007 and in October 2010 the Justice and Home Affairs Commissioner, Cecilia Malmström, signed a €60 million agreement with the Libyan regime which included an agreement to continue establishing “an integrated surveillance system along the Libyan land borders, with focus on the areas prone to irregular migration flows.”<sup>19</sup>

The decision to lift the arms embargo was followed by massive sales of weapons from companies in EU member states to Libya. Thus, French, British, German, Maltese, and Russian PSCs all landed lucrative contracts with the Gaddafi regime.<sup>20</sup> This surge in European military exports to Libya was facilitated by European export credit agencies (ECAs), which provided guarantees for the PSC exports. Thus, the ECAs from Germany, France, Italy and the United Kingdom all rushed to provide loans, which allowed Libya to purchase the European equipment. As the European ECAs have also provided guarantees for the export of border control equipment to countries like Israel, Turkey, Greece, Romania, Bulgaria, Morocco, Egypt and Algeria, we can say that ECAs have been crucial for the creation of Europe’s externalized borderscapes.

The country that entered into arguably the closest cooperation with Libya, however, was Italy. Thus, in 2008, Italy and Libya signed a so-called Friendship Pact, where Italy agreed to pay Libya US\$5 billion over 20 years.<sup>21</sup> The treaty required that the funding was to be channeled exclusively to Italian companies buying crude oil or doing infrastructure projects in Libya. Many of these funds were earmarked to boost the

scale of the borderscape by constructing advanced control and surveillance infrastructure in Libya and one of the prime beneficiaries of the treaty was Finmeccanica.

In 2006 the Finmeccanica subsidiary AugustaWestland, Italy and Libya formed the joint venture LIATEC (Libyan Italian Advanced Technology Company) resulting in a contract for 10 AW109 helicopters worth €80 million.<sup>22</sup> In 2008 this was followed by the Libyan purchase of an ATR-42MP maritime patrol aircraft from the subsidiary Alenia Aeronautica worth €31 million. In 2009 the Finmeccanica subsidiary SELEX Galileo announced plans to sell up to 50 drones to Libya to patrol its southern borders. The same year the subsidiary SELEX-SI Sistemi Integrati announced a €300 million contract for the design, installment and integration of a C3 (command, control and communication) Border Security System covering Libya's borders with Chad and Niger. The lifting of the EU arms embargo and the Pact between Italy and Libya were thus crucial events in the externalization of European control priorities to Libya, and they had a big impact on the socio-geographic character of the border control.

As both the externalization to Libya and the EUROSUR projects illustrate, the specific kind of re-bordering of Europe's borders which occurs through PSCs is premised on the application of military hardware and surveillance software to achieve objectives such as the real-time detection and prevention of "illegal migration." This comes at the expense of other, protection-sensitive approaches to Europe-bound migration. PSC outsourcing therefore has the effect of militarizing the European borderscapes with detrimental effects for migrants' rights.

The involvement of PSCs in European border control leads to another important point, namely the risk of lock-in effects (see Chapter 5, this volume). This means that the dynamics of PSC borderscaping become self-perpetuating. We can distinguish between two related lock-in effects, both of which reify the European border politics towards militarized and externalized border control. First, as governments and supranational institutions grant PSCs long-term contracts for fundamental border services, these companies gain a role as unrivalled experts in advanced border control. It therefore becomes difficult for public actors to reverse the trend of outsourcing. Second, as a result of this, it also becomes more difficult to question the way PSC solutions facilitate the externalization agenda, even if PSCs are accused of violating migrants' rights within or beyond European territory (see also Chapter 6, this volume).

One reason for the massive involvement of Finmeccanica in externalization to Libya could be that the involvement of private companies as intermediaries to the conduct of European control on Libyan

territory has been perceived as avoiding issues like state conflicts over sovereignty and debates about overlapping enforcement jurisdiction.<sup>23</sup> Given the Gaddafi regime's heavy emphasis on Italy's colonial occupation in Libya, the involvement of Finmeccanica in the extraterritorial European control therefore catered to the Libyan need to frame the resulting control as less intrusive, politically and legally speaking, than the direct placement of European police or military units on Libyan soil.

The Finmeccanica contracts, then, seem to have the triple role of depending on, realizing and reifying the European political agenda of militarizing the "combat" against irregular migration on third country territory. This leads to the question of how we can conceptualize the processes facilitating PSCs' radical transformation of the European borderscapes.

### **The neoliberalization of European borderscapes**

One approach for examining how PSCs have increasingly come to be seen as the most effective suppliers of safety against "the threat of immigration" is to ask how PSCs and their military solutions are introduced into borderscapes. This introduction can be viewed as a process of neoliberalization.

Different views exist on the character of neoliberalism. One approach, which is not fruitful, is to see neoliberalism as an all-encompassing private force "out there" intruding on a public body. The reasons for its lacking usefulness, however, are illustrative. Such a monolithic account is insensitive to the "messy actualities" of particular neoliberal projects<sup>24</sup> and fails to embed privatization discourses in their particular institutional contexts and interests. While overall trends of neoliberal governance are discernible, such as the extension of market relationships to state functions, the privatization of state assets or public subsidizing of private actors,<sup>25</sup> these take different forms in different contexts. Consequently, it is more accurate to talk of neoliberalization as contextual and contingent processes.<sup>26</sup>

This impels our analysis to focus on those shifts in the systemic logic that reconfigure the interactions between public and private actors. Here, it has been noted that the way neoliberal discourses inscribe the social world in market dynamics grants their prescriptions a self-actualizing quality.<sup>27</sup> Anna Leander's point about this dynamic in relation to private military contractors (PMCs) is relevant here:

PMCs can no longer content themselves with being mere technical experts. They become security experts shaping understandings of

and decisions about security. The competition for market shares pushes PMCs to become lobbyists, security advisers and public-opinion-makers ... They create a demand for the services they offer by making clients aware of the many threats they need protection against ... The point is that market logic pushes PMCs to establish themselves not only as providers of security services but as security experts defining which services are needed.<sup>28</sup>

By the same market logic, PSCs seek to create platforms for themselves where they can influence the policies relevant to the demand for their products. The successful marketing of PSC products thus relies on the inscription of existential insecurities in market dynamics to facilitate a mode of governance, which is based on their products. The risk of this process is that the technologies PSCs propose are not necessary, but “greedy,”<sup>29</sup> in that they can be driven by PSCs’ desire for profit, rather than concrete problems facing governments. As Virginie Guiraudon<sup>30</sup> has pointed out it, this reconfigures the decision-making processes in European immigration politics, so that expensive and high-tech PSC border solutions are developed, even before problems corresponding to the technological capacities have been identified. Since PSCs need buyers for these expensive and advanced products, a real risk exists that they may use their role as security experts to frame an ever-larger sphere of grave security concerns in need of solutions. European borderscapes may in other words come to function according to a dynamic where the technological supply creates its own demand.

When privatization becomes part of the governing process, the relation between public and private actors is reconfigured. This, however, does not mean less governance, or in the case of borders, less border control. By framing immigration flows as a mounting threat to Europe against which only the defense and security industry can supply the technological solutions, the PSCs are effectively making insecure audiences of governments and EU institutions. This then legitimizes the transformation of border governance towards more advanced control. If successful, the neoliberal governance of insecurity therefore transforms both the political process and the resulting governance of borderscapes. According to Thomas Lemke:

[The] so-called “retreat of the state” is in fact a prolongation of government, neo-liberalism is not the end but a transformation of politics, that restructures the power relations in society. What we observe today is not a diminishment or a reduction of state sovereignty and planning capacities but a displacement from formal to

informal techniques of government and the appearance of new actors on the scene of government.<sup>31</sup>

We can say that the outsourcing of European borderscapes to PSCs may result in the “retreat of the state,” but that this does not amount to the “defeat of the state.” Instead, the governance of borders is restructured and proliferated to new actors. Put differently, “less government” does not mean “less governance” and the neoliberalization of borders can thus lead to the expansion of techniques of control. Lobbyism efforts are central for PSC attempts to displace governance from formal to informal structures by expanding the degree of PSC access to the EU decision-making processes.<sup>32</sup> PSC lobbyism can thus be seen as multilevel governance manifested through non-hierarchical processes.<sup>33</sup>

G4S follows a strategy of lobbyism that involves memberships in various groups and consortia, such as EOS and, through EOS, the STRAW Consortium (Security Technology Active Watch). EOS was created in 2007 and has 25 members from the European PSC industry, including BAE, Thales and the Finmeccanica subsidiary Fincantieri. The main objective of EOS is “the development of a consistent European Security Market sustaining the interests of its Members.”<sup>34</sup> It claims that it works closely together with the Commission, has extensive contacts with several Commission Directorate Generals and participates in several EU Task Forces. To accomplish this, EOS has created seven working groups, dealing with issues such as “green” and “blue” borders, surveillance, security and safety. In general, EOS working groups and discourses mirror those of central EU institutions in order to appropriate EU agendas according to EOS members’ interests.

EOS argues that the most effective counter-measures to immigration require more common European, as opposed to national, border initiatives.<sup>35</sup> For instance, it recommends the implementation of innovative surveillance technologies and the creation of EU-funded programs to develop and implement an integrated management system for regulated borders. This, it is said, should be based on suggestions from a public-private “EU Border Checks Task Force.”<sup>36</sup> EOS also stresses that Frontex should “be a relevant interlocutor for the supply industry” by “coordinating the definition, test and validation of elements of a common architecture, such as EUROSUR.”<sup>37</sup> EOS is, in other words, a comprehensive tool with which PSCs seek to influence the common European border politics so as to create a demand for their products. G4S’ membership of EOS shows how one strategy for PSC lobbyism is to enter into consortia capable of concerted political pressure by producing discourses mirroring those of the public actors and institutions.

PSC borderscaping is a very specific process of neoliberalization both embedded within and shifting the systemic logic of European immigration politics. These systemic shifts transform borderscapes into immensely profitable sites of multileveled governance, ripe for PSC interventions. G4S' and Finmeccanica's membership in lobby groups like STRAW and EOS illustrate how PSCs establish themselves as experts on border security, and use this position to frame immigration to Europe as leading to evermore security threats in need of evermore advanced PSC products. Moreover, the EOS members' active support for Frontex and other common European venues functions as a strategy by means of which PSCs sustain their interests in developing a European market for security and borderscape contracts.

Yet, the promotion of PSC interests does not only occur through such informal forums, but can also take other forms where the boundaries between public and private actors are much less clear. Not only states, but also other powerful actors in the international financial sector have interests in facilitating PSC involvement in Europe's border politics.

### **The financing and political economy of private security company borderscaping**

Discourses facilitating a threat environment conducive for PSC contracts can also be produced by hybrid, public-private structures<sup>38</sup> and the multi-level governance of "actually existing" neoliberalisms often occurs through structures where the boundaries between public and private actors are blurred.<sup>39</sup> This is also the case when it comes to PSC borderscaping.

In the following this analytical approach to neoliberalization is applied by considering three concrete processes, which have led to PSCs being included in Europe's borderscapes. The first process concerns the creation of several blurred EU forums tasked with developing the priorities of the EU's Security Research Programme (ESRP). The second process is the increasing cooperation between PSCs and the Frontex Agency's R&D Unit, and the third process concerns how the European and international financial sector supports and amplifies PSC borderscaping.

An example of blurred boundaries between public and private actors in the European borderscapes is the evolution of the ESRP. In 2003 the Commission announced its plans to establish this program in order to boost the competitiveness of the European security industry. This was welcomed by the military-industrial European sector since it opened up the possibility of EU subsidies for developing their products.

Several of the EU forums set up to develop this program granted PSCs an influential role in the processes determining its priorities. One

implication was that border control was framed as a security issue in need of subsidized research. For instance, the Commission invited the heads of EADS, BAE Systems, Thales and Finmeccanica, representatives from the North Atlantic Treaty Organization (NATO), the Western European Armament Association and the EU Military Committee to participate in the “Group of Personalities” (GoP) tasked with determining the future path of European security research.<sup>40</sup> As the Commission only invited four members of the European Parliament, the presence of the defense and security industry overshadowed that of democratic EU representatives and the findings of the forum also reflected this. Thus, the GoP warned that “time is of the essence. Europe needs to act quickly if it is to remain at the forefront of technology research, and if industry is to be able to exploit the results competitively in response to the rapidly emerging needs for sophisticated security-related products.”<sup>41</sup> Already in February 2004, before the GoP recommendations were published, the Commission decided to grant €65 million to the Preparatory Action for Security Research subsidizing 39 projects between 2004 and 2006, several of which pertained to border control. One was the SOBCAH project (Surveillance of Border Coastlines and Harbours), coordinated by the Finmeccanica company Galileo Avionica. It was subsidized with €2 million out of €3 million.<sup>42</sup>

In 2005 the Commission also established ESRAB (European Security Research Advisory Board) to flesh out the strategic lines of action and user involvement for European security research. The Board should also “identify critical technology areas where Europe should aim for an indigenous competitive capability.”<sup>43</sup> Again, a range of PSCs, including Finmeccanica, were invited to join two working groups, concerned, respectively, with “technology” and “technology supply chain.” The Board’s final report mirrored the GoP recommendations. It stressed the need to establish new funding of the military industrial sector<sup>44</sup> and “to bring together at a European level the ‘demand’ and ‘supply’ sides in order to jointly define commonly agreed strategic lines of action for European security research.”<sup>45</sup> The Board listed as crucial numerous highly advanced technologies as crucial for fighting illegal immigration, such as surveillance and navigation satellites, drones, authentication technologies, smart dust technologies, digital fingerprint recognition and motion sensor systems.<sup>46</sup> In 2007 the ESRP was finally established with a €1.4 billion budget from 2007–13 through the FP7 program, including the subsidizing of 35 projects in 2008 and 78 projects in 2009. Its inception was coupled with the Commission’s creation of an European Security Research Innovation Forum (ESRIF) to develop “public–private dialogue” within the research program. Once again, however, the

extent of public–private dialogue was questionable, since, out of its 65 working group members, only three were members of the European Parliament.<sup>47</sup> The Forum’s third working group on border security recommended investment in research and development and stressed that “authorities involved in border surveillance activities” needed a technical framework capable of “considerably improv[ing] their situational awareness,” and that this could require deployment of drones, new technology radars and satellites.<sup>48</sup>

Another forum of value for PSCs is Frontex’s R&D Unit. It was set up to facilitate “information exchange between border guard authorities, research institutes, universities and industry,”<sup>49</sup> along the themes of border checks and border surveillance. This function of the Unit is realized through its participation in research projects under the EUROSUR umbrella as well as ESRIF’s working group on borders. In the latter, Finmeccanica functioned as rapporteur, and the Unit described this forum as doing “policy-development.”<sup>50</sup> This seems to confirm that the Unit sees the boundaries between itself and PSCs as blurred, allowing PSCs to participate in the multileveled governance of Europe’s borders. Such activities of the Unit therefore feed into PSCs’ desire to market their sophisticated border control technologies. By comparison, NGOs and other civil society actors do not figure as prominently in the Unit’s activities, to the effect that few alternative views challenge the PSC militarization of European border control.

The current controversy regarding the use of drones for border control illustrates the close relationship between Frontex and PSCs. While civil society actors claim that drones represent a deeply worrying militarization of EU border control, PSCs argue that drones are necessary to obtain intelligence on migration patterns at the borders. However, even though the Justice and Home Affairs Commissioner, Cecilia Malmström, has said that “absolutely no decisions” have been made on the use of drones,<sup>51</sup> Frontex’s R&D Unit has placed itself in the center of this debate by arranging several drone workshops where PSCs like Thales, Finmeccanica subsidiary SELEX Galileo and EADS get the opportunities to test and promote their products for policy makers. For instance, in October 2010 a workshop in Bulgaria was billed as presenting “industry with the chance to demonstrate the capabilities of currently available technical solutions,” since drones could “play an important role in further enhancing border surveillance in the future.”<sup>52</sup> The way PSC products are granted legitimacy as viable policy options by the Frontex R&D Unit’s workshop can be seen as blurring the boundaries between industry and public actors.

In July 2011 Frontex’s mandate was amended, potentially blurring the boundaries between the Agency and PSC interests further. While



Frontex's previous mandate stated that the Agency should "follow up" on research into border control, the new mandate says that it "shall proactively monitor and contribute to the developments in research relevant for the control and surveillance of the external borders." Also, Frontex can now acquire or lease technical equipment itself and build a permanent pool of equipment, rather than borrowing equipment from member states as before.<sup>53</sup> This change thus transforms the Agency into an end user of PSC products and consolidates the close relations between it and the suppliers of border control technologies.

The inclusion of PSCs into the forums designing the priorities of the ESRP, the way in which border control was included into the area of security research, the resulting subsidies for PSC projects and the increasing cooperation between Frontex and PSCs make it credible that these processes function as the neoliberalization of Europe's borderscapes through blurred boundaries. Public actors like the Commission and Frontex seem to actively facilitate the PSCs' privileged access to EU policy-making forums, and the multileveled governance resulting from this access is used by PSCs to boost the EU's funding of their products. A systemic shift towards more blurred boundaries is thus discernible in the EU's border politics. The result is the proliferation of subsidized PSC border projects, which, in turn, accelerate the advanced militarization of the European borderscapes. At the same time, the minimal roles of the European Parliament and civil society actors raise serious questions concerning the democratic legitimacy and transparency of these processes.

Yet, to grasp the political economy underpinning PSC involvement in Europe's borderscapes, it is necessary to elevate the scale of the inquiry to include also investment firms, banks and states' export policies. Here we find that influential financial actors are heavily involved in the marketization of borderscapes. Thus, while Finmeccanica's three largest stockholders are the Italian state (32.45 percent), Tradewinds Global (5.38 percent) and Libya (2.01 percent),<sup>54</sup> others include Blackrock, JP Morgan and Landesbank Berlin. Similarly, G4S' three largest stockholders are Prudential (6.33 percent), M&G Investment Management (5.48 percent) and Harris Associates (4.93 percent),<sup>55</sup> while others include Blackrock, Skagen Stichting, Goldman Sachs and BNP Paribas.

On the common European level, the Commission and the European Investment Bank (EIB) jointly granted the Finmeccanica subsidiary Alenia Aeronautica a €500 million loan in 2009 at a very favorable interest rate.<sup>56</sup> Also, the international banking sector provides billions of euros in credit lines for PSCs. For instance, in 2010 Finmeccanica signed a five-year revolving credit line of €2.4 billion guaranteed by 24

credit institutions. This was coordinated by BNP Paribas and included actors like the Royal Bank of Scotland, Bank of America, Unicredit, Barclays, Citigroup, HSBC, JP Morgan and Goldman Sachs.<sup>57</sup> Many of the same credit institutions are also involved in similar arrangements with PSCs like Thales, G4S and BAE Systems. Through the granting of loans or credit lines, major financial actors are therefore essential economic supporters for the PSC industry. Since they hold stocks in PSCs, they stand to profit from the expansion of PSC involvement in the European borderscapes.

At the financial level we also find other actors supporting PSC borderscaping, namely ECAs. Some of these agencies, like the United Kingdom's Export Credits Guarantee Department (ECGD), are public institutions, but most are private corporations. Thus, Hermes is a company mandated by the German government, French Coface is owned by a commercial bank, and Italian Sace was privatized in 2005. ECAs are prime examples of blurred boundaries between public and private interests: states channel public funds to ECAs, which then use them to cover banks' or corporations' export risks. This is done either by providing guarantees for the debt incurred by banks loaning money to importing countries or by granting loans directly to these countries.<sup>58</sup> ECAs thus support bank loans and industrial exports by creating debt in importing countries and represent the largest flow of public funds from the global North to the global South.<sup>59</sup> PSCs also benefit from ECAs. After the end of the Cold War, the European arms industry faced a dwindling demand for their products. However, instead of asking the industry to adjust their supply of advanced military technology, European states have instead used ECAs to sustain and even enhance the export markets for their military and security industries, as illustrated by the ECA-subsidized exports to Libya after the lifted arms embargo. ECAs are thus heavily involved in supporting PSCs' export of border control equipment to developing—but also Southern European—countries,<sup>60</sup> and their guarantees have therefore been vital for the boosting border control at the EU's external borders or in third countries. As such, ECAs occupy an important systemic role in the multilevel governance of European border politics, and show how this is linked to other policy issues, such as domestic job creation, export relations, and industrial competitiveness.

Tracing the flows of funds which support PSC involvement in Europe's borderscapes reveals how powerful actors in the European financial system provide crucial support for the militarization of Europe's borderscapes. Moreover, the involvement of ECAs, investment management firms and the international banking sector in the European

borderscapes reinforces the worries about lacking transparency and inscrutability. ECAs have been criticized severely for their opaque relations to industrial and commercial actors and for systemic corruption.<sup>61</sup> Banks' stock holdings in the arms industry have been notoriously shrouded in secrecy and controversy.

As PSCs are granted a more dominant role in border functions, the notoriously opaque relations between banks, firms and suppliers of military and control equipment are transferred to the political economy of borderscapes. The PSC militarization of the EU borders does not only transform the spatiality of the border, but also its underlying political economy regarding public–private interaction and the financing of borderscapes. The PSC transformation of Europe's borderscapes, therefore, has vast implications for the political processes in the EU, the financial flows guiding the borders, and for the human rights of migrants on whom the militarized border control is enforced.

## **Conclusion**

To conclude, this chapter has sketched the increasing involvement of PSCs in border control and the implications this has on European border control. Migration industries depend on the policies of national or supra-national actors in different ways. Thus, PSC borderscape contracts serve as a direct counter-measure to a number of other subsets of the migration industry, such as travel agencies, visa facilitation or boat migration.

It was argued that the concept of borderscape contracts highlights the dynamic and constructed character of borders, since it captures the multidimensional abstractions of knowledge and technologies that characterize the public–private relations witnessed on the European borders. G4S contracts for border enforcement, Frontex's deportation program, the numerous EUROSUR projects and Finmeccanica's integral role in externalization to Libya show the multifaceted and dynamic character of public–private relations regarding border control. These range from the outsourcing of detention, transportation and deportation, over multiple contracts for deportation flights, to contracts for supplying helicopters, drones or, indeed, entire border control infrastructures. This involvement of PSCs has resulted in the securitized transformation of Europe's borderscapes with clear consequences for the ability of migrants and refugees to access asylum and other human rights. Moreover, the introduction of PSCs into the processes of border construction has also led to complex practices of sub-contracting, spiraling budgets and the risk of lock-in effects to a degree where PSCs are increasingly in the driver's seat of the still-developing EU borderscapes.

Viewing PSCs' growing connections to border functions as processes of neoliberalization allowed the analysis to trace the production of knowledge by embedding them in a dynamic where the suppliers of advanced border technologies recast themselves as security experts and created a demand for their products. This conceptualization also emphasized how PSCs participate in the design and governance of European border politics through multilevel governance. This can be done either through traditional lobby efforts, like the European Organization for Security, or through forums where the boundaries between public and PSC interests are blurred.

Thus, when the Frontex Agency's R&D Unit arranges workshops where PSCs can market drones for border control, the Agency aligns itself with the PSCs' interests, effectively legitimizing this particular border technology despite the immense controversy surrounding it. Similarly, the European Commission's invitation to major PSCs to join the GoP, ESRAB and ESRIF means that millions of euros in public funds are being channeled to PSC research in advanced border control. These hybrid structures therefore show how public actors like Frontex and the Commission are crucial in facilitating the systemic shifts behind the increased PSC militarization of Europe's borders.

Finally, it was pointed out that the rise of a European military-industrial border complex cannot be adequately understood without tracing the links to powerful European and international financial actors. Thus, through activities like loans, credit lines or stock holdings, the international banking sector, investment management firms and member states' export credit agencies provide absolutely vital support for the PSCs' development and sale of advanced border control technologies. Consequently, PSC borderscaping does not only transform the spatiality and humanitarian conditions of borders. It also reconfigures their underlying political economy along the lines of the arms industry, creating debt for importing countries and opaque relations between public and private interests in its wake.

## Notes

- 1 Christina Boswell, "The 'External Dimension' of EU Immigration and Asylum Policy," *International Affairs* 79, no. 3 (2003): 619–38; and Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control* (Cambridge, UK: Cambridge University Press, 2011).
- 2 Jamie Peck and Adam Tickell, "Neoliberalizing Space," *Antipode* 34, no. 3 (2002): 380–404; and Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (New York: Cambridge University Press, 2007).

- 3 Wendy Larner, "Neo-liberalism: Policy, Ideology, Governmentality," *Studies in Political Economy* 63 (2000): 14.
- 4 Prem K. Rajaram and Carl Grundy-Warr, eds., *Borderscapes: Hidden Geographies and Politics at Territory's Edge* (Minneapolis: University of Minnesota Press, 2007).
- 5 Rajaram and Grundy-Warr, *Borderscapes*.
- 6 Communication from British Embassy in Rome to author, 25 June 2012.
- 7 *Finmeccanica Group Structure 2011*, [www.finmeccanica.it/Corporate/EN/Corporate/Il\\_Gruppo/Struttura\\_del\\_Gruppo/index.sdo](http://www.finmeccanica.it/Corporate/EN/Corporate/Il_Gruppo/Struttura_del_Gruppo/index.sdo).
- 8 G4S 2011, [www.g4s.com](http://www.g4s.com).
- 9 Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge, UK: Cambridge University Press, 2005); and Anna Leander, "The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies," *Journal of Peace Research* 42, no. 5 (2005): 605–22.
- 10 Leander, "The Market for Force and Public Security," 614; see also Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control* (Cambridge, UK: Cambridge University Press, 2011), 165–67.
- 11 Thomas Gammeltoft-Hansen, *Access to Asylum*.
- 12 The Copenhagen School's discursive model of securitization, for instance, sees security discourses as speech acts whereby an actor declares an issue to be an existential threat and demands the right to use extraordinary means to counter it. If a relevant audience accepts this claim, the issue has been securitized. Securitization is thus as a sequence of discursive steps turning a topic into a security concern and making an audience accept the transgression of conventional norms (see also Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security. A New Framework for Analysis* (London: Lynne Rienner Publishers, 1998)).
- 13 Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU* (New York: Routledge, 2006), 91–92.
- 14 UK Border Agency 2011, [www.ukba.homeoffice.gov.uk/aboutus/organisation/immigrationremovalcentres/](http://www.ukba.homeoffice.gov.uk/aboutus/organisation/immigrationremovalcentres/).
- 15 European Commission, *Commission Staff Working Paper: Determining the Technical and Operational Framework of the European Border Surveillance System (EUROSUR) and the Actions to be Taken for its Establishment* (SEC(2011) 145 final), 28 January 2011.
- 16 Commission of the European Communities, *Commission Communication to the Council and the Parliament on a Common Policy on Illegal Immigration* (COM (2001) 672 final, 15 November 2001), 7.
- 17 Council of the European Union, *2463rd Council Meeting. General Affairs and External Relations* (14183/02 (Presse 350)), 18 November 2002, 5–6.
- 18 Commission of the European Communities, *Commission Staff Working Paper: Intensified Cooperation on the Management of Migration Flows with Third Countries* (SEC(2003) 815), 9 July 2003, 7.
- 19 European Commission Press Release, *European Commission and Libya Agree a Migration Cooperation Agenda during High Level Visit to Boost EU-Libya Relations*. (MEMO/10/472), 5 October 2010, 1, 4
- 20 Official Journal of the European Union, *Twelfth Annual Report According to Article 8(2) of Council Common Position 2008/944/CFSP Defining Common*

- Rules Governing Control of Exports of Military Technology and Equipment* (2011/C 9/01), 13 January 2011, 161–62.
- 21 Claudia Gazzini, “Assessing Italy’s Grande Gesto to Libya,” *Middle East Report* 16 (2009).
  - 22 Finmeccanica Press Release, *Agreement Signed with the Libyan Government to Create a Joint Venture in the Sector of Electronics for Defence and Security*, 2 April 2007.
  - 23 Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and Globalisation of Migration Control* (Cambridge, UK: Cambridge University Press, 2011), 169.
  - 24 Wendy Larner, “Neo-liberalism: Policy, Ideology, Governmentality,” *Studies in Political Economy* 63 (2000): 14.
  - 25 Larner, “Neo-liberalism,” 5–6.
  - 26 Jamie Peck and Adam Tickell, “Neoliberalizing Space,” *Antipode* 34, no. 3 (2002): 382–83.
  - 27 Peck and Tickell, “Neoliberalizing Space,” 382–83.
  - 28 Anna Leander, “The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies,” *Journal of Peace Research* 42, no. 5 (2005): 612.
  - 29 Michiel Besters and Frans Brom, “‘Greedy’ Information Technology: The Digitalization of the European Migration Policy,” *European Journal of Migration and Law* 12 (2010): 457.
  - 30 Virginie Guiraudon, “The Constitution of a European Immigration Policy Domain: A Political Sociology Approach,” *Journal of European Public Policy* 10, no. 2 (2003): 268.
  - 31 Thomas Lemke, “A Zone of Indistinction—A Critique of Giorgio Agamben’s Concept of Biopolitics,” *Outlines. Critical Social Studies* 7, no. 1 (2005): 11.
  - 32 Wolfram Kaiser, Michael Gehler, and Birgitte Leucht, “Networks in Informal European Governance, Diachronic Perspectives on the European Union as a Multi-level Polity,” in *Networks in European Multi-Level Governance. From 1945 to the Present*, eds. Wolfram Kaiser, Michael Gehler, and Birgitte Leucht (Vienna, Cologne, Weimar: Böhlag Verlag, 2009), 9–28.
  - 33 Mark Pollack, “Theorizing EU Policy-making,” in *Policy-Making in the European Union*, 5th edition, eds. Helen Wallace, William Wallace and Mark Pollack (Oxford: Oxford University Press, 2005), 36.
  - 34 European Organization for Security (EOS), *Priorities for a Future European Security Framework*, August 2009, 15.
  - 35 European Organization for Security (EOS), *Priorities for a Future European Security Framework*, 3.
  - 36 European Organization for Security (EOS), *Priorities for a Future European Security Framework*, 9–10.
  - 37 European Organization for Security (EOS), *Priorities for a Future European Security Framework*, 11.
  - 38 Jamie Peck and Adam Tickell, “Neoliberalizing Space,” *Antipode* 34, no. 3 (2002): 380–404.
  - 39 Wendy Larner, “Neo-liberalism: Policy, Ideology, Governmentality,” *Studies in Political Economy* 63 (2000).
  - 40 Ben Hayes, “Arming Big Brother: The EU’s Security Research Programme,” *TNI Briefing Series*, no. 1 (2006): 13.

- 41 Group of Personalities (GoP), *Research for a Secure Europe: Report of the Group of Personalities in the Field of Security Research* (KI-NA-21-110-EN-C), March 2004, 13.
- 42 Directorate General Enterprise and Industry Security Research, *Preparatory Action for Security Research (PASR)* (2006), 58.
- 43 Group of Personalities (GoP), *Research for a Secure Europe: Report of the Group of Personalities in the Field of Security Research* (KI-NA-21-110-EN-C), March 2004, 11.
- 44 European Security Research Advisory Board (ESRAB), *Meeting the Challenge: The European Security Research Agenda* (NB-75-06-348-EN-C) (September 2006), 11.
- 45 Group of Personalities (GoP), *Research for a Secure Europe: Report of the Group of Personalities in the Field of Security Research* (KI-NA-21-110-EN-C), March 2004, 10.
- 46 Group of Personalities (GoP), *Research for a Secure Europe: Report of the Group of Personalities in the Field of Security Research* (KI-NA-21-110-EN-C), March 2004, 24–29.
- 47 Ben Hayes, *NeoConOpticon: The EU Security-Industrial Complex* (TNI/Statewatch, 2009), 23–24.
- 48 European Security Research and Innovation Forum (ESRIF), *Final Report* (September 2009), 96.
- 49 Frontex website, [www.frontex.europa.eu/structure/capacity\\_building\\_division/research\\_development/](http://www.frontex.europa.eu/structure/capacity_building_division/research_development/).
- 50 Frontex Research & Development, [www.frontex.europa.eu/structure/capacity\\_building\\_division/research\\_development/](http://www.frontex.europa.eu/structure/capacity_building_division/research_development/).
- 51 Malta Independent Online, *Frontex Eye Drone Planes for Migrant Searches*, [www.independent.com.mt/news.asp?newsitemid=103372](http://www.independent.com.mt/news.asp?newsitemid=103372).
- 52 Frontex Press Release, *Call for Expressions of Interest in Demonstrating at Frontex R& d Green Border Workshop: Small UAVs and Fixed Systems for Land Border Surveillance*, 14 September 2010.
- 53 Official Journal of the European Union, *Regulations Amending Council Regulation (EC) No. 2007/2004 Establishing a European Agency for the Management of Operation Cooperation at the External Borders of the Member States of the European Union, Regulation (EU) No. 1168/2011*, 22 November 2011, Arts. 6–7.
- 54 As of 26 September 2011.
- 55 As of 31 October 2011.
- 56 European Investment Bank, *EIB Lends EUR 500m to Finmeccanica for Investment in Southern Italy*, [www.eib.org/projects/press/2009/2009-2154-eib-lends-eur-500m-to-finmeccanica-for-investment-in-southern-italy.htm](http://www.eib.org/projects/press/2009/2009-2154-eib-lends-eur-500m-to-finmeccanica-for-investment-in-southern-italy.htm).
- 57 Finmeccanica Press Release, *Finmeccanica Signs a New Credit Facility Worth EUR 2,4 Billion*, 21 September 2010.
- 58 Michael Brzoska, “The Economic of Arms Imports After the End of the Cold War,” *Defence and Peace Economics* 15, no. 2 (2004): 116.
- 59 Aaron Goldzimer, “Worse than the World Bank? Export Credit Agencies: The Secret Engine of Globalization,” *Backgrounder* 9, no. 1 (2003): 3.
- 60 European Network Against Arms Trade (ENAAAT), *European Export Credit Agencies and the Financing of Arms Trade* (2007).
- 61 Aaron Goldzimer, “Worse than the World Bank? Export Credit Agencies: The Secret Engine of Globalization,” *Backgrounder* 9, no. 1 (2003): 3.

## 8 Pusher stories

### Ghanaian connection men and the expansion of the EU's border regimes into Africa

*Hans Lucht*

- **Extraordinary measures**
- **Death worlds**
- **Pusher work**
- **We are storytellers**
- **Kantinka's journey**
- **Bobby finds God**
- **Conclusion**

How to keep moving freely—the “topmost achievement of the globalizing world”—while denying others that same freedom, is one of the great dilemmas of our time.<sup>1</sup> In the context of undocumented movement into Europe, it is well known and criticized that this dilemma has given birth to the controversial solution of displacing, or outsourcing, border control into African territories, thus transferring inconvenient moral and legal obligations onto private contractors or authorities in transit countries, who are paid, or pressurized, to handle migrants, asylum seekers and refugees on behalf of Europe. Libya, for instance, has a very poor human rights record and offers no framework, either legally or administratively, for handling people in a way that corresponds to standards or values contained in international laws and conventions. Though it remains controversial on legal, moral and political grounds, this development has been—until the surprising collapse of EU partner dictatorships in North Africa, the effect of which remains to be seen—a very effective way of reducing (especially African) undocumented movement into Europe; a part of the political machinery that is perhaps not loved or celebrated but nevertheless deemed necessary to maintain the liberal democracies of Europe. In this chapter, I explore how this development is linked to the emergence of new actors in the “migration industry,” namely the connection men or pushers of West Africa—often destitute and stranded people themselves—who have become guardians



of the fragile hope that one may beat the system and slip under the radar into Europe.

### **Extraordinary measures**

Few had foreseen the effectiveness of the so-called “friendship pact” of 2008 between Libya and Italy. Before the “friendship pact,” scholars of globalization and migration had argued that it would be hard, if not impossible, to discontinue the movement of people from poorer countries to richer ones, or at least it would be hard to stop people “without drastically curtailing civil and human rights, which would be at odds with enlightenment values and the open nature of modern capitalist economies.”<sup>2</sup> However, the rights and values European leaders celebrated at home soon yielded to a more pragmatic approach on how to deal with the arrival of “boat people” from North Africa. This new approach included apprehending migrants, asylum seekers and refugees on the high seas, pushing them back to Libya without screening them for legitimate reasons of stay within the European Union (EU), and restraining them in detention centers, often financed by European money. In the Libyan detention centers the borders of Europe were kept safe by all means possible: the detainees were kept under congested and unsanitary conditions and for an undisclosed period of time; mocking, beating, sexual harassment and punishment with electro-shock stun weapons appeared to be the order of the day.<sup>3</sup>

An indication of the political weight of this agreement to the Europeans, especially Italy and France, was given when the conflict between the Libyan dictator and the pro-democracy protesters started. Colonel Gaddafi warned his European partners not of terrorist attacks, to which he has been historically linked, nor of oil sanctions, but rather that “millions of blacks” could be on the way if he was overthrown.<sup>4</sup> It is no surprise, therefore, that the EU and Italy were quick to state that whatever happened in Libya in the aftermath of the revolution, when, or whether, Colonel Gaddafi were ousted, that they would seek new agreements with whoever was in charge concerning the continued crackdown on undocumented movement into Europe. The upheaval in Libya and the apparent mass murder of civilians unleashed by Colonel Gaddafi once again brought the dilemma in which the Europeans find themselves to the fore. Migrants, asylum seekers and refugees held in Libyan prisons are subjected to arbitrary legal processes and well-documented mistreatment at the hands of the Libyan prison guards—they were even used as political pawns in the face-off between Gaddafi and North Atlantic Treaty Organization (NATO) forces.<sup>5</sup>

It does not look pretty at all, but it is believed to be a necessary evil in the maintenance of the continued well-being of Europe. As a consequence, one should perhaps no longer assume that it is impossible to stop people going to Europe but rather one should be asking *how far* European nation states are prepared to go to stop people from coming, including pushing them back to countries where their lives and freedom will be threatened, in clear violation of conventions and human rights law. Indeed, “drastically” compromising the rights of migrants, asylum seekers and refugees now appears to be an acceptable consequence of any effective handling of African and Asian undocumented migration.

Generally, the development also signals something else, which has been clear for some time, namely that the prospect of international migration has been established as a security risk first, justifying extraordinary measures that have now become commonplace in the extended EU borderlands, and only secondly as a humanitarian problem. This is a phenomenon directly linked to the involvement of certain other “migration industry” actors at the opposite end of the scale from the connection men, namely the powerful private security companies that through various opaque decision-making bodies are involved in both the discursive framing and policy making opposing the “dangers” of migration, as well as in providing the know-how and sophisticated military equipment to stop it. In the case of Libya, for instance, following the “friendship pact,” subsidiaries of the Italian security conglomerate Finmeccanica received multi-million-dollar orders for helicopters, maritime patrol vessels, drones, and a complete border control system to cover the vast desert between Libya, Chad and Niger (see Chapter 7, this volume). These extraordinary measures—the effort to stop unwanted migrants by all means possible, curtailing civil rights and human rights in the process, while otherwise celebrating and intensifying movement as a necessary component of globalization—have not dampened the need for clandestine routes, however. On the contrary, they appear to stimulate another “migration industry” that profits on the desperation of African youth—bombarded by media promises of global prosperity (which remain just that), while confirming Africa’s place in the shadows—to the extent that most central bus stations in West Africa have both regular and irregular travel agents, the latter carrying the hope for social, material and existential change.

## **Death worlds**

So what are the consequences of these extraordinary measures on the ground? For the migrants, the creation of “zones of detention,” “buffer

regions,” “thresholds”<sup>6</sup> in transit countries at the edges of European late-modern democracies are perhaps not too unfamiliar in the sense that wherever young Africans turn to escape the “social death”<sup>7</sup> of African village life they are met with new obstacles—and especially in the sense that it is perceived as futile to save them from the consequences of their own brutality.<sup>8</sup> However, these gray zones are not only places where people wait in a “permanent state of stand-by”; they are also places from where “pioneers in search of ‘adventure’ set off.”<sup>9</sup> These arising gray zones, or “death worlds,” on the edge of Western liberal societies, or contained within them, thus entail “new and unique forms of social existence.”<sup>10</sup> In this sense, pressure on migration routes and the creation of state-sponsored “death worlds” do not put an end to social and existential aspirations but rather lead to new strategies and new social worlds within new power configurations; worlds that entail new options and disappointments, and engender new forms of individual experience. Indeed, “Tightened immigration policies and hardened migration control are only likely to drive up the profitability of human smuggling and corruption among border guards and agencies with the know-how to ensure visas” (Introduction, this volume). As a consequence, the phenomenon of international migration may be slowed down in the brutal detention centers of North Africa but, paradoxically, interaction between emigrants and state power on the “threshold of the globe” also represents a “subordinate integration” into the world system that may produce new forms of knowledge and power;<sup>11</sup> that is, people somehow appear to find solutions even in the most difficult and desperate of circumstances. Indeed, a whole series of unintended and unrecognized developments may take place in the shadow of these protective walls, which are perhaps not conveyed in either the popular image of the ruthless human smuggler, or in the image of the migrant suffering helplessly at the hands of Libyan security personnel—even these tormentors may exhibit certain human traits that make a difference, greed and opportunism at the very least, and for a moment suspend the sadistic regularity of the system. Though, for instance, the profitable business of smuggling, which is reported to have been partly operated by Libyan authorities,<sup>12</sup> temporarily ceased, and the connections to Europe out of Libya were severed when Gaddafi’s regime effectively clamped down on the networks, new forms of corruption appeared within the system. Many would-be migrants in Libyan jails were reportedly extorted by the prison guards, and only released if they agreed to borrow more money and have it sent via Western Union (see Chapter 11, this volume, for a discussion of extortion of migrants by criminal networks in Honduras). Some even report that they are sold

back to the human smugglers, who facilitate another attempt at reaching Europe, adding the cost of buying the passengers to the price. In an Italian documentary film one migrant reports that he was arrested seven times and sold five times before finally reaching southern Europe.<sup>13</sup> Indeed, as the introduction to this volume (and Chapter 10) remind us, fortifying border control also increases the profitability of corruption, and the profitability and inventiveness of the underground migration industry.

Thus, in this chapter, another of the lesser-known developments at the now extended and reinforced EU borderlands of sub-Saharan Africa is explored. Namely, how migrants, stranded people and deportees are subsequently mobilized into human smuggling networks, finding a business opportunity and livelihood by facilitating hopeful would-be migrants to make the very journey that they have failed to make themselves (cf. Introduction, this volume).

### **Pusher work**

Friday, about 7.30 in the evening, when the night has fallen on Niamey, the big air-conditioned bus from Accra arrives at the station. Bobby and Kantinka, the local connection men—they call themselves “pushers”—watch the bus closely. The outside temperature has dropped to a comfortable level, and the very different rhythm of big city nightlife has replaced the drowsy and incredibly hot afternoon, when most people rest in the shade. Cigarette vendors are circling the drinking spots, usually in the company of the small boys who sell knock-off American action movies or African porn and, along the roadside, old women set up little booths in the light of kerosene lamps, perhaps deep-frying sweet pastries, or preparing tomorrow’s products: little plastic bags of sugar, nuts or millet, while young ladies in high heels stroll the streets, accompanied by boyfriends shouting into mobile phones. The older men find a place on a bench close to the road and keep a watchful eye on things, clutching a glass of tea with lots and lots of sugar, as if patiently awaiting the arising of matters that could need their attention.

From the windows of the Accra bus, one can make out the faces of some young guys inside, intently watching the dimly lit city and all the commotion, halfway hidden behind burgundy curtains, looking somewhat nervous at the prospect of arriving in a new city. Or perhaps they have simply been sleeping on the way and need a little time to come to their senses. They have arrived in Niger’s capital with a view to continuing onwards through the country’s dangerous desert into Libya without papers, and then perhaps Europe. This route is considered not only the

most important migration route connecting sub-Saharan Africa with the Maghreb, but also “the most deadly and dangerous land route that migrants can take.”<sup>14</sup> The migrants have been told by their friends and family to be very careful and to trust nobody because there are a lot of bad people out there, trying to fool them and take their money. Sometimes they bring several thousand dollars, a fortune in these parts, which they have borrowed from family or big men at home.

This is what Bobby and Kantinka are up against, but they do not come unprepared. As soon as the bus pulls up in front of the station, they slip away from our table, put on their business faces, and begin the pushing work. In fact, their operation has already begun, but the hopeful migrants peeking out of the bus windows just don’t know it. The pushers have a colleague at the border between Burkina Faso and Niger, who jumps on the Niamey bus, scouts out the situation, and then makes a call to the pushers in advance to let them know how many people are going to Agades—the northern desert outpost from where people leave for Libya—and, importantly, what frame of mind they are in. Some will be ready to listen to advice; others are “stubborn” and need some persuasion. For instance, upon their arrival some will have the name of another bus connection to Agades, and they refuse to change their mind, even though the prices and the services out of Niamey are well-nigh identical. Except for being inconvenient, this situation is not a huge problem. The pushers know all the stations and they will get their cut of the ticket price no matter where they take the passengers. Sometimes, however, the passengers’ fear of being duped by the connection men cannot be underestimated, and they may behave in ways that are difficult to predict, even by the pushers, who have otherwise, they claim, seen it all.

One time, Bobby was taking a passenger to another station across town in a taxi, because he fiercely insisted and wouldn’t listen to any other ideas, when suddenly this young guy flings the taxi door open and throws himself out of the moving car. Though badly hurt, he immediately gets to his feet and starts running in the opposite direction. The driver turns the taxi around and follows him, the boy still running, with Bobby shouting out of the side window that he should come to his senses and get back inside the car before he gets himself killed. However, the boy keeps going and disappears into a residential area and vanishes. Later the same day, Bobby sees him at the bus station—he has a few other passengers going there—and the boy apologizes, roughed up from the earlier taxi ride, and explains that he overheard Bobby speak Hausa with the driver and was certain they would rob and kill him.

The bus backs up and reverses down the side of the bus station. The driver switches the engine off, opens the door to let people out, and rests for a while, leaning on the wheel. Bobby and Kantinka wait outside; their colleague comes out and points out the boys going to Libya. Sometimes there are 30, sometimes five; this night only three, and these are going along with the pushers' suggestions without any trouble. Kantinka shows two around inside the station, whereas Bobby awaits the third passenger who is still in the process of locating his luggage. Tonight the bus is full of locals, who have been to Ghana for business purposes or to visit friends and family, and are carrying home impressive amounts of suitcases and goods—especially electronic devices like personal computers and flat screens wrapped in brown paper, but also smart clothes and plantain, all to be transported across the border into Niger. The porters, young men in long blue coats with the name of the station stamped on their backs, meet these travelers and load goods and suitcases onto heavy iron wagons, and push the load outside to a waiting car or taxi. These passengers are of no interest to the pushers; they are going nowhere, and know their own way around Niamey. Finally, the young Ghanaian locates his luggage and follows Bobby inside the station. Here, Kantinka is showing them where they can wash and sleep. The station is a former cinema, and as soon as one enters through the gates one steps into a large oval area, open to the sky and bordered by round columns that support a narrow roof on the fringe of the oval, under which the would-be migrants sleep on mattresses on the floor. Actually, this surprisingly agreeable building, including the rather brutal, neo-classical-shaped front with five broad oversized pilasters reaching from top to bottom, strangely recalls the simplicity of Roman architecture. The guys put down their suitcases and Bobby informs them that if the rainstorms get too violent, and there's one coming tonight, then there's a shelter on the roof where they can take cover. The guys are not saying much; they nod silently from time to time, but their eyes are keenly alert. They are wearing windbreakers with hoods, which tells you they are ready for the desert—the heat, the sun and the sandstorms.

### **We are storytellers**

The newcomers give the name of the “ghetto” in Agades in which they prefer to stay while awaiting further transport to Libya, and the pushers say “no problem,” they'll make sure they get there without any confusion. They are in daily contact with the halfway houses in the desert, and often accommodate the “ghetto bosses” when they pass by on business. In fact, since their colleague on the bus has already informed

them which “ghetto” the boys have in mind, the pushers have already talked to the boss and told him to get ready to pick up three guys at the police checkpoint outside of town. As soon as the migrants have put down their luggage, Kantinka takes them to the ticket booth in the station lobby and makes sure they get tickets for Agades. The pushers would prefer this part of the operation to be completed swiftly and smoothly. When the ticket purchase has been completed the passengers are not running anywhere, and they can relax and leave them alone. Moreover, they receive 1,000 CFA from the bus company every time they, as intermediaries, facilitate the sale of a ticket. Obviously, when 30 passengers arrive at a time the bonus is considerable, but the real money is to be made elsewhere. Bobby and Kantinka receive 5,000–10,000 CFA for each person they manage to “push” to a “ghetto” in Agades. When in transit, these “ghettos,” or halfway houses along the route, provide the migrants with familiar food, shelter, protection from local authorities and onward transportation. Obviously this is costly and generates a sizable profit to the various migration entrepreneurs. Therefore, it is not acceptable that passengers should try to run away, and link up with other pushers or connections.

One time a whole group of people wanted to leave the station, shunning every attempt by the pushers to “help” them continue their journey. Desperate at the sight of profit slipping through his hands, Bobby called a friend who, at the time, drove a new and respectable car, and told the troublesome passengers that the Niger police were looking for them. The police, he claimed, were very unhappy with the fact that some Ghanaian boys were about to leave the station, not having obtained the necessary means of transportation to their next destination. Upon seeing Bobby’s friend in the impressive car, speaking harshly to them in French, they quickly purchased the tickets and even paid a small fine for their negligence, which Bobby, heroically, managed to have reduced considerably in the following negotiations for which the passengers, later, individually thanked him. Such strong means of manipulation are not typical, however: usually the pushers can talk them into submission if there’s any confusion. “We tell them stories,” Bobby laughs, “We are storytellers.” The real challenge arises when many arrive at a time and have different ideas about where to go, and with whom to stay. Then the pushers have to split up and deal with several groups at a time, Kantinka, perhaps, staying behind at the station, trying to wrap up their business there, while Bobby has to arrange transportation to another station and go along with a group and make sure they are safely installed there; that is to say, tickets are purchased and contact and a contract is made with halfway houses in Agades, and the profit the passengers

represent is protected. Expanding on pusher strategies, Kantinka says, “You always look for the strongest among them, the person in the group who will meet your eye. As soon as you convince that person the rest will follow automatically.” Today, however, everything is conducted according to plan. Only a few words of comfort and advice are needed. When Kantinka has facilitated the sale of the tickets, and taken the passengers back to their sleeping quarters, Bobby discreetly gets up and collects the pushers’ share of the money at the ticket booth. “There’s no reason for the passengers to see that we take a small share,” Bobby says, “They might get the wrong idea.”

### **Kantinka’s journey**

Bobby and Kantinka have the advantage of having been on the road for many years themselves. They know the answer to just about everything any would-be migrant needs to know before heading out on the dangerous journey through the desert to Libya. However, although the pushers have been working out of Niamey for almost 10 years, stranded on the road, they still regard themselves as en route to Europe—they have only temporarily run out of money and ideas. Kantinka began his migration odyssey in the port of Abidjan, in Ivory Coast. He is from a fishing community in Ghana’s western region, and felt travelling to Europe by sea was the safest way. There is a place in the port of Abidjan where all the Ghanaian human smugglers are located. “They receive you, sit down with you, and you explain to them what you want. They take your money, and they talk with their people—the security people on the docks—and see if they can ‘pave’ the way for you.”

Generally, there are three kinds of boats out of Abidjan that are suited for smuggling oneself to Europe: timber ships, freighters and container ships. Kantinka’s first attempt was with a timber boat. He took a part-time job on the docks as a manual worker, shifting cocoa. This meant he could “spy out” the board in the harbor office and see when ships were arriving and departing, and, importantly, what their destinations were. “If someone asks what you’re doing there, you’re just a worker.” Then he waited until the rainy season, when security was at a minimum, while scouting out the ships. When the day arrived, and the timber ship was set for departure the next morning, Kantinka waited and watched the ship with the human smugglers until after midnight when all the sailors had left to do one last round of the town, and then they made their move. They got into a small canoe and paddled to the hull of the ship in pouring rain—there were three people going, and two connection men. The connection men brought a large bamboo



pole, “... like a telephone pole, in fact, twice the length of a telephone pole,” with steps and a hook in one end. The connection men raised the pole—a complicated task given the size and weight of it—and attached the pole to the bulwark, and then Kantinka and the two others climbed onto the ship. “It’s very difficult, you’re risking your life this way. If you fall down, you can die.” They entered the ship and dispersed. The timber had names of destinations written in chalk on it, so the migrants looked for the timber with European names and hid inside the shipment. Later, in the early morning, when the ship was about to embark, one migrant was caught while he was trying to find a better position and the crew searched the whole ship with dogs for three-to-four hours. They found 32 stowaways among the timber, primarily Ghanaians, Nigerians and Cameroonians, but not Kantinka. He had found a batch of timber going to Celta Vigo in Spain, and squeezed himself down into an opening with his small bag, containing some water and nice clothes for the arrival in Europe. The spot was very tight, and he was soon bruised and bleeding all over. It can be very dangerous, Kantinka explains, when on the high seas a batch of timber suddenly moves, even slightly, and crushes a stowaway hiding inside. Following the search, the ship didn’t move for six days. In the end, Kantinka left his hideout to see what was going on, and then was caught on the spot. He received a few slaps from the security men, but the captain was generous and gave him US\$20 and told him to go away and not come back.

The next time Kantinka paid a driver, who was loading a freighter, to take him inside the ship on a small truck, and then he’d slip away and hide inside the hollow ramp at the port side of the ship. “To begin with you’re laying down, but then the ramp goes up, and you’re standing inside the ship.” This time, too, he was caught trying to climb out of the ramp and put into detention. Next he tried a container ship bound for Europe. This strategy demands more preparation. The connection men set him up with a person who operated the crane that loaded the containers onto the ship. The crane operator took a bribe and agreed to hide a group of six people inside an empty container, and lifted it onto the ship, the opening facing the water, so they would be able to take in fresh air without being seen from the bridge. Because the ship was so big that they couldn’t sense whether it was at high seas or in port, they were handed a pot of water in order to see when they started moving. Soon the water in the pot began to slant to one side and then the other, and the temperature dropped significantly. This time Kantinka knew they were really going to Europe. Again, though, something happened. The ship was called back to Abidjan, and the container was lifted down and dropped on the quay. When they came out,

policemen with dogs surrounded them, they were taken into detention and had to pay a bribe to be released. He tried several more times but failed on each of them, while watching “plenty, uncountable” numbers of people going ahead, even his younger brother, who is now in Spain.

Growing disappointed with events in Abidjan and the fact that too many stowaways were driving up the prices for bribing security guards, Kantinka borrowed \$2,000 from his uncles in Italy and decided to try his luck in Dakar, Senegal, where rumor had it one could find a connection to Spain. He registered as a sailor, secured a seaman’s book, and began walking around the port to look for a connection. The first day in the port he came across a trawler with an African crew. There were a lot of people standing on the dock chatting. He understood that they were taking the trawler to dry docks in Las Palmas and that the white captain had agreed to hide some passengers in the boat. They should pay \$500 to register and come back late at night, when nobody was watching. The whole thing turned out to be a scam, however, and when they came back the ship had already left. A couple of months later he had a second chance, when he met a white captain in a restaurant in Dakar. This captain was willing to take eight people to Amsterdam for \$1,500 each. They would have to pay \$500 in advance, and the rest when they came to his hotel in the morning. When they came in the morning, however, the hotel clerk informed them that the white captain had already left, and they all “cried and cried,” Kantinka remembers.

Left with only \$800 dollars and seeing the money going fast with nothing to show for it, Kantinka decided to try Libya and the connection to Lampedusa. He worked for a while as a mason in Tripoli, while sounding out the different Ghanaian connection men. He informed his uncles in Italy of his plans, but they advised him strongly against trying the Mediterranean and told him instead to head back to Senegal; they had had news that the connection in Dakar was open again. They instructed him to take the rest of the money they had given him and try one more time. Knowing the dangers of the desert trail, Kantinka made sure to hide the money in a bar of soap, but when he reached Agades in northern Niger and stuck a key into the bar of soap and looked for the money there was nothing there, only desert sand. He pleaded with his uncles to help him, but this time they wouldn’t listen to him. They said he was useless and that he had wasted the money on women and drink and that they would have nothing further to do with him. On top of all the other disappointments over the years, this was one too many. “It made me crazy. For two months I just walked around. All my clothes were torn, I don’t know how, and my hair was growing wild. I was sleeping outside, in the rough, eating whatever I could

find.” A fellow Ghanaian traveler took pity on him and paid for his transport to Niamey, the capital of Niger. He left him in the hands of the Ghanaian pushers, who were working out of the Ténéré Station. One man, Osu, a seasoned pusher who is now stationed in the Niger desert, let him sleep under his roof and instructed his wife to give him food when she cooked. Slowly Kantinka began to come to his senses and stopped thinking about the money. He started following Osu around on his rounds and observed the pusher work he was at the time undertaking with his partner, Bobby. So, when Osu left for the desert, Kantinka took his position. He became Bobby’s partner, and they began working at the station together. “I saw how the whole thing was done, and I learned small-small. Later, I became the champion of them all.”

It is perhaps no surprise that Kantinka should end up in a bus station. Indeed, during fieldwork in southern Europe and West Africa, one of the things I have noticed about African undocumented migrants and deportees who are lost or stranded or otherwise struggling to make ends meet while waiting for something to happen, is that they are magnetically drawn to busy places, as if being close to centers of intensified movement somehow alleviates their own sense of being stuck.<sup>15</sup> There are, of course, good reasons for moving to African big cities, or to be hanging out in the bus stations, intersections, and along the expressways of Europe, because to people living on the fringes these are the places where, sometimes, opportunity shows itself. Perhaps, though, this protracted life of waiting in busy places also speaks of important aspects of migrant experience, and of how power and subjective experience is distributed in the so-called global world: it has become easy to be a spectator, but increasingly impossible to gain access to the fields of money and power. Or, as the economist Daniel Cohen argues, there’s a growing breach between the realities of the global economy and the promises to which it gives birth.<sup>16</sup> Precisely, therefore, the people—hustlers, pushers, human smugglers—who can facilitate a route under the radar and connect or re-connect the inhabitants of these waiting zones with their social and existential aspirations, emerge as some kind of dubious hero figures, who “can control the passengers like they were my own children,” as Kantinka puts it.

### **Bobby finds God**

Bobby and Kantinka’s partnership is based on a kind of good cop/bad cop routine. Kantinka has a natural talent for talking people into trusting him, with his calm and respectful manners. “I don’t know whether it a gift from God but I always find a way to ‘penetrate’ them. That’s

why Bobby likes me so much. He knows that if it's a difficult situation and I am there, it will not be difficult anymore." If the passengers refuse to listen to Kantinka and extraordinary pressure is needed, Bobby steps in. He's a Hausa-speaking hustler from the poor side of Accra, who also has major travel experience himself. One time, he made it all the way to the Canary Islands from Western Sahara in a small fishing boat but was escorted straight back to Ghana. In fact, the Spanish authorities informed the hopeful migrants that they were going to Madrid and spontaneous celebrations broke out in the detention center—everybody began making phone calls to friends in Spain, telling them that they had made it and they should get ready to come around and pick them up, buy food and beer and be ready to celebrate, because they were coming to Europe. However, there was something about the combination of immigrants and policemen that made Bobby a little bit on edge. They were 60 Ghanaian guys going to Europe and 120 policemen escorting them, which he felt was curious given the fact that no one was going to protest at being dropped off in Madrid. The flying time was mysteriously long too, Bobby felt, and as he looked out of the windows, squeezed in between two policemen, and saw the deserts of the Sahara below them, he said to his compatriots, "We're going home, you guys," his heart sinking. At first the others didn't believe him but soon enough they all realized the real reason why the Spanish had booked such a large number of seats for the policemen: to make any resistance futile.

After the deportation from Spain in December 2001, Bobby decided to leave Accra quickly, spending less than half an hour with his family after not having seen them in eight years. Walking to the bus station, he saw an old classmate of his coming out of a shop downtown, getting into a nice car. They talked for a while, and she told him she had a job in a bank and he could tell by the car and the clothes she wore that she was doing pretty well for herself, whereas he was a deported recovering junkie who had lost everything. "This small girl, who used to be on my level, driving a fine car like that; it hurt me very well." With his last \$400—he had \$800 left in the detention centre in Spain but wasted a lot on cigarettes and drink, thinking he was about to see much better times—he purchased a quantity of marijuana and went to Kumasi to stay with his sister for a few days before heading back to Libya to sell the drugs and try to get back into business. He really wanted to get cocaine—it's better business and a lot easier to conceal—but it was too expensive. As it happened, he was arrested on the way to Agades and the Niger police confiscated the bag of marijuana. He had to bribe them with the rest of his money to avoid prison.

Now completely empty-handed, he had to give up on going to Libya and returned to Niamey where he was thinking of going into drug trafficking. However, the business was too risky; nobody could be trusted and he was afraid of going to jail again. Instead he hooked up with Osu, another stranded Ghanaian traveler, and became a facilitator of the journey that he himself had failed to make, while waiting for a new chance. Looking back, he finds the course of events fortunate, he says. Had he made it to Libya with the drugs, he would have succumbed to heroin and be dead by now. “You see how God saved me,” he says. Today Bobby maintains himself on alcohol and marijuana—one joint in the morning and one in the evening, otherwise he can’t eat. He swears he’s finished with “the market,” but that the years as a heroin junkie have spoiled his appetite and made it hard for him to sleep at night. “I am a rush,” he says, “I can’t sit still, I talk too much. Sometimes Kantinka tells me to calm down, but it’s not easy, my brother. I am always a rush—Lord have mercy!”

## Conclusion

In a sense, Bobby’s and Kantinka’s stories represent the stories of many stranded young men and women who, for one reason or another, have had to temporarily give up the hope of reaching Europe, as they come to terms with their undesirable place in the political economy of the global world and the fact that social hierarchies in late modernity are connected to movement and restriction on movement.<sup>17</sup> Instead of returning to their home countries, however, they linger on in transit countries, unwanted and ashamed by failure, where they are easily mobilized into various informal businesses including, at times, human-smuggling networks. Indeed, one could ask whether this situation, the accumulation of disappointed and dispossessed African ex-pats in the expanded southern borderlands of Europe, not only constitutes one of the unforeseen and unintended consequences of the tightening of the EU border regimes—producing the very “industry” it proposes to fight, human smuggling—but also creates and maintains a certain kind of social existence, reserved for the lower strata of the world’s population, of which we are only seeing the beginning (see also Chapter 11, this volume, for a discussion of the disgrace and inconvenience embodied by the deportee in a Honduran context). This is a new world where emigrants and people smugglers, to follow Jean-François Bayart, again, emerge as some kind of heroes of “globalization from below,” showing off “their ability to negotiate its pitfalls, embody itineraries of social ascent, set up new forms of solidarity and sociability, display moral and physical qualities appropriate to the change of scale.”<sup>18</sup>

In an essay on the plight of the indigenous population of Australia and the “unequal distribution of life and death” in late neoliberal modernity, Elizabeth A. Povinelli discusses how nation states separate and displace suffering to remote places, while transforming social and political responsibilities into individual choices and how we, in the process, manage to convince ourselves that we have no part and parcel in the resulting suffering because, basically, “People are killing themselves.”<sup>19</sup> This, too, is often the reaction to the many deaths entailed by high-risk migration across the Mediterranean, whereas how these fatalities are intimately linked to the expansion and militarization of the EU border regimes, and the increasingly desperate choices left open to migrants, refugees and asylum seekers, is not scrutinized or made subject to public debate.

Taking Bobby’s and Kantinka’s stories into account, one should also acknowledge that while moral figures (victim or smuggler) or legal entitlements (illegal immigrant) may speak of certain characteristics of life in the borderlands of the globalized world, and may provide convenient categories for harsh political intervention, they are not completely reducible to social reality. Social reality is a lot more messy and appears to transcend such categories, continuously offering new solutions that may please or disgust us, but nevertheless show a persistent desire to make more out of the world than what has been given. Even if that desire for becoming makes little positive difference, even if it’s of a dubious nature, even if it eventually leads down a path of death and destruction, there is still a drive to become “complicit in one’s fate”—that is to say, to play with, to rewrite and to reverse situations where one is left powerless and unable to govern one’s life.<sup>20</sup>

Indeed, these “outcasts” of modernity are not just victims of either “neo-liberalism,” inhabiting fantasy spaces of suffering, or of their own alleged brutality; they are also agents of change displaying new forms of knowledge and power that arouse hope, however faint, in themselves and their fellow migrants, that their informal but intimate relation to state power can help bridge distances, geographical as well as social and existential. It’s a strange irony, however, given all their sufferings and disappointments, that the pushers should function as a category of hope to their fellow migrants—an enigmatic and potentially dangerous trickster-like figure who can transform “the desire for expatriation into a reality and hold the keys to the external world.”<sup>21</sup> There’s little doubt, though, talking to and watching the migrants en route to Libya, that the pushers somehow embody their deepest fears and hopes. The pushers acknowledge this ambiguous role. One time I asked Kantinka whether he felt that they were cheating the passengers. “No,” he said, “We’re helping

them. But we're also helping ourselves." Individually, too, although they are stuck and short of options and owe friends and family money, hope has not deserted them either. Bobby still wants to leave again, for Israel this time, and Kantinka knows of this special place, this secret harbor, in Ivory Coast, where he's certain the connection is "strong." Rather than disappearing, hope tends to migrate ahead of them. "It becomes temporally or spatially transposed and related to other places or times."<sup>22</sup>

During a lecture on Alfred Hitchcock given by Slavoj Žižek in the early 1990s at an American campus, Žižek; was reproached by a woman who failed to understand why he would choose such an unimportant subject when the former Yugoslavia was being torn apart by ethnic violence. Thinking about the incident, Žižek; writes that his reluctance to play the victim, thereby accommodating the audience's desire for expressing compassion and a sense of "false guilt," violated a "secret prohibition"—that is, that talking about Hollywood movies was not the fitting behavior of a victim. In order to remain observers inhabiting a "sea of normality" that is inherently external to all the madness and arbitrariness of far-off places, Žižek; argues, people in the West like to stigmatize the victim "as a kind of living dead confined to the sacred fantasy-space." Because if they, too, insist on living normal lives, talking about Hitchcock with gunshots ringing in the background, then what claim for exclusive "normality" do our worlds have, and how do we keep denying that our own "alleged normality is itself an island of fictions within the common warfare?"<sup>23</sup> Perhaps the pushers, too, violate the expectations of puritan migrant victimhood by refusing to give up and suffer powerlessly, by constantly devising new schemes, by exploiting their fellow migrants, and by showing to us that the worlds they inhabit and navigate and with which they struggle violently are intimately connected to our own, and that we, by extension, are as much part of the situation as they are (cf. Introduction, this volume).

## Notes

- 1 Zygmunt Bauman, *Globalization. The Human Consequences* (Cambridge: Polity Press, 1998), 76.
- 2 Hein de Haas, "Turning the Tide? Why Development Will Not Stop Migration," *Development and Change* 38, no. 5 (2007): 826; and Hans Lucht, *Darkness Before Daybreak. African Migrants Living on the Margins in Southern Italy Today* (Berkeley: University of California Press), 260.
- 3 JRS Malta, *Do They Know? Asylum Seekers Testify to Life in Libya* (Jesuit Refugee Service Malta, 2009), 2–11.
- 4 Reuters, *Western States Need Libyan Partnership: Gaddafi*, [af.reuters.com/article/topNews/idAFJOE7260B820110307](http://af.reuters.com/article/topNews/idAFJOE7260B820110307).

- 5 Hans Lucht, "The Killing Seas. Libyan Migrants Used as Political Pawns," *The New York Times*, 19 May 2011: A27.
- 6 Jean-François Bayart, *Global Subjects. A Political Critique of Globalization* (Cambridge: Polity Press, 2007), 272.
- 7 Henrik Vigh, "Wayward Migration: On Imagined Futures and Technological Voids," *Ethnos* 74, no. 1 (2009): 96.
- 8 Zygmunt Bauman, *Globalization. The Human Consequences* (Cambridge: Polity Press, 1998), 76.
- 9 Jean-François Bayart, *Global Subjects. A Political Critique of Globalization* (Cambridge: Polity Press, 2007), 272.
- 10 Achille Mbembe, "Necropolitics," *Public Culture* 15, no. 1 (2003): 40.
- 11 Jean-François Bayart, *Global Subjects. A Political Critique of Globalization* (Cambridge: Polity Press, 2007), 282.
- 12 Hans Lucht, *Darkness Before Daybreak. African Migrants Living on the Margins in Southern Italy Today* (Berkeley: University of California Press), 141.
- 13 Andrea Segre, Dagwami Yimer, and Riccardo Biadene, *Come un Uomo sulla Terra*, DVD (Rome, Italy: Infinito, 2009).
- 14 Julien Simon, "Irregular Transit Migration in the Mediterranean: Facts, Figures and Insight," in *Mediterranean Transit Migration*, ed. Ninna Nyberg Sørensen (Copenhagen, Denmark: Danish Institute for International Studies (DIIS), 2006), 54, 62.
- 15 Hans Lucht, *Darkness Before Daybreak. African Migrants Living on the Margins in Southern Italy Today* (Berkeley: University of California Press).
- 16 Daniel Cohen, *Globalization and its Enemies* (Cambridge, Mass. and London: The MIT Press, 2006), 6.
- 17 Zygmunt Bauman, *Globalization. The Human Consequences* (Cambridge: Polity Press, 1998).
- 18 Jean-François Bayart, *Global Subjects. A Political Critique of Globalization* (Cambridge: Polity Press, 2007), 186.
- 19 Elizabeth A. Povinelli, "The Child in the Broom Closet: States of Killing and Letting Die," *South Atlantic Quarterly* 107, no. 3 (2008): 510, 515.
- 20 Michael Jackson, *Minima Ethnographica* (Chicago: University of Chicago Press, 1998), 30.
- 21 Jean-François Bayart, *Global Subjects. A Political Critique of Globalization* (Cambridge: Polity Press, 2007), 186–87.
- 22 Henrik Vigh, "Wayward Migration: On Imagined Futures and Technological Voids," *Ethnos* 74, no. 1 (2009): 105.
- 23 Slavoj Žižek, *The Metastases of Enjoyment. Six Essays on Women and Causality* (London and New York: Verso, 2005), 2.



## 9 Migration brokers and document fixers

### The making of migrant subjects in urban Peru

*Ulla D. Berg and Carla Tamagno*

- Migration industries and the political economy of destinations
- Paper trails and the making of mobile subjects
- Regional migration industries
- State institutions, civil society, and the plasticity of migration industries
- Conclusion

Look brother, if you have made up your mind about traveling, then do it, but if you are doubting then don't go. I am charging you the minimum and I will do a good job for you. I don't work alone, I get other people to make the documentation. And when they are ready I have to pay and if I don't have the money in hand it will make me look bad ... this is a time-sensitive process, you know. If you need these papers, you must be aware of all the prerequisites and all the information you need and keep me updated so that I can offer you a good service. But you have to help me so that I can help you.

(José, document fixer in Azángaro)<sup>1</sup>

As a human phenomenon and a global process, international migration flows appear, disappear, and reappear over time and space according to numerous circumstances. Currently, a total of 214 million people live outside of their country of birth.<sup>2</sup> Of these 10–15 percent are in irregular situations and have traveled far at great cost and risk to get to their destinations—often facilitated by a number of people, papers, and institutions on the way. Recently, scholars have utilized the term “migration industry” to describe the many third parties who—motivated by the pursuit of financial gain—offer a range of formal and informal as well as legal and illegal services and activities that facilitate and sustain international migration from the migrant-producing Global South to labor markets in the North.<sup>3</sup> The opening vignette—taken from an exchange between such a migration industry actor, here the document fixer, and an aspiring migrant—illustrates how members of the world's

less privileged population increasingly must travel outside of established routes and use counterfeit travel documents to cross international borders and reach their destinations.

Migration industries play an important role in the global economy. By facilitating human mobility across international borders, they help integrate what has been—often purposefully—left out of the economic integration of markets promoted by free trade agreements across the world.<sup>4</sup> While richer countries in the North have sought to expand and consolidate markets for capital, goods, commodities, information, and services through free trade agreements, they have simultaneously procured to regulate and control global labor markets via unilateral immigration control mechanisms including increased border enforcement, restrictive and/or discriminatory visa regimes, and employer sanctions for unauthorized migrants already inside the country. This tendency can be observed both in the US and European Union (EU) contexts and it directly contributes to growing migration industries that link people in the Global South to labor markets in the North.

As a labor-exporting country, Peru is interesting in this regard. In recent years, the Peruvian economy has experienced an extraordinary economic growth averaging 5.7 percent a year over the past decade, with the poverty rate falling from 48 percent in 2005 to 31 percent in 2010.<sup>5</sup> Despite Peru's strong macroeconomic performance based largely on an extractive economy with mining as one of the country's most important industries, many Peruvians have yet to feel the effects of the economic boom on their everyday lives. Poor infrastructure and lack of redistributive social policies preclude economic growth from reaching much beyond Peru's coastal areas, and lower-class Peruvians of Andean origin have, in the past decade, been leaving their country in larger numbers.<sup>6</sup> These migrants travel increasingly outside of established routes, facilitated by a growing migration industry offering services including: clandestine loans and banking operations to finance migration; travel and transportation arrangements; assistance in applications for authentic travel documents or production of counterfeit documentation including passports and visas; and finally brokering links to human smuggling networks. Indeed, we shall argue, it is the existence of an expanding migration industry that in recent years has allowed Andean Peruvians of lower-class origin to borrow money from professional moneylenders and "migrate on credit." This migration industry also enables Peruvians to continue to migrate even as border regimes in the United States and the EU—still the two most important destinations for Peruvian and other Latin American migrants—get tightened and migration control is enforced. Such enforcement efforts, however, often accomplish little

in terms of deterring or diminishing migration. Rather they drive up the profitability of virtually all sectors of the migration industry. Migrants anywhere in the world will continue to migrate as long as there is a demand for them—they just cross international borders at more isolated and dangerous crossing points, pay more for their travel, take greater risks, and procure stays in the host country for extended periods of time instead of engaging in prior forms of circular migration.<sup>7</sup>

This chapter considers how migration industries are linked not only to facilitation, as previous scholarship demonstrates, but also to control of migration and, in addition, that migration industries exist and develop in close relationship to heightened border enforcement measures, technological developments, immigration policies, and migration management procedures. Simultaneously, we also respond to Hernández-León's call for the need for more systematic analysis of migration industries in specific migration contexts.<sup>8</sup> The chapter explores the social infrastructure of Peru's migration industry by looking at two central actors—document fixers in Lima and migration entrepreneurs operating out of Peru's Andean provinces—who facilitate the migration of poor Peruvians, who without their assistance would not be able to migrate internationally. In addition, we analyze the users of these services and the state agencies and civil society actors currently involved in attempts to constrain and regulate international migration. We are interested in understanding not only the pecuniary business interests at play in Peru's migration industry, but also the cultural logics that inform migration industry actors' views on their own role in facilitating, sustaining, and/or constraining international migration while getting their share in the markets for international migration.

After outlining our fieldwork and methodology, we first trace how migration industries in Peru have shifted over time in response to shifts in preferred destinations. In part two, we describe the work of document fixers in Azángaro—in Spanish called *jaladores* and *tramitadores*—and focus on how these actors produce and sell not only counterfeit papers and travel documents, but also commoditized forms of knowledge about the migration process. This includes the kind of work that *tramitadores* undertake with clients to mold their identities into particular subjects who can pass as tourists or as subjects of particular visa categories. In part three, we analyze in further detail the services offered by one particular migration entrepreneur who facilitated migration between Huancayo and Milan, Italy, between 1995 and 2003—a period in which international migration of Peruvians of indigenous Andean background increased considerably. Whereas the document fixers of Azángaro offer very specific services related to the production of documents, this

particular entrepreneur offered complete packages, which included financing, transportation, visas, and job placement in the destination country. Finally, we discuss the relationship between the Peruvian state, the various migration industry actors, and current discourses and practices of international migration management that affect Peru and the migrants trying to leave their country.

The markets in which Peru's migration industry operates are not exclusively offering services to aspiring migrants. They are embedded in a larger informal and extralegal economy which has long been the object of analysis of social scientists in Peru.<sup>9</sup> This informality or "extralegality," which by some analysts is seen as endemic to Peru, is the product of factors ranging from the structural exclusion of the indigenous Andean populations originating in the country's colonial history to modern era, regimes of deficient public services, porous legal structures, lack of government accountability, and extensive corruption within the state apparatus and the armed forces leading to oppressive regulatory regimes and a weak capacity for state oversight and fiscalization.<sup>10</sup> This context of informality and extralegality both informs and challenges the ways in which the government and civil society must reorganize themselves in relation to migration industries and their markets. This dynamic, we argue, is intrinsically linked to an expansion of external border regimes into sending countries in the migrant-producing Global South.

Our study of the Peruvian migration industry builds on prior long-term ethnographic fieldwork in the highland city of Huancayo and among migrants from this city in Italy<sup>11</sup> and the United States.<sup>12</sup> Recent fieldwork in Lima has allowed us to deepen our understanding of particular industry actors. We started exploring the area around the district of Jirón Azángaro—publicly known as Peru's falsification Mecca. Jirón Azángaro cuts through the center of Lima from the Palace of Justice to the convent of San Francisco. The infamous street is home to hundreds of document falsifiers, most of them operating out of small print workshops selling virtually any kind of counterfeit documents at black market prices: from marriage and birth certificates, paystubs, bank statements, certificates of properties inscribed in public registers to diplomas from various degree-granting institutions and passports and visas, mostly to the United States and Europe. Clients for this market hail from all over Peru and migration entrepreneurs in Huancayo often travel to Azángaro to purchase counterfeit documents for their clients.<sup>13</sup> Most document fixers in Azángaro operate just behind the Palace of Justice and less than two blocks from two of the area's major police precincts in Calle Cotabambas. This location suggests a peaceful co-existence between lawbreakers and law enforcement and also outright relations

of corruption where police officials are regularly bribed to mind their own business.

Working with a team of research assistants, we initially used participant observation and informal interviewing to document the transit of people, regular vendors, and dynamics of transactions as well as the effects of the presence of police and newly installed surveillance cameras on the transactions occurring in Jirón Azángaro.<sup>14</sup> In addition, we conducted formal interviews with state and law enforcement agencies including representatives from local police precincts, the Peruvian National Police's special unit on document fraud, the Peruvian Chancellery, the General Directorate for Migration and Naturalization (DIGEMIN), the Ministry of Work, and the Association of Notaries Public of Lima. In Huancayo—a medium-sized city of 323,054 inhabitants in the central highlands of Peru with a large percentage of migrants in the United States and the EU—information on the services offered by migration entrepreneurs to potential migrants and the practical aspects of the organization of unauthorized travel has been obtained through ethnographic interviews by both authors with would-be migrants, migrants already in the United States and Italy, and their family members in Huancayo and several rural communities in the Mantaro Valley.

### **Migration industries and the political economy of destinations**

Historically a country of immigration, Peru has in the past decades become a country of emigration, sending more migrants abroad than it receives.<sup>15</sup> While Peruvian elites have traveled for pleasure and business for most of the twentieth century and even before, the 1980s marked the beginning of a period of massive international migration from all socioeconomic and regional backgrounds. Prior to 1980, international migration was not significant, given that the military governments of both Juan Velasco Alvarado (1968–75) and Francisco Morales Bermúdez (1975–80) basically closed the door on international migration by making it very hard to acquire US dollars and also by making it illegal to leave the country with such currency.<sup>16</sup>

The 1980s in Peru were marked by an aggravating economic and political crisis. Inflation, increased political violence, illegal drug trade, and profound poverty and insecurity had exhausted the population and paralyzed the country's political leaders. Needless to say, Peruvians who had the means had more than enough reasons to leave. Initially, the major migration flows were directed to the United States, which still today is home to the largest concentration of Peruvians outside Peru.<sup>17</sup> At the end of the decade, Peruvians started to look to places other

than the United States for new work and life opportunities. This was a result of stricter border control, changes in the possibilities for family reunification, and harsher employer sanctions, which came about with the 1986 Immigration Control and Reform Act (IRCA). At the beginning of the 1990s, emigration flows were expanded toward new destinations in Europe (mostly Spain and Italy), Asia (mostly Japan), and other South American countries (mostly Argentina and Chile). This was made possible because Spain, Italy, and Japan had passed new immigration laws that encouraged the importation of unskilled foreign workers to satisfy the need for labor in manufacturing, domestic work, agriculture, and construction work.<sup>18</sup> Spain, in particular, attracted large numbers of female Peruvian migrants who, along with other Latin American migrants, applied for work permits for domestic and care work under the 1991 regularization process which attempted to remedy some of the harsher measures controlling access to the Spanish labor market that were introduced with the 1985 Ley de Extranjería or the Law on the Rights and Freedoms of Foreigners in Spain.<sup>19</sup> Italy also became an important destination for Peruvian female migrants seeking work in the domestic service sector and as caregivers to children and the elderly. The Japanese government began to allow descendants of Japanese émigrés to take up temporary work in Japan and many *Nikkei* Peruvians<sup>20</sup> migrated in this period.<sup>21</sup> Argentina and Chile, in turn, became important destinations primarily for lower-class migrants from Peru's impoverished urban areas, especially in the second half of the 1990s. The increase in such intra-regional migration flows occurred partly in response to a saturation of migrant labor in the Spanish, Italian and Japanese labor markets, and partly because of growing demand for unskilled labor in Argentina and Chile.<sup>22</sup> Furthermore, the possibility for transportation by land made these destinations more immediately accessible at a lower cost.

The changes of migration flows and destinations described above are intimately linked to transformations in particular migration industries. Migration industries are not only shaped by particular migration flows because industry actors respond to the business opportunities arising from the opening of new markets, but they also shape these flows in significant ways. For example, when the Japanese government changed immigration policies to allow descendants of Japanese emigrants to seek temporary work in Japan to resolve the country's labor shortage in its manufacturing industry, Japan became a preferred destination for many *Nikkei* Peruvians.<sup>23</sup> As a result, a new and very lucrative market for counterfeit Japanese ID papers emerged in Lima and simultaneously several private clinics became known to offer costly plastic surgery to *jalar los ojos* (literally "stretch the eyes"). In 1991, stories about these

“false nikkeis” (*falsos nikkeis*) started to appear in the national newspapers in Peru and this same year the Japanese government began requiring tourist visas for Peruvians entering Japan.

There is little doubt that migration industries facilitating migration to the United States and Europe have boomed in recent years as a result of increased immigration enforcement in these regions. Furthermore, enforcement of immigration law among migrant populations already in the United States or the EU has increased and resulted in escalating rates of immigration detentions and deportations. In the United States, these changes began with the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which was passed in 1996, and continued after the terrorist attacks of 11 September 2001, which brought about further militarization of the US–Mexican border along with a crack-down on unauthorized migrants already in the United States.<sup>24</sup> In the fiscal year of 2010, the US Immigration and Customs Enforcement (ICE) “removed” a total of 392,862 so-called illegal aliens from US soil.<sup>25</sup> In the EU context, immigration enforcement has also moved towards a tougher stance on undocumented immigrants and refugees, especially since 2008 when the 27 EU nations adopted a pact in which they pledged to expel unauthorized immigrants from EU soil, strengthen border control, and seek a joint asylum policy by 2012.<sup>26</sup> These hard-line policies have given rise to a set of new migration industry actors, the so-called “rescue industry”<sup>27</sup>, which in Peru has emerged mostly in response to the issue of trafficking in women and children and less so in response to deportations of Peruvians from abroad.<sup>28</sup> In addition to private and non-governmental “rescue providers,” government agencies may also act as such even if it is the state’s own policies that caused migrants to leave in the first place. For example, a newly created office within the Ministry of Work to manage labor migration simultaneously seeks to inform aspiring migrants of the dangers of unauthorized international migration, including the possible risks of ending up in the hands of human smugglers. This latter example illustrates how Peru’s government agencies are prompted to reorganize themselves with regard to the existence of migration industries and also in relation to market structures that increasingly commercialize international migration. We will explore this further in the last section of the chapter, but let us first turn to the document fixers of Azángaro.

### **Paper trails and the making of mobile subjects**

Picture yourself walking through the center of Lima. The most likely scenario is that once you pass by the Palace of Justice and the main

police precinct in Calle Cotabambas and you turn onto Jirón Azángaro, you will be approached by a *jalador* who is the person spotting and recruiting potential clients in the street and who gets them interested in doing business with his or her *tramitador*—the next level up in the supply chain of counterfeit documentation. Most *jaladores* will encourage you to keep walking as you talk to them so as to avoid suspicion. If the *jalador* manages to capture your attention and you decide to explore a possible offer in further detail, he or she will invite you either to one of a few selected restaurants in the area that all *tramitadores* in Azángaro use to meet with potential clients or to their “office”—often just a table with a few chairs located in one of the blind alleys (*callejones*) in between the buildings on Azángaro. This latter option always carries along the risk of being mugged.

Anyone in need of altering authentic or producing counterfeit documentation concerning their legal identity, educational credentials, livelihood assets (or the livelihood assets of others), marriage or divorce certificates, travel documents, or any other documents, are potential clients for the *tramitadores* in Azángaro. Azángaro thrives as a market because applications for many of the documents listed above take a very long time to accomplish through official public channels. Transactions undertaken in Azángaro are thus part of the generalized context of informality, corruption, and weak governance structures with—or against—which many countries in the Global South including Peru are struggling on a daily basis.<sup>29</sup> Aspiring migrants who are looking to travel via any of the unauthorized modalities currently available for international migrants—or the brokers who represent them—will most likely visit Azángaro at least once, and often more often, during the preparation for a given migration journey. Understanding the transactions made in Azángaro is key to furthering our understanding of the social infrastructure that sustains Peru’s migration industry.

While the majority of aspiring migrants arrive in Azángaro knowing who to talk to, others are dependent on making first-time contact with *jaladores* and *tramitadores* in the street. Once the initial conversation with a client is established, the *tramitador* does what we call an “intake interview” to get to know the client’s personal, family and employment history, the resources at their disposition, financial liability, social network in desired destination, and overall motivation to pursue international travel. *Tramitadores* seldom ask directly about a client’s ethnicity, but instead make inferences based on popular understandings of Peru’s highly stratified race and class structures. In Peru, more than 45 percent of the inhabitants are of indigenous origin, 37 percent are considered *mestizos* (of mixed Spanish and indigenous ancestry), 15 percent are white



*criollos* and 3 percent are black, Japanese, Chinese and other.<sup>30</sup> Although somewhat in flux in recent years with more Peruvians of various amounts of indigenous ancestry (*cholos*) gaining access to economic and political spaces previously reserved for white *criollo* elites,<sup>31</sup> socio-cultural distinctions based on ethnic background are still endemic to Peruvian society. White *criollos* are at the top of the social hierarchy, *mestizos* and *cholos* typically in the middle, and monolingual Quechua and Aymara speakers at the bottom. This conflation of race and class in the Peruvian context also has consequences for Peruvians who are looking to leave their country. Indigenous-looking Peruvians historically have not had the resources to travel as tourists and, if traveling, they were likely to be racialized and seen as potential migrants.

All Peruvians need either immigrant or non-immigrant visas to travel to the United States.<sup>32</sup> Before the establishment of the EU in 1992, Peruvians and other South Americans could travel freely to Europe. After 1992, when visa requirements were put in place for Peruvians in most European countries, many migration entrepreneurs would prepare complete portfolios that clients brought with them to their visa interviews at a given consulate, just as they did for travel to the United States. Most commonly, *tramitadores* would sell complete portfolios that documented the prospective migrant's trajectory as a successful urban entrepreneur or skilled worker, thus leading to a tourist visa which could later be overstayed. Some document fixers also created "group identities" and advised migrants to travel either as members of folklore ensembles with visas granted specifically to artists, or with religious visas granted to visit a church community in the United States, Spain, or Italy. These exit strategies were recommended by *tramitadores* in Lima, especially to Andean women of humble origin and especially if the *tramitador* doubted an aspiring migrant's ability to "pass" unnoticed as a tourist through departure and arrival checks.

With regard to class appearance and urban competency, Manuel, one of the *tramitadores* interviewed in Azángaro, said:

The best option is that you appear to be a businessman who wants to travel abroad for business or tourism. This requires that we develop a variety of certificates to ensure by all possible means your trip to this country [Italy]. In your case it seems that a young and successful entrepreneur is the best option. This requires you to develop attractive employment contracts and receipts documenting high honorariums as evidence for a high salary. You should also appear to own several businesses. You can use your family members, their home addresses, and their different phone numbers for this.

When asked about ethnicity and importance of national origin in terms of acquiring a visa to Spain, another *tramitador*, Robert, told one of our research assistants: “Because of your physical characteristics you could pass as a Chilean, and maybe even as Caribbean or Colombian. Something in your favor is that you’re young and you’re not bad looking.”

Most *tramitadores* do not give out information about their ways of doing business until after the client has committed to doing business with them. Such commitment is evidenced by partial up-front payment or by leaving personal ID and contact info with the *tramitador*. Given Azángaro’s fame as a place of extralegal activities and common incidents of fraud (*estafa*), tensions between *tramitadores* and clients during initial negotiations are common. When one client expressed concern over the legitimacy of a particular transaction, Manuel answered:

It is normal that you ask me. This is Azángaro and there are many liars (*mentirosos*) around here who seek to rob their customers. For example that guy [pointing to someone at the end of the *callejón*], he says he is a *jalador*, but what he really does is cheat and steal from his clients. He got into the habit and apparently he earns more this way than by doing the regular work. He takes advantage of people’s distress and they fall into his trap. But I’m known here and I offer you a good job.

Like most migration entrepreneurs, the *tramitadores* of Azángaro work in connection with other industry actors. They depend on such connections in law enforcement and in various state agencies, around Azángaro, in the airport, and/or abroad. Robert revealed the importance of such connections:

If you want the travel option which ensures your arrival to Spain, I’ll be honest with you: The best way to leave is with a visa of a foreign tourist, from the countries I mentioned [e.g. Chile, Uruguay, Paraguay, Colombia, and Argentina]. The last job my friend who makes the visas did was under this modality. There are even staff members in the Jorge Chavez Airport who lend themselves to this kind of stuff, you know, and that gives you more guarantee. With the money on the table there is always someone that docks.

### **Regional migration industries**

When the demand for international migration started to increase among inhabitants of Peru’s provinces in the early to mid-1990s, new migration

industry actors appeared on the regional map.<sup>33</sup> Laura from Huancayo was one of these entrepreneurs. Laura facilitated migration to Italy primarily of poor women of rural and marginal urban backgrounds from different towns and districts surrounding Huancayo.<sup>34</sup> Between 1995 and 2003, when Laura's network operated in Huancayo, around 250 migrants—mostly women—traveled to Italy using Laura's services. Laura's business was novel in the area when she started in 1995, but similar businesses soon followed her example and together they constituted Huancayo as a hub for international migration. A migrant website self-identified as the "Portal of Peruvians in Italy" states that in 2000 around 25 "agencies" were working between the central highlands of Peru and Lima recruiting people of rural and indigenous origin for domestic service and care of the elderly in Italy.<sup>35</sup>

Laura's business offered a variety of services to her "passengers," as she consistently called them. She facilitated not only their transportation to Italy, but also their placement in jobs in Milan—mostly of the kind that did not question their irregular migratory situations. Her services included lending money to finance migration, providing transportation and guaranteed arrival in Italy, applying for and/or producing authentic and/or counterfeit travel documentation including passports and visas, and finally assisting migrants in finding work and housing upon arrival in Milan.

Laura herself first migrated to Milan in 1995 with the help of her uncle "El Gringo," who ran a business facilitating the migration of Peruvians to Italy. For the first couple of months she stayed with her uncle and helped him in his business "placing" migrants in jobs in different parts of the city. Soon Laura found a full-time job as a live-in caregiver for an old, rich Italian lady who lived on her own in a big house. In her free time she explored the idea of starting a migration business of her own. Laura had learned from her uncle how to approach travel agents and document fixers in Peru to initiate migration travel as well as how to work with the *pasadores* (smugglers) at several points of the journey through Europe. With the help of her mother Emilia and her sister Nora, who recruited passengers in Huancayo, Laura soon organized the trips of her first "own" passengers to Milan. When asked why she started her own migration business, Laura's answer was:

Already before leaving Peru I knew that I wanted to learn this trade. I had often heard my mother say that my uncle "El Gringo" had a lot of money. For every person he brought to Italy he earned \$6,000.<sup>36</sup> So I said, "I have to learn this business to raise enough money before returning to Peru." And I did manage to save a lot, but it is also a

very hard job, because you are worrying all the time and most people are very ungrateful. They do not know all the work I do to get them here.<sup>37</sup>

The recruitment of passengers in Huancayo was not uncomplicated given the high stakes and risks of the business. Laura claimed that she only facilitated the travel of women who came recommended by family and friends, but conversations with Nora and Emilia revealed that they also at times approached possible new clients in the market in Huancayo, persuading them to reflect on their situations in Peru and offering travel arrangements to a foreign country as an alternative path towards prosperity. Laura's preferred clients were those with whom she felt she could establish a relationship of *confianza* (confidence) and whom she sensed would not let her down. Most of them were friends, acquaintances, or friends of friends who were in dire need, known to be hardworking, and preferably of humble Andean origins. According to Laura, this latter aspect rendered them more reliable clients in spite of their poverty and she would incur less risk with this kind of women. She saw them as less prone to exceed or violate the social contract established with her which, in turn, was crucial for the success of her business.

Once a passenger was identified as having serious intentions to migrate, Doña Emilia or Nora visited a local shaman (*curandera*), who would read the coca leaves to determine if the person was reliable and if the transaction would be satisfactory. Reading the coca leaves is a central form of divination in the Andes, and coca plays an important role in ritual offerings to the Apus or *cerros* (mountains) and to Pachamama (Mother Earth).<sup>38</sup> On the basis of the *curandera's* assessment of the client, Emilia and Nora determined whether the prospective passenger was fit for travel. If so, they set up arrangements to process the paperwork needed to apply for a visa at the Italian Consulate in Lima. Nora worked with the document fixers in Azángaro to produce property certificates, educational credentials, letters from possible employers, and bank statements. She also established temporary bank accounts for the aspiring migrants, and moved money around between accounts. Meanwhile, the aspiring migrant typically made two additional visits to the *curandera*. The first was to do a *limpieza* or *jubeo con cuy*—cleansing with guinea pigs—a popular therapeutic Andean ritual in which a guinea pig (*cuy*) is swiped over the body to cure illness and/or extract evil from the body of the afflicted person, thus restoring health and balance.<sup>39</sup> The second visit entailed a *baño de florecimiento*—flower bath—which was believed to prepare the person psychologically and physically, giving them strength and self-confidence for their visa interview. Finally, when the

aspiring migrants had been notified about their visa interviews, Doña Emilia made them perform a ritual offering—this time *un pago al cerro*—to ask for good luck on the journey. These ritual practices are commonplace all over the Andes, but what interests us here is how they intersect with the business aspect of migration industries. Both migration industry entrepreneurs and their clients dutifully complied with these ritual offerings asking the Apus for good luck and prosperity. In an interview in Huancayo, Doña Emilia said:

This is our secret, you know, nobody knows ... All of our passengers always arrive safely at their destinations. We have never failed in spite of the control because we always make our ritual offerings (*pagos*) to the mountains. It costs money of course, but no passenger is left behind, everyone arrives. This is our guarantee. You can ask anyone who has traveled with us.<sup>40</sup>

Since the beginning, Laura sold different kinds of products to aspiring migrants. Her preferred “package” offering the largest profit margin was what she called “the complete package.” She typically charged \$10,000 to be paid over a 12-month period for this service. This package included everything from air fares, ground transportation, hotel accommodation en route, bribes to the various *pasadores* at different points of the trip, the cost of visa paperwork in Peru, an “instructional course” prior to departure offered by Nora about how to behave properly to pass as an “authentic tourist,” visits to the *curandera*, financing of the trips through what Laura considered to be competitive low-interest loans, and finally accommodation, food, and Italian language classes upon arrival in Milan until the migrant was successfully placed in a job. Laura used her extensive network and contacts to potential employers and was almost always successful in placing her clients in housekeeping and elderly care jobs. A “partial package” with a smaller profit margin was sold for around \$6,000, including only the travel expenses (worth around \$3,000). When potential migrants declined to purchase the full \$10,000 package, thinking that they could save money this way, Laura sold them additional services separately and this often ended up being more expensive for the aspiring migrant than buying the full package. Rita, for example, left her home in one of Huancayo’s poorest squatter settlements (*asentamientos humanos*) in 1997. She traveled to Italy via France and paid Laura \$6,000 for the trip. When she arrived in Milan she stayed with Laura at her employer’s house while looking for a job, but Laura charged Rita for everything: water, electricity, gas, heat, food, linen, and phone calls, amounting to more or less \$400 per

week—even though these things were free for Laura herself. Laura also charged Rita a \$150 fee to place her in a job which she accomplished with just one phone call. This scheme was repeated over and over to discourage aspiring migrants from buying the cheaper travel packages.

Laura's migration services soon became very popular in Huancayo, because she offered something which at that time was considered novel: migration on credit. She financed the trips of migrants who could not pay up-front and she managed the relationships with these clients very carefully to secure that they would pay back their debts upon arrival in Italy. She also made them sign over their properties or family-owned land as bail for the loans incurred with her, whereby she was able to lock them into a classic patron-client relationship.<sup>41</sup> This arrangement rendered migrants vulnerable to exploitation and Laura did not hesitate to enforce her psychological and economic power over the migrants to force them to pay, nor to take over their family properties in Peru if they failed to do so. Given that most of the migrant women came to Milan with Laura as their only contact, they were also not able to break away from the relationship. They soon came to resent the ways in which Laura controlled their lives. Most of them saw her as a thief who exploited them, but at the same time they also ambiguously conceived of her as a guarantor and were afraid of the consequences it could have for them should they have a falling out with her. "She is a thief, she's abusive, ridiculous, and evil," they would often say when she was not around. "She charged us even for the air we breathed when we stayed with her," one migrant commented. Another migrant, María, said:

Laura is sly. Before we left the house she would call us and tell us where to meet her. She made us believe things, for example, that there were many thieves in Milan who could hurt us and that the Moroccans would rape us. Well ... she tried to scare us so that we wouldn't go out on our own. This is how we lived until we finished paying her what we owed.

When asked why they didn't just stop contacting Laura, one woman responded:

If we marginalize her she will resent it and she can hurt us or make us look bad. It is still useful for us to be on good terms with her. Also, we have endured so long already and in the end God will charge her for all the evils that she has done to us.

The vulnerability accorded by their irregular status having overstayed and worked on a tourist visa rendered these migrants virtually rights-less in Italy. The women were also subject to discrimination and racism in Milan and could not seek assistance from local police officials in order to get out of Laura's grip because of the risk of being deported. Yet while most of the testimonies included above narrated the sufferings they endured as victims of Laura's abuses, the women also told stories about how their perseverance and hard work ultimately enabled them to break out of the relationship with Laura. María said:

Now I don't understand why we even believed her. We must have been rather stupid (*tontas*). She always instilled fear in us and threatened us. I remember that until last year I was afraid to go to the Duomo<sup>42</sup> because of the things she had said and especially after that Peruvian girl was stabbed ... But now she cannot fool us, now we know what is going on here.

After the introduction of Berlusconi's Bossi-Fini Law in September 2002, Laura encountered increasing difficulties in conducting her business. While this law favored the temporary legalization of care workers and domestic workers who had arrived in Italy prior to February 2002, as was the case for many of Laura's clients, it also included new and more restrictive measures.<sup>43</sup> It became increasingly difficult for Laura to place the women in jobs without papers and the costs she had to cover for *pasadores* were on the rise, thus reducing her profit margin dramatically. Furthermore, Laura's business was facing increased competition from other similar operators and she had to work extra hard to remain competitive and maintain her share of the market for her business to continue lucrative.

In 2003 Laura was unexpectedly put out of business. One of her former clients denounced her to the police. Doña Emilia, who was visiting Milan at the time, was arrested when the house of Laura's employer was raided, but she was released after two weeks. Laura herself was not at home at the time of the police intervention and she was warned not to appear at the address and went underground immediately. Laura managed to flee, first to Switzerland and later to Peru. She currently resides in Huancayo and works as a real estate agent. Several of the properties that have passed through her property register have been expropriated from former clients who failed to pay for their migration to Italy from the meager salaries they were able to accumulate while still under Laura's patronage in Milan.<sup>44</sup> The loss of livelihood assets such as land and property is a serious matter for the family members remaining in

Peru. Such losses lead to a generalized and long-term loss of livelihood opportunities and can rarely be compensated by the remittances that migrants abroad send to their families in Peru.

The demise of Laura's business operation in 2003 did not leave aspiring migrants from Huancayo without possibilities for unauthorized travel to Italy. Just as Laura's business built on the social infrastructure of her uncle's business, the market share left open when Laura fled to Switzerland overnight was soon taken over by Nora, who decided to continue Laura's business. In spite of the new challenges that had emerged for such businesses under Bossi-Fini, the number of Peruvians in Italy has continued to go up in recent years. In 2010, the Italian National Statistics Institute (ISTAT) estimated that around 100,000 Peruvians currently live in Italy—about half of them in the Lombardy region.<sup>45</sup> In March 2011 the Peruvian Ministry of Labor and the Italian Ministry of Labor ended negotiations to sign an agreement on labor migration to promote employability and protect the rights of migrant workers in Italy.<sup>46</sup> Whether this initiative in the long run can reduce unauthorized labor migration of the kind Laura brokered to Italy still remains to be seen.

### **State institutions, civil society, and the plasticity of migration industries**

For years the Peruvian state did not have any consistent strategy to regulate emigration or its facilitation by various migration industry actors. However, in recent years the Peruvian state has increasingly responded to international pressure to adopt standards of “good governance” around issues of migration and to “create the conditions for an orderly migratory flow.”<sup>47</sup> However, in contrast to many destination countries in which document fraud has been on the border enforcement and immigration control agenda for a while, the issue of document fraud in Peru has not been linked directly to these other efforts at regulating international migration. Whereas many destination countries for migrants from the Global South since 9/11 have bolstered screening practices at the major ports of entry and at their embassies and consulates abroad (for example by implementing the use of biometric security systems, adopting points-based screening systems for managing migration, engaging in broader international border collaboration, and extending migration management practices into source-country institutions), Peru has not had the budget nor the political interest to implement the new technologies required for these kinds of screenings. Furthermore, such technologies can only fix a particular identity, not prove whether this identity itself is valid or whether it is based on fraudulent documentation. To remedy this problem,



in 2009 the Registro Nacional de Identificación y Estado Civil (RENIEC, the National Register for Identification and Civil Status), DIGEMIN and the Policía Nacional del Perú (PNP, National Police of Peru) coordinated a database initiative that has allowed these three institutions to triangulate information and thus increase the likelihood that false documents be detected at airport checkpoints.<sup>48</sup> However, while background checks on supporting documents are becoming increasingly commonplace at foreign consulates in Peru, there are still relatively few mechanisms for performing such checks, and many airport entry and exit points are both under-staffed and under-resourced to perform such a task. As a result these kinds of controls are outsourced, so to speak, to foreign governments and institutions. For example, US consular officers routinely conduct “airport spot checks” at the Jorge Chavez International Airport, and the US Embassy in Lima, together with organizations such as the Organization of American States’ (OAS) Inter-American Committee Against Terrorism (CICTE), regularly participates in training Peruvian airline personnel on fraudulent document detection and identity theft. The US Embassy’s Fraud Prevention Unit has also worked closely with the Peruvian government since 2004 to create a special Airport Police Division to replace the seven different police units previously operating at the airport.<sup>49</sup>

Efforts to crack down on document fraud by civil society more generally may also have consequences for the workings of migration industries, even if such efforts are not directly related to constraining and controlling international migration. This is the case for the campaign initiated by the Colegio de Notarios de Lima (CNL, Association of Notaries Public in Lima) in 2008 to eradicate the black market in document falsification and trade operating out of basements and storefronts in Jirón Azángaro and neighboring areas. The campaign, which was called “Fight against document forgery and identity theft” (*Lucha contra la falsificación de documentos y suplantaciones de identidad*), was coordinated by the CNL in collaboration with the Municipality of Lima and the Peruvian National Police’s special unit “El Escuadrón Verde,” and financed by the Inter-American Development Bank and the Canadian government.<sup>50</sup> The campaign had two main objectives. The first was to make the local police commit to closing the illicit businesses of Azángaro and keep them from reopening.<sup>51</sup> The CNL wanted to distinguish itself and its own legal business from the falsifiers in Azángaro, many of whom claimed to be notaries public but had no credentials, and thus improve the image of a profession which for years had been compromised by the existence of *tramitadores*, particularly in places like Azángaro. The second objective was to combat document fraud nationally by

installing a web-based system of intercommunication, called Sigillum, in which stamps and signatures from all notaries public across Peru could be verified.<sup>52</sup> The campaign also included the installation of security cameras in Jirón Azángaro donated by the CNL and monitored by El Escuadrón Verde; the cleaning and painting of buildings and the posting of official signs of the campaign throughout Azángaro and surrounding areas; the installation and staffing of an information booth by the CNL; and the intensification of police vigilance and raids in the area. The campaign also got support from important local cultural institutions, which saw it as part of a larger agenda of reinvigorating the historical center of Lima, making it more accessible and available to tourists and middle-class Limeños themselves.<sup>53</sup>

While CNL's 2008 campaign was temporarily successful in putting the issue of document fraud on the national news, it was less successful in reducing the circulation of forged documents in Peru and beyond its borders on a more permanent basis. In spite of more frequent police crackdowns and raids in the area, the existence and monitoring of security cameras, and continuing civic actions and demonstrations against the document falsifiers, it is still possible to purchase a wide range of false documents and services there. According to the Chief of the Cotabambas Police Precinct, the police were only successful in reducing the number of businesses and transactions in Azángaro, but not in eradicating the falsification industry altogether.<sup>54</sup> The legal and civic actions in Azángaro in 2008, in turn, produced a decentralization of such services to other areas of Lima, including Los Olivos and, in particular, San Juan de Lurigancho. The latter—the country's most populous urban district—has in recent years been identified as an upcoming hub not only for document falsification, but also for the production of counterfeit currency.<sup>55</sup> In January 2011 a large haul was taken when police officers raided a counterfeit operation in this area. The document factory had been under surveillance for some time, and when the police finally were authorized to intervene they found a fully equipped falsification workshop with supplies that included over 100 false and/or legitimate but stolen foreign passports from countries including Italy, Switzerland, Uruguay, China, Canada, Colombia, Argentina, Ecuador, Mexico, Brazil, Costa Rica, Singapore, Spain, Cuba, and Chile. The counterfeiters were arrested and later sentenced, but according to a spokesperson from the PNP's special investigative unit for document fraud, the problem with such arrests is that—due to the non-violent nature of these crimes—penalties are very soft and counterfeiters can be back in business after only a few years in prison.<sup>56</sup>

Perhaps the biggest challenge facing the sectors of the Peruvian state and civil society who are engaged in regulating international migration,

including curbing the numbers of unauthorized exits, is the widespread corruption within state agencies and public institutions.<sup>57</sup> For example, in 2008, a national scandal broke out when the television show “Cuarto Poder” reported that people who were wanted by the justice system had left the country illegally with the endorsement of DIGEMIN staff under orders of DIGEMIN’s Director General Juan Manrique Alvarez. Alvarez had allegedly allowed three people with police indictments to leave the country and had placed nine officers in control of the Jorge Chavez International Airport to allow this to happen. This led the Public Prosecutor to open a case against Alvarez. However, he was not removed from his position until November 2010, after it was discovered that he had paid the lawyers who defended him in the airport case with funds from DIGEMIN.<sup>58</sup> The lawyer who denounced him, Nelly Lozada Sánchez, reported in her testimony that she had been approached by the Director General to defend his case, and that she had been offered not only a very high honorarium, were she to accept, but also the possibility of getting her son employed in a high-ranking position in the DIGEMIN agency. Recall the words of Robert, one of the *tramitadores* in Azángaro, who affirmed that there is always a public official who will bend over for a little extra money: “With the money on the table there is always one that docks.”

## **Conclusion**

Migration industries exist and thrive where there is a need for humans to cross international borders. They are important connectors between source countries in the migrant-producing Global South and labor markets in the North, and they emerge and develop in close relation to heightened border enforcement measures, technological developments, immigration policies, and migration management procedures in both source and destination countries.

Peru’s economic growth in recent years has made international migration a less desirable option for the urban middle classes, who now to a larger degree prefer to stay in Peru. However, Peru’s rural population and the urban poor have not felt the trickle-down effects of the economic boom on their everyday lives, and leaving Peru still seems like a viable livelihood option for less privileged Peruvians. Migration industries consolidate and grow when potential migrants with few options for access to legal means of travel and to knowledge of labor markets abroad embark on international migration projects. We have argued that it is the expansion of the migration industry in Peru that has allowed more and more Andean Peruvians of lower-class origin to become

transnationally mobile subjects and migrate beyond Peru's borders—even as border regimes in the United States and the EU are tightened and migration control is enforced.

While Peru increasingly participates in ad hoc forms of global migration governance and the newly created Direction for Labor Migration is beginning the impossible task of “ordering” unruly international migration flows, it remains a challenge for Peruvian authorities to deactivate the more murky migration industry businesses operating in the context of informality and extralegality that permeate Peruvian society, especially given that these are embedded in state structures through networks of corruption. Migration industries are extremely flexible and they adapt very well to changing markets. Even as particular migration industries decline over time because of changing market structures and in response to changing political, economic, social, and legal circumstances in both origin and destination countries, the overall tendency is that migration industries, as the social infrastructure that sustains global mobility, will continue to grow and consolidate in labor-exporting countries like Peru with low government accountability and high levels of corruption in public institutions. Our discussion above also shows how migrant-receiving countries such as the United States and in the EU increasingly are moving their control efforts into the territories of sending countries, thus raising new and important questions about sovereignty and power in global migration governance.

## **Acknowledgements**

We would like to acknowledge the contributions of our research assistants, Alex Távara Aranibar, José David Cotrina, and Jhoan Jorge Alva, for their valuable input and dedication to this project. In terms of responsibility for the article's content, the standard disclaimers apply.

## **Notes**

- 1 All personal names used in this paper are pseudonyms except for those of public officials who have been interviewed in this capacity and agreed to have their names made public.
- 2 International Organization for Migration, *World Migration 2010: The Future of Migration: Building Capacities for Change*, 2010, [publications.iom.int/bookstore/index.php?main\\_page=product\\_info&products\\_id=653](http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=653).
- 3 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (New York: Guilford Press, 1998); and Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008).

- 4 Jorge Durand and Douglas Massey, "The Cost of Contradiction: US Border Policy 1986–2000," *Latino Studies* 1, no. 2 (2003): 233–52. Durand and Massey have noted how the United States encouraged Mexico to open its economy to trade, investment and exchange by joining the General Agreement on Tariffs and Trade (GATT) in 1986 and later the North American Free Trade Agreement (NAFTA) in 1994, while at the same time insisting on controlling its border unilaterally, thus preventing the integration of the labor markets between the two countries (234).
- 5 This steady growth rate was only briefly interrupted in 2009 in the face of the world recession when it fell to less than 1 percent, but growth resumed in 2010 at above 8 percent due to a leap in private investment and continued high government spending, see Central Intelligence Agency, *World Fact Book, Peru*, [www.cia.gov/library/publications/the-world-factbook/geos/pe.html](http://www.cia.gov/library/publications/the-world-factbook/geos/pe.html).
- 6 For an overview of Peru's emigration history, see Ayumi Takenaka, Karsten Paerregaard, and Ulla D. Berg, "Introduction: Peruvian Migration in a Global Context," *Latin American Perspectives* 37, no. 5 (2010).
- 7 Jorge Durand and Douglas Massey, "The Cost of Contradiction: US Border Policy 1986–2000," *Latino Studies* 1, no. 2 (2003): 234.
- 8 Rubén Hernández-León, "Fronteras sobre Ruedas: Las Camionetas y la Industria de la Migración," *Trayectorias* X, no. 26 (2008).
- 9 Hernando de Soto, *The Other Path: The Invisible Revolution in the Third World* (New York: HarperCollins, 1989); Hernando de Soto, *The Other Path: New Preface*, [www.ild.org.pe](http://www.ild.org.pe); José Matos Mar, *Desborde Popular y Crisis del Estado. Veinte Años Después* (Lima: Fondo Editorial del Congreso del Perú, 2004); and Norman Loayza, "Causas y Consecuencias de la Informalidad en el Perú," *Estudios Económicos* no. 15 (2008).
- 10 Loayza "Causas y Consecuencias de la Informalidad en el Perú."
- 11 Carla Tamagno, *Entre Aquí y Allá: Vidas Transnacionales y Desarrollo. Peruanos entre Italia y Peru*, PhD dissertation (Wageningen, The Netherlands: Wageningen University, 2003).
- 12 Ulla Berg, *Mediating Self and Community: Membership, Sociality, and Communicative Practices in Peruvian Migration to the US*, PhD dissertation (New York University, 2007).
- 13 As many cities in Peru, Huancayo also has its "mini-Azángaro" located in the center of Huancayo. Document fixers in this location, however, are not known for specializing in migration-related documents such as visas and stolen and/or modified passports. Most migrants will go to Lima to obtain such travel documents.
- 14 These cameras were installed in 2008, especially around Cuadra 10 of Azángaro, as part of a campaign titled "The Fight Against Forgery and Identity Theft" (*Lucha contra la falsificación de documentos y suplantaciones de identidad*). This campaign was coordinated by the Colegio de Notarios de Lima in cooperation with the Municipality of Lima and the Peruvian National Police's special unit "El Escuadrón Verde" and will be explored in more depth in part three of the chapter.
- 15 Ayumi Takenaka, Karsten Paerregaard, and Ulla D. Berg, "Introduction: Peruvian Migration in a Global Context," *Latin American Perspectives* 37, no. 5 (2010).
- 16 Jorge Durand, "The Peruvian Diaspora: Portrait of a Migratory Process," *Latin American Perspectives* 37, no. 5 (2010): 1228.

- 17 Data from the 2006 American Community Survey show that there are 435,368 foreign-born from Peru in the United States.
- 18 Ayumi Takenaka, Karsten Paerregaard, and Ulla D. Berg, "Introduction: Peruvian Migration in a Global Context," *Latin American Perspectives* 37, no. 5 (2010).
- 19 Nieves Ortega Pérez, *Spain: Forging An Immigration Policy*, [www.migrationinformation.org/feature/display.cfm?ID=97](http://www.migrationinformation.org/feature/display.cfm?ID=97); and Angeles Escrivá, "The Position and Status of Migrant Women in Spain," in *Gender and Migration in Southern Europe. Women on the Move*, eds. Floy Anthias and Gabriela Lazaridis (Oxford: Berg Publishers, 2000), 199–226.
- 20 *Nikkei* is the term used to designate Japanese migrants and their descendants (Ayumi Takenaka, "Transnational Community and its Ethnic Consequences: The Return Migration and the Transformation of Ethnicity of Japanese Peruvians," *American Behavioral Scientist* 42, no. 9 (1999): 1459–74).
- 21 Takenaka, "Transnational Community and its Ethnic Consequences."
- 22 Ulla Berg and Karsten Paerregaard, "Introducción," in *El Quinto Suyo: Transnacionalidad y Formaciones Diasporicas en la Migración Peruana*, eds. Ulla Berg and Karsten Paerregaard (Lima, Peru: Instituto de Estudios Peruanos, 2005).
- 23 Ayumi Takenaka, "Transnational Community and its Ethnic Consequences: The Return Migration and the Transformation of Ethnicity of Japanese Peruvians," *American Behavioral Scientist* 42, no. 9 (1999): 1459–74.
- 24 Prior to the 1996 law, deportation was triggered only for offenses that could lead to five or more years in prison. It also followed from the new law that permanent residents convicted of an array of crimes were automatically placed in detention following the completion of any criminal sentence whether or not the conviction or sentencing had occurred before the passing of this law. See Nancy Morawetz, "Understanding the Impact of the 1996 Deportation Laws and the Limited Scope of Proposed Reforms," *Harvard Law Review* 113, no. 8 (2000): 1936–62; and Natalie Peutz and Nicholas DeGenova, eds., *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (Durham and London: Duke University Press, 2010), 27.
- 25 In the fiscal year of 2011, the US Immigration and Customs Enforcement (ICE) "removed" a total of 396,906 so-called illegal aliens from US soil (ICE 2011).
- 26 Council of the European Union, *European Pact on Immigration and Asylum* (No. prev. doc: 13189/08 ASIM 68).
- 27 Laura María Agustín, *Sex at the Margins: Migration, Labour and the Rescue Industry* (London and New York: Zed Books, 2007).
- 28 During our recent fieldwork in Lima, we tried to access current deportation statistics, but were surprised to find that the Peruvian state does not keep an official and centralized entry registry for Peruvians who return to Peru as deportees. The official entry registry at the Jorge Chávez Airport in Lima no longer registers these entries separately from all other passengers (interview in Lima with DIGEMIN legal advisor Juan José Canales, 31 May 2011).
- 29 In June 2000 an undercover journalist from the tabloid newspaper *OJO* went to Azángaro and requested all the paperwork needed for migrating to the United States. According to this article, the 2000 prices offered by what the newspaper termed the "document mafias" of Azángaro were as follows: a complete portfolio with the more than 20 documents required by the

American Embassy for a visa application cost US\$5,000–8,000; false marriage or birth certificates \$200–500; a stolen Peruvian passport with change of photograph \$1,500–2,500; a stolen foreign passport with US visa included \$2,000–3,000; and finally passports with “washed visas” (*visa lavado*)—a more sophisticated procedure involving chemical treatment of the paper upon which the visa is printed—cost \$4,000–6,000, rendering the visa seemingly authentic. We were unable to verify these prices during our research, but in general prices fluctuate according to supply and demand on the market, and some of them seem quite far from what we found in our 2011 research in Azángaro.

- 30 See [www.cia.gov/library/publications/the-world-factbook/geos/pe.html](http://www.cia.gov/library/publications/the-world-factbook/geos/pe.html).
- 31 Marisol de la Cadena, “Reconstructing Race: Racism, Culture and Mestizaje in Latin America,” *NACLA Report on the Americas* 34, no. 6 (2001): 1623.
- 32 Before 2007, Peruvians were eligible to participate in the yearly US Diversity Visa Program. Today Peruvians no longer qualify because of the more than 50,000 Peruvians who have become legal permanent residents in the United States over the last five years (see [lima.usembassy.gov/visa\\_lottery.html](http://lima.usembassy.gov/visa_lottery.html)).
- 33 According to DIGEMIN, 68.1 percent of all Peruvians who migrated between 1994 and 2008 came from outside the Lima metropolitan area, many from the central highlands of Peru and especially from the department of Junín. According to the 2007 Census, Junín had a total of 303,218 households of which 24,271 or 8 percent of all households at the departmental level had one or more family members abroad. The majority of households with family members abroad were from Huancayo (Instituto Nacional de Estadística e Informática (INEI), *XI Censo de Población y VI de Vivienda*, [censos.inei.gob.pe/censos2007/](http://censos.inei.gob.pe/censos2007/)).
- 34 This section of the paper is based on Carla Tamagno, “La Plaza del Duomo. Políticas de Identidad y Producción de Localidad, el Caso de los Peruanos en Milán,” in *Transnational Identities. A Concept Explored. The Andes and Beyond*, eds. Ton Salman and Annelies Zoomers, Antropologische Bijdragen 16 (Amsterdam, The Netherlands: CEDLA, 2002).
- 35 See [www.peruanosenitalia.com/historia/historiacomo.htm](http://www.peruanosenitalia.com/historia/historiacomo.htm).
- 36 When verifying this information in later informal conversations with Laura, it turned out that “El Gringo” spent around \$3,000 on travel arrangements and \$3,000 were net earnings.
- 37 Interview by Carla Tamagno in Milan, 1999.
- 38 For more information on the cultural and ritual uses of coca, see Catherine Allen’s classic anthropological study, *The Hold Life Has: Coca and Cultural Identity in an Andean Community* (Washington, DC: Smithsonian Institution Press, 1988).
- 39 Edith Rimachi, “Evento y Discurso: La Práctica Andina del Jubeo o ‘Limpia con Cuy,’” in *Tradición Oral, Culturas Peruanas: Una Invitación al Debate*, ed. Gonzálo Espino (Lima, Peru: Fondo Editorial UNMSM, 2003).
- 40 Interview by Carla Tamagno in Huancayo, December 1998.
- 41 James C. Scott, “Patron-client Politics and Political Change in Southeast Asia,” *The American Political Science Review* 66, no. 1 (1972): 91–113.
- 42 The Plaza Duomo is an important meeting point for migrants in Milan. In 2008 law enforcement entered the area to “clean it up” and migrants can no longer hang out there to search for work opportunities and share their experiences with other fellow migrants.

- 43 The Bossi-Fini law's main components were limiting work permits (*permesso di soggiorno*) to two years' duration only; placing restrictions on residence cards (*carta di soggiorno*) for domestic workers and care workers (only obtained upon six years of legal presence in Italy); requiring electronic photo registration of foreigners applying for (or renewing) residence permits; demanding employers to guarantee housing and travel expenses for their workers; enforcing deportation of unauthorized migrants including the arrest and incarceration of deportees who attempted to re-enter Italy; and finally, introducing a series of restrictive measures which complicated previous practices of family reunification: see Kitty Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe* (Cambridge: Cambridge University Press, 2005); and Liza Schuster, "The Continuing Mobility of Migrants in Italy: Shifting Between Places and Statuses," *Journal of Ethnic and Migration Studies* 31, no. 4 (2005): 757–74.
- 44 Some of them also voluntarily gave over their properties to Laura as forms of payment, because they were no longer planning to return to Peru.
- 45 According to recent ISTAT figures, most Peruvians in the region are women (58.4 percent) and a significant percentage are in irregular immigration status (11 percent).
- 46 Ministry of Labor, *Ministerios de Trabajo de Peru e Italia Culminan Exitosamente las Gestiones para Convenio de Migración Laboral*, [www.mintra.gob.pe/mostrarNoticias.php?codNoticia=3105](http://www.mintra.gob.pe/mostrarNoticias.php?codNoticia=3105).
- 47 Interview with Sr. Núñez-Melgar, Secretary of Peruvian Communities Abroad, Peruvian Ministry of Foreign Affairs, Lima, 31 May 2011. As part of such efforts of "ordering" the unruly dynamics of international migration, in 2009 the Peruvian Chancellery created the Intersectoral Migration Management Working Group (Mesa Intersectorial de Gestión Migratoria—MIGM) with support from the International Labour Organization (ILO) in Lima. The MIGM counts on the participation of 16 public institutions and a number of civil society actors. The goal of this working group is to propose state policies on migration management aimed at promoting decent work opportunities, to protect and promote the welfare of migrants, and maximize the impact of migration on development by encouraging "co-development" initiatives involving the Peruvian diaspora. At the same time, the Department of Labor Migration was created within the Ministry of Labor (Ministerio de Trabajo y Promoción del Empleo—MTPE) and was given exclusive jurisdiction over the issue of labor migration. Furthermore, the newly elected President Ollanta Humala recently pronounced himself in favor of creating a vice-ministry for migration management—a proposal he adopted from former President Alejandro Toledo.
- 48 Interview with DIGEMIN legal advisor Juan José Canales, Lima, 31 May 2011.
- 49 Source: [wikileaks.org/cable/2005/06/05LIMA2451.html](http://wikileaks.org/cable/2005/06/05LIMA2451.html).
- 50 Colegio de Notarios de Lima, *Jirón Azángaro Cambia de Rostro*, [www.notarios.org.pe/noticias\\_detalle.php?id\\_noticia=16](http://www.notarios.org.pe/noticias_detalle.php?id_noticia=16).
- 51 Interview with Dr Mario César Romero Valdivieso, Dean of the Association of Notaries Public in Lima, 14 June 2011.
- 52 *Andina*, 3 March 2009, [www.andina.com.pe/espanol/Noticia.aspx?id=m2yASdPz+0g=](http://www.andina.com.pe/espanol/Noticia.aspx?id=m2yASdPz+0g=). This system, however, was never linked up to the RENIEC, DIGEMIN and PNP database initiative mentioned above.



- 53 There is a clear link between efforts like these and previous attempts by the former mayor of Lima, Alberto Andrade (1996–2002), to “reclaim” the historic center of Lima from the hands of street vendors and petty criminals and make it available to international tourists and local elites.
- 54 Interview, Comisaria de Cotabambas, 30 March 2011.
- 55 Given that most of the counterfeit currency produced in Peru is US dollars, the US government currently has a task force operating in Peru to combat the cases of counterfeit US currency (see “How Peru Became the World’s Counterfeit Capital,” *Time Magazine*, 25 November 2010).
- 56 Interview with spokesperson from the Peruvian National Police’s Fraud Unit, Lima, 31 May 2011. A similar raid had occurred only months before, also in San Juan de Lurigancho (see “Falsificadores de Visas y Pasaportes fueron Capturados en San Juan de Lurigancho,” *El Comercio*, 15 October 2010).
- 57 In 2010 Peru ranked number 78 with Lesotho, Serbia, and Thailand in Transparency International’s Corruption Perceptions Index (CPI), which measures domestic and public-sector corruption worldwide. See: [www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).
- 58 “Director of Immigration was Reported to Pay High Fees to Lawyers with Funds from this Office,” *El Comercio*, 8 November 2010.

# 10 Public officials and the migration industry in Guatemala

## Greasing the wheels of a corrupt machine

*Isabel Rosales Sandoval*

- Migration and corruption in Guatemala
- Government institutions and corrupt public officials in the migration industry
- The migration industry at the Mexican–Guatemalan border
- Human trafficking and smuggling in Guatemala
- Institutional factors sustaining the migration industry of corrupt public institutions
- Conclusion

This chapter focuses on the Guatemalan migration industry and in particular the role of Guatemalan public officials and government institutions in directly and indirectly sustaining this industry. As human smuggling and trafficking networks are expanding in Guatemala, corrupt government officials seem to be playing an integral part in this part of the migration industry. Examining the blurred boundaries between government and industry, public and private, this chapter starts by describing the central link between public institutions and the migration industry. It then takes a step back to look at two of the main areas in which organized crime depends on corrupt public officials, namely human smuggling and human trafficking.<sup>1</sup> I conclude by considering how public institutions not only fail to perform their function of providing support and protection for migrants, but also how they actively grease the wheels of the migration industry through corruption.

### Migration and corruption in Guatemala

Central America has been a locus of migration for generations, with rural-to-urban and regional migration as well as international migration caused by poverty and/or political strife.<sup>2</sup> Three main factors have triggered migration in the region: 1 an export-oriented agricultural

sector and the formation of regional labor markets; 2 internal violent conflicts;<sup>3</sup> and 3 the transnationalization of labor markets.<sup>4</sup> These factors characterize the three main types of migration: namely, internal or regional circular migration; massive displacements during the civil wars (both internally and across borders to neighboring countries, North America and Europe); and international migration driven by economic rather than political factors, mostly to the United States.<sup>5</sup> The present era was heralded by the advent of the latter type, whose push factors should be sought in the crisis in the agricultural sector, the fall in coffee prices, rising unemployment rates, natural disasters and high levels of post-conflict violence.<sup>6</sup> Despite—or because of—increasingly robust immigration enforcement over the years, one of the most significant trends has been the increase in undocumented flows of migration.

To facilitate the crossing of tightened borders, networks facilitating human smuggling have emerged. According to a recent report, 70–90 percent of undocumented Mexican border crossers now rely on the services of a human smuggler, and smuggling fees have increased from about US\$700 in 1986 to \$2,800 in 2007, and a recent Guatemalan remittance survey reports a smuggling fee of \$5,000.<sup>7</sup> With 14 persons estimated to leave Guatemala every hour, this means that human smugglers stand to make a profit of around \$70,000 every hour. The same report estimates that only 38.6 percent of undocumented Guatemalan migrants are able to reach their destination on their first attempt.<sup>8</sup> Many have to try several times; others fall victim to mass kidnappings or killings on their way North. As smuggling fees have increased, it has become attractive to organized criminal syndicates to join the business. Second, as the human smuggling has become more organized and lucrative, an increasing number of public officials have become tempted to participate by either passively turning a blind eye or actively cooperating to assist irregular travel.<sup>9</sup> Over time this relationship seems to have increasingly institutionalized to the extent that corruption today forms an integral part of the migration industry. The US Department of Justice states that organized crime refers to those associations of individuals that operate internationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence and that the structures under which it operates vary from hierarchies to clans, networks and cells, as well as the crimes they commit and may evolve to other structures and act conspiratorially in their criminal activities.<sup>10</sup>

Corruption is commonly defined as misuse of public power for private gain. According to the United Nations (UN) Convention against Corruption:

Corruption can appear as grand corruption—pervading the highest levels of a government, thereby destroying the trust in good governance, the rule of law and economic stability—and as petty corruption, the use of public office for private benefit in the actual course of public service delivery. Corrupt behavior ranges from active involvement, such as violating duties, accepting or transferring bribes, facilitating transactions, to passive involvement, which can include simply ignoring or failing to follow up on indicators that corruption may be taking place.<sup>11</sup>

This background paper, unlike the internationally endorsed definition of trafficking in persons found in the Trafficking in Persons Protocol,<sup>12</sup> does not provide a definition, but rather it profiles a range of examples of corrupt acts including bribery, embezzlement of public funds, money laundering and obstruction of justice.

In the facilitation of undocumented migration, private and public actors interact in corrupt networks. Corruption can ease the way for human smugglers or traffickers during the journey, help negotiate transactions for the trafficker, hold trafficked migrants in bondage, undermine efforts to prevent or to persecute human smuggling and human trafficking crimes.<sup>13</sup> It is a profitable business for both. The business provides human smugglers with profit, and low-paid police and migration agents with additional income. In addition, private companies may profit from the privatization of public functions. Since many prospective migrants cannot fulfill the requirements needed to obtain documentation by means of official channels, the demand is constant.

Here I argue that organized smuggling and trafficking networks depend largely on corrupt public officials. Over time and given a lack of institutional checks and balances within the government system, such corruption may become institutionalized and sustained. This is certainly the case in Guatemala. As O'Donnell has argued for other Latin American contexts, the legal state (the part of the state that is embodied in a legal system), although present in the form of buildings and officials paid for out of public budgets, may simultaneously be absent. Formal laws are applied intermittently if at all and they are enacted by the privatized or gangster-like powers that actually run such places.<sup>14</sup> As a consequence legally established authority erodes and makes the public-private boundary even more tenuous, with huge temptations for corruption.<sup>15</sup>

In line with O'Donnell's thoughts, it is my contention that the institutionalization of corruption allows public officials to become a business within the migration industry in and of itself. In the following I describe the central link between public institutions and the migration industry,

making a distinction between government institutions and public officials. I then step back to look at two of the main areas in which organized crime depends on corrupt public officials, namely human smuggling and human trafficking. I conclude by considering how public institutions not only fail to perform their function of providing support and protection for migrants, but also how they actively grease the wheels of the migration industry through corruption.

### **Government institutions and corrupt public officials in the migration industry**

Academic literature has tended to theorize the migration industry in one of two ways. One conceptualization has seen migration itself as an industry, focusing on the actors and institutions that take part in it.<sup>16</sup> Another conceptualization has understood the migration industry as a component of the social process of international migration.<sup>17</sup>

The first approach distinguishes between legal and illegal activities and services in order to identify businesses and practices with components that fall on either side of the legal spectrum. On the illegal side we find, for example, human smuggling and the sale of counterfeit or “leasing” of authentic migration documents. On the legal side we find informal and formal businesses offering, for example, passenger, parcel and remittance transfer services. Although illegal activities contributing to the migration industry have been considered, the role of corrupt public officials and government institutions is still scarcely explored.<sup>18</sup>

The second approach links the migration industry and the state, the latter primarily through its formal role. Through migration policies the state ideally creates the conditions to promote demand for certain services and the supply of others. This can be observed in two types of policies aimed at managing migration internally or domestically. The first type is aimed at managing immigration, as has for example been the case along the US–Mexican and Mexican–Guatemalan borders. The second type is aimed at managing emigration, e.g. through the placement of citizens in international labor markets, such as seasonal worker programs, or lobbying to obtain certain statuses for national citizens abroad, such as Temporary Protection Status (TPS).

Most contributions to this volume distinguish between migration industry actors that facilitate and those that constrain mobility, in formal as well as informal ways. On the formal side it can be argued that the content, dynamics and bounds of the migration industry depend on state policies.<sup>19</sup> State policies can further fuel the migration industry by seeking assistance from private companies in delegating or outsourcing

state functions. This is so in the case of the passport issue office in Guatemala. My contribution sets its focus on the informal side of the relationship between the state and the migration industry as it is played out by corrupt public officials and government institutions.

My analysis takes off from O'Donnell, who argues that countries actually have two types of important institutions. One type is highly formalized but intermittent such as, for example, elections. The other type of institution is permanent and pervasive and includes clientelism, particularism and corruption.<sup>20</sup> A set of rules and governing institutions are understood as part of the package of democracy, and these provide formal guidance as to how individuals and institutions should behave and interact. However, the extent to which behavior and expectations deviate from formal rules is difficult to estimate empirically. What we know is that when the fit between what citizens expect and what they actually get is reasonably close, formal rules and institutions are likely to be present. Conversely, when the fit is loose or practically non-existent, we need to analyze the actual behavior and discover the informal rules. This will not necessarily indicate a lack of institutionalization but rather the existence of informal institutions.<sup>21</sup> The approach of institutionalism aims to make a distinction between institutions and actors. The main goal of this approach is to shed light on how informal institutionalization of government institutions allows the continuity of incorporated functions (e.g. corrupt practices) beyond the comings and goings of public officials.<sup>22</sup>

In the Guatemalan case, public officials and government institutions perform complementary services alongside their formal public duties, either on their own initiative or in response to external pressure. In the process a *de facto* informal privatization of administrative action is taking place.<sup>23</sup> Such complementary services may involve the facilitation of mobility-providing permits, visas and other documents for migrants who either turn up at public offices in person or use the services of human smugglers. In the latter case, private migration industry actors become linked to state actors (corrupt public, border, and migration officials, consuls, and others involved in the issuing and control of papers), to ensure the success of their businesses.

A main feature of organized crime is that it attempts to gain influence in government, politics and commerce, both through legitimate and also by corrupt means. In Central America, certain migration industries are known to be linked to parallel structures of organized crime and illicit activities such as kidnappings, trafficking in drugs and weapons and illegal adoptions. One aim of linking up with public officials is to drive away competitors that belong to other, parallel, structures. This

practice is a part of the protection that criminal groups gain through the nexus with public institutions.<sup>24</sup>

The corrupt actions of public officials are not one-off occurrences but repeated ones and are aimed at enhancing the position—economically and politically—of the public official in question. Over time, and given a lack of governmental institutional accountability mechanisms, corruption may become embedded and sustained to the extent that it becomes an informal institution. This is the case with the Guatemalan mobility-facilitating migration industry which has had the capacity to readapt itself according to both formal and informal norms.

The Guatemalan migration industry facilitates human trafficking and smuggling and is fed and sustained by the corruption of certain public officials or agents of particular government institutions who, through their corrupt practices, allow the industry to be permanently entrenched at multiple levels of the state. Corruption in public institutions can pave over the bumps in the road and smooth the way for certain migration industries. However, various critiques point to the difficulties of applying an operational definition of corruption.<sup>25</sup> A broadly accepted definition of corruption is the one mentioned in the introduction and refined by Transparency International (TI): “The abuse of entrusted power for private gain [encompassing] corrupt practices in both the public and the private sectors.”<sup>26</sup> Since my focus here is on public officials, I shall use the more narrow definition of political corruption provided by Joseph Nye, who focuses specifically on the public sector and its formal rules. Nye states: “Corruption is a behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence.”<sup>27</sup>

Although this definition is convenient for the examination of public actors, it assumes that many acts of corruption are executed as a result of mutual agreements between economic and political actors. As a consequence, it omits all kinds of illegitimate contributions from the private sector. Furthermore, it is restricted to formally existing boundaries between the public and the private, excluding types of corruption that are not regulated legally but that, nevertheless, are perceived by civil society as illegitimate.<sup>28</sup>

According to della Porta and Vannucci, several institutional variables play a crucial role in providing opportunities for a person to become involved in deviations from laws and/or informal rules; for example, formal rules that determine transaction costs, degrees of discretion, the relative efficiency of administrative political controls, competition and types of market. The committing of acts of corruption is highly dependent

upon the probability of being denounced and punished, the severity of punishments and the expected rewards.<sup>29</sup> There can be also coercion from the corrupt networks that puts pressure on non-corrupt officials. In other words, when informal rules are broken there are consequences, be they punishment or reward.

Corrupt behavior in the state ranges from active involvement (such as violating duties, accepting or transferring bribes, facilitating transactions), to passive involvement (such as simply ignoring or failing to follow up on indicators that corruption might be taking place).<sup>30</sup> There are basically two main forms that active and passive behaviors can take, namely transactions and extortions. Among transactional activities we find the commissions paid for illicit services, unwarranted fees for public services, the “gratitude” shown to a public official who has done a “good job” (left to the discretion of the user even though the officer has not asked for it—nonetheless, the users know that the officer will not do the job unless there is a reward), and string-pulling. These are all actions of a monetary or material nature, often resting on emotional or identity-based ties. Other forms of corruption involve extortion, such as a levy or a “toll,” a misappropriation or a private appropriation.<sup>31</sup> Frequently, these forms of corruption are interlinked and move along a legal-illegal continuum constituted by a group of informal rules. In Guatemala the public institutions that play the most important role are the General Directorate of Migration, the police, the Public Prosecutor’s Office and some courts of justice.

The Guatemalan Penal Code legislates against corrupt practices committed by public officials. Such practices range from passive and active bribery,<sup>32</sup> to unlawful acceptance of gifts, special disqualification, misappropriation with or without intent, extortion, embezzlement, negligent embezzlement, non-compliance of payment, unjustified and unlawful requests for payment, fraud and improper collection of payment, among other felonies.<sup>33</sup> According to O’Donnell, the interplay between the informal and formal legal system creates areas that support a world of violence, so-called “brown areas.” Brown areas are subnational systems of power that have a territorial basis and are based on an informal but quite effective legal system. Yet they coexist with a regime that, at least at the national political center, is democratic.<sup>34</sup> Thus, corruption is carried out in the brown area by public officials who, in spite of what is forbidden by the law, participate in and stimulate the migration industries. Corrupt public institutions may function as a migration industry in and of itself, but may also facilitate the functioning of private migration industry actors; that is, to carry out functions that in this volume are characterized as “facilitation industry” actions, hereby potentially



enhancing activities linked to organized crime that range from drug and organ trafficking, to the smuggling of weapons, precious woods and exotic animals. The cases examined in the following are limited to those related to the mobility of people: namely, trafficking in women and children, as well as human smuggling in Guatemala.

Human smuggling and trafficking are by no means new phenomena in Guatemala. However, smuggling and trafficking practices have significantly increased in response to the proliferation of migration industries. As US immigration and border restrictions have tightened, undocumented migrants of local as well as international origin have increasingly turned to smugglers to lead them across the Guatemalan–Mexican border, through Mexico and across the US–Mexican border.<sup>35</sup> Moreover, in order to avoid detection by border patrol agents, migration routes have been redirected to more remote (and more dangerous) areas. Stricter rules and new routes through unknown territories have expanded the migration industry market and the higher demand has inflated the price of “services.”<sup>36</sup>

Human rights reports have pointed out that public officials—in particular the police and immigration officers—are involved with criminal gangs and people traffickers.<sup>37</sup> The full extent of corruption at checkpoints and international frontiers remains unknown, but it is estimated to be common. Cash payments are often folded into passports. Criminal networks have put migration control officials on their payrolls on both the US–Mexican and the Mexican–Guatemalan borders. Drug and human smugglers have paid off law enforcement officials, from immigration officers and border police all the way up to heads of divisions.<sup>38</sup> These and other known incidents involving public officials suggest that it is essential to include them in any analysis of the functioning of the migration industry.

### **The migration industry at the Mexican–Guatemalan border**

The “southern border” separating Mexico from Central America constitutes the most profitable area for migration industry actors in the region. Due to their geographic and geo-political position as well as common problems of insecurity, Belize, El Salvador, Guatemala and Honduras are strongly linked. In the following, nevertheless, I focus on the Mexican–Guatemalan border only.

The Mexican federal government and the Guatemalan police (which was formerly in charge of border control in Guatemala) used to have a very weak presence at the border. The few officials placed at the border usually received and transferred seasonal migrants with or without

documents when they went to work on the coffee farms in the Soconusco region or, later, also to work in the services industry and the construction business. The massive displacements and refugee movements created by the armed conflict of the 1970s and 1980s gave rise to military interests in monitoring the border and the 1980s were stained by terror at the border. Many refugees feared for their safety and the army constant controls made between 1981 and 1984. Later flows of extra-regional migrants (mainly from South America, India, China and Korea), as well as the visible presence of drug cartels, have further contributed to a gradual implementation of stronger controls and passport regulations.<sup>39</sup> These factors have contributed greatly to the changes in the border relations, in particular in the area of implementation of stronger controls and passport regulations.

In the 1990s several events generated changes in the dynamics of the Mexican–Central American border, of which the most relevant are:

- The signing of the free trade agreements with North America (which increased interest in border security by the United States, while leaving out the issue of migration);
- the Zapatista uprising in Chiapas that led to an increase in military and border control mechanisms; and
- “Operation Gatekeeper” in California, which, through a series of actions at the border, brought about a new phase in the restrictions of US immigration policy.<sup>40</sup>

These events did not lead to a decrease in migration pressure but, rather, altered the migrant composition towards a larger proportion of undocumented travelers. Together with the events that occurred in the United States on 11 September 2001, new security strategies focusing on “containment,” “sealing” and the “securitization” of borders were introduced.

The discourse that links migration to security has contributed to criminalizing migrants and only to a lesser extent to targeting the organized criminal networks that profit from transferring migrants over ever more secured borders. To a certain extent enhanced border control has paved the way for finding new methods to avoid detection by border patrol agents, including new and more dangerous smuggling routes. In addition, new legislation has granted acceptance to coercive measures that in other settings would be condemned for violating human and migrants’ rights. Examples of such measures can be seen in the international legal framework related to migration management, as well as in the regional plans to combat organized crime. To mention a few: the “Convention

Against Transnational Organized Crime” and its three supplementary protocols; the regional “Mérida Initiative” to help Mexico in the struggle against drug cartels; the “Central American Regional Security Initiative” (CARSI), designed to combat drug trafficking organizations, criminal gangs and illicit trade within their borders; and the most harmful strategy for the region, the “Plan Sur,” which seeks to surround the thousands of kilometers of the Guatemalan–Mexican border with troops and police.

Nevertheless, between 2004 and 2005 migration flows increased considerably.<sup>41</sup> There are several possible explanations for this increase, among them the quick adaptation of the smuggling networks which, moreover, used the opportunity to expand their services. The combination of a large supply of people willing or forced to pay for crossing the border and a demand for cheap labor in the United States has contributed to the emergence of criminal networks that, in addition to the profits made from smuggling, at times extract extra sums through extortion and kidnapping. Both private and public actors are crucial to the existence of these networks.

Due to the enhanced border controls following on from “Plan Sur,” the crackdown on “illegal” migrants along the border has meant that smugglers have had to come up with new ideas on how to avoid the new controls. First of all, the number of clandestine routes over the Mexican–Guatemalan borderlands has risen, but corruption within the public institutions involved in controlling the border has also increased.<sup>42</sup> Corruption may consist of “coyotes,” who announce the arrival of vehicles containing undocumented migrants to the police and border control officers in advance. The officers proceed to ask for documents (even when they know beforehand that the migrants do not possess them) or they accuse the migrants of travelling on falsified papers. Police and immigration officers then negotiate with the migrants or their smuggler to pay a fee that will allow them to continue their journey. Payment is crucial to avoid getting arrested and be able to continue the journey.<sup>43</sup>

Border reinforcement has also increased the need for smugglers to bribe or buy documents from border officials. The sophistication of the smuggling groups has enhanced, as has the capacity and ways to corrupt public officials. There have been well-known cases about corrupt public officials on the US–Mexican border who in 1995 could be paid \$100,000 annually by a smuggling organization, which would usually profit \$1 million per month for smuggling 1,000 migrants monthly across the border. More numerous have been the cases of corrupt public officials involving migrant smuggling on the Mexican–Guatemalan border.<sup>44</sup> The business of smuggling and the business of policing smuggling have grown up together and they continue to expand because of each other.

The interdependence between policing and smuggling is evident across many borders in many other regions. The involvement of corrupt public officials in human smuggling has been confirmed by the Mexican Human Rights Commission, which stated that human smuggling crimes were committed by organized crime in compliance with state actors, where financial profits reached \$25 million for the daily smuggling of 50 persons on the southern border of Mexico in 2009.<sup>45</sup>

Corruption among police and immigration officers is further compounded by governance problems and the weak capacity of state authorities to control criminal groups within their territories as well as corruption within their own institutions. Impunity prevails in many exposed cases of corruption and the administration of justice has favored the criminalization of migrants as opposed to those facilitating irregular border crossings. As a result, migrants have been subjected to widespread detentions and deportations, yet few arrests have been made of smugglers, dealers, and corrupt police or immigration officers.<sup>46</sup>

The analysis of the relations between the United States, Mexico and Guatemala helps explain the regional dynamics around the migration industry. However, the migration industry is also driven by domestic dynamics. In Guatemala, public institutions have failed to gain the public trust because they have provided unequal access to justice. Both security forces and migration agents are commonly expected to be accomplices to the criminal organizations, and a generalized climate of distrust in public institutions prevails. This reality is often ignored in international and regional security analyses.

### **Human trafficking and smuggling in Guatemala**

Corrupt public officials play different facilitating and constraining roles and the regional migration industry of facilitation or constraint is diverse. In the following I shall focus on two particular areas, namely the trafficking of children and women and the smuggling of migrants.

Smuggling is the action through which a financial or other material gain is obtained, directly or indirectly, for the illegal entry of a person into a state of which the person is not a national or a permanent resident. Trafficking involves force or other forms of coercion, and the abuse of power for the purpose of the exploitation of a person.<sup>47</sup> Thus, the presence of force, fraud or coercion is crucial to the legal definition.<sup>48</sup> There is considerable debate over the extent to which “free will” is what distinguishes human trafficking from smuggling. For the purpose of my argument the important point is that both are made possible by alliances between organized criminal networks and corrupt public officials.

According to the International Labour Organization (ILO), a country is more likely to become a source of human trafficking if it has recently experienced political disorder, armed conflict, economic crisis or natural disasters.<sup>49</sup> Guatemala fits all these criteria. Corruption related to human trafficking and smuggling has proliferated in public institutions. Yet few criminal investigations have been carried out and, according to official data, there are scarce reports of cases going to court and leading to convictions.<sup>50</sup> Law enforcement agencies and criminal justice authorities in Guatemala are seemingly inclined to remain passive and abstain from taking action. Prosecutors often pretend to be completely unaware of corruption within the context of trafficking. Courts are suspected of being bribed to release pimps and smugglers. The inconsistent enforcement of laws and regulations against traffickers and sexual exploitation is another sign of corruption.<sup>51</sup>

Identified public actors involved in these forms of illegal and corrupt practices are the *Policía Nacional Civil* (PNC, National Civil Police), some courts of justice, e.g. the *Jueces de la Niñez y Adolescencia* (Child and Adolescent Court), the *Ministerio Público* (MP, Public Prosecutor's Office), Auxiliary Mayors from towns near the borders, the *Procuraduría General de la Nación* (PGN, General Attorney's Office) and, at the core of them all, the *Dirección General de Migración* (DGM, Directorate of General Migration) and its labor unions.<sup>52</sup> These actors complement each other's work but do not necessarily work together. The level of involvement of public officials from various public institutions varies according to the crime perpetrated. The involvement of members of the three existing labor unions of the DGM is an example of how corruption not only occurs at the initiative of public officials, but at times is also spurred by other actors, in this particular case those of parallel structures to the state.

The leaders of the Guatemalan DGM labor unions are able to negotiate with the Director of the DGM as to which public officials will be placed at the borders. These labor union leaders are fully protected by the Guatemalan Labor Code, Art. 49. The agreements reached by these joint negotiations of the Ministry of Interior, the Director of the DGM and the labor union leaders are resolutions enforceable by law, and are therefore completely legal. However, the interests behind each agreement are not fully attributable to the labor unions, but are also influenced by parallel structures; in other words, the Ministry of Interior and the DGM are thereby co-opted by criminal structures that among others pursue a share of the profits obtained from human smuggling and trafficking. Seijo, for example, reports that in order to be a "candidate" for one of the border offices, public officials must pay around

\$1,500, and in order to be able to keep the job they need to pay approximately \$150 to leaders of the labor unions weekly, where border officials profit from illegal markets, among them, undocumented migrants.<sup>53</sup> In such types of internal bribery, many public officials along the whole continuum of immigration officers, border police, the Director of the DGM and all the way up to the Ministry of the Interior take part. As an example of corruption going on in public institutions in Guatemala, the DGM has been subject to intervention many times by accountability institutions in order to depurate corrupt agents.<sup>54</sup> These agents are allegedly part of a bigger criminal organization involved in the illegal business of passports and false visas.

### ***Trafficking in children: the Guatemalan paradise for illegal adoptions***

Child trafficking for illicit international adoptions—in particular to Canada, France, Italy, Spain and the United States—is a serious problem in Guatemala. Recently Canada, the Netherlands and the United Kingdom prohibited adoptions from Guatemala because of a lack of transparency in the adoption process.<sup>55</sup> Children trafficked for adoption purposes have become a lucrative trade in Guatemala and have made Guatemala the country with the highest number of international adoptions per capita in the world.<sup>56</sup>

The significance of the illegal adoptions of Guatemalan children has been recognized internationally since 2001. The Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography has pointed out that the remuneration of lawyers and notaries has not been subject to any regulation, allowing great profits to be made from adoptions. In 2000 the Rapporteur noted that the earnings that an attorney receives from an international adoption are enough to offer incentives or commissions to both recruiters and the courts as well as to other public institutions involved in facilitating the process.<sup>57</sup>

According to the Comisión Internacional contra la Impunidad (CICIG, International Commission against Impunity), operated by the UN in Guatemala, 2007 was the year with the highest number of adoptions so far in Guatemala. More than 5,110 Guatemalan children were given up for adoption to foreign families. If the number of adoptions completed in 2007 is multiplied by the average gain from a single adoption in Guatemala (\$35,000), the total profits represent close to \$200 million annually.<sup>58</sup>

CICIG has identified several ways of operating that have been developed by illegal networks engaged in trafficking for purposes of illegal adoption. A first method is to work with recruiters who steal or “buy”

a child from their biological mother, or threaten, coerce or trick them into giving up their children for adoption. These recruiters are associated with the notaries who process adoptions. When the children are stolen, document forgery is needed. For this purpose, both recruiters and notaries rely on doctors, midwives, DNA laboratories and public institutions such as civil registers in various municipalities, where the appropriate identification documents are forged.

The involvement of public officials and institutions is greater in another form of illegal adoption, known as “child laundering.” This kind of adoption involves the Court of Justice for Children and Adolescents. Here, stolen or bought children are presented as if they had been abandoned, thereby expediting the adoption process and neglecting the need to forge legal documents on behalf of the child or the birth mother. This modus operandi is only possible because the judges do not order investigations to determine the source, nor do they try to locate the biological family of the child supposedly abandoned. In addition to judges, CICIG found that criminal networks also receive assistance from other actors in government institutions in the facilitation of illegal adoptions during the period of transition, such as the PGN, which gave its consent to adoptions that were never registered in the National Committee for Adoption, where the documentation clearly shows evident alterations. It was also found that about 60 percent of the cases handled in the transition period had some kind of irregularity. Nonetheless, in 90 percent of the cases, the PGN ruled that the adoption was legitimate and legal.<sup>59</sup>

In addition to illegal adoptions, smuggling of children also takes place. In 2002 Guatemalan authorities identified 49 Salvadoran children without documentation. The children were being transported on buses heading towards Los Angeles and were supposedly going to be reunited with their parents already living in the United States. Each of the parents paid \$5,000 per child to the smugglers. Other cases have involved Guatemalan children.<sup>60</sup> Although this is a voluntary action, the fact that the parents pay a smuggler to bring their children through illegal means, shows how the business of smuggling is enhanced and diversified.

### ***Trafficking of Guatemalan, Honduran and Salvadoran women***

As a country of origin, transit and destination for migration, Guatemala displays complex dynamics of trafficking. According to the “Global Report on Trafficking in Persons,” most of the victims are women and children who are trafficked from Guatemala and the neighboring countries of El Salvador and Honduras and become subject to prostitution

in bars along the Salvadoran–Guatemalan or the Guatemalan–Mexican borders. Women and children are trafficked along a corridor that runs from the Honduran cities of Tegucigalpa and San Pedro Sula to Guatemala, and afterwards to Mexico, the United States or Canada.<sup>61</sup>

Guatemalan women are mostly trafficked to Belize, Canada, Costa Rica, El Salvador and Mexico, whereas Salvadorans commonly are trafficked to Belize, the Dominican Republic, Guatemala, Honduras and Mexico. However, El Salvador is also a transit country for victims trafficked from Honduras and Nicaragua to Guatemala. The age of trafficked women ranges on average from 10–35 years, with 90 percent being Honduran and Salvadoran and the going rate for the purchase of a 12–15-year-old girl \$100–200. Most of the women are taken to Guatemala through false promises of jobs as domestic workers, but end up being forced into prostitution.<sup>62</sup>

Based on the above, I argue that in Guatemalan public institutions dealing with human trafficking, corruption is present at almost all stages of the process. At the outset networks of contractors or employers—as well as smugglers—are involved in the recruitment of people. Then the corrupt public officials enter the scene. Bribes are paid either to enter the country without the required documentation or to facilitate the production of forged documents.<sup>63</sup> The involvement and active participation of public officials in trafficking is most evident in the transportation of the trafficked persons. At this stage several public actors such as the police, immigration officers, customs officers as well as border control officers assist the smugglers by taking bribes and passively allow the crossing of borders, or participate actively through extortion from the victims.

### ***Human smuggling: Latin Americans to the United States***

Apart from being a transit country for other Central Americans, Guatemala is also a transit country for people smuggled from South America (mainly from Ecuador) and Asia (China and India), and several cases of passport forgery and extortion at the borders have been reported.<sup>64</sup> The country's passport issuing office was privatized in 2008 and the office has been accused several times of issuing Guatemalan passports to citizens from Asia or South America, whose main objective is to reach the United States.<sup>65</sup>

The DGM has also been the subject of accusations of corruption involving human smuggling. The flow of people from South America and Asian countries is constant. In the case of Chinese citizens, most enter with “valid documents,”—that is, with a Guatemalan passport



that only the Director of the General Migration Office can authorize. Bribes given to immigration officers are a phenomenon when Ecuadorians attempt to cross the border irregularly. The business of passport and visa forgery is a true migration industry providing millions of dollars to the corrupt officials involved. Several Ministers of the Interior and directors of the DGM have tried to rotate personnel and clean out corrupt elements but without positive results. The same goes for corrupt police officers. Other private actors include lawyers and, possibly, a few airline representatives.

According to newspaper reports, smugglers pay \$5,000–10,000 to public officials for each person whom they traffic.<sup>66</sup> An Ecuadorian or Colombian is charged around \$500 for a false document. When migration authorities detect that someone is travelling to Mexico for the first time, they often will trick them into paying \$200 as an “exit toll.” In comparison, Mexicans who want to enter Guatemala are only charged GTQ 200 (about \$25). These tolls are of course completely illegal. Another common strategy consists of charging Central American migrants crossing into Guatemala \$25 for a local “pass” that they do not need, since Guatemala, El Salvador, Honduras and Nicaragua have signed a CA-4 agreement that allows the free mobility of citizens across the borders without a passport.

Another activity that leads to great profits is “safe repatriation.” Migrants being deported from Mexico to Guatemala by bus (in order later to be deported to their respective countries) can pay \$800–1,000 to be registered as Guatemalans and thus be able to re-start their journey to the north after a few days.<sup>67</sup> In these instances public authorities function as a corrupt migration industry that makes a profit on undocumented migrants’ migratory projects.

### **Institutional factors sustaining the migration industry of corrupt public institutions**

The section above has described how public officials take part in the migration industry, either by facilitating the working of criminal networks by becoming part of them or by acting as a migration industry in itself through corruption. However, what makes such levels of corruption possible?

Institutional capacity is central for combating networks of organized crime and corrupt state practices. Despite years of institutional capacity building and international funding for rebuilding the justice sector, very little progress can be observed in the area of international migration.

According to a UN Office on Drugs and Crime (UNODC) report on regional capacities for the prevention of human smuggling in Central America, nine main issues need to be strengthened:<sup>68</sup> first, many of the present legal frameworks are not adequate to confront the criminal migration industry actors. Despite the introduction of new laws, such as a new adoption law in Guatemala, the industry has found new ways to cooperate with public officials. Second, there is a lack of institutional methods to protect victims of trafficking and smuggling, and databases on both human trafficking and smuggling are few. Third, there are communication problems between specialized courts and ordinary courts of justice, leading to a lack of sentencing. Fourth, there are financial deficiencies as well as an inadequate number of qualified staff to deal administratively with trafficking and smuggling offences in various public institutions such as the DGM, PNC, MP and PGN. Fifth, there is an asymmetry between the technological resources of the organized crime networks and those of the public institutions in Guatemala, with the former being far more sophisticated than the latter. Sixth, there are difficulties in the intraregional exchange of communication and the management of statistics. Although formally there are official channels for information exchange—such as the mechanisms of the Central American Commission of Directors of Migration (OCAM) or the Central American Integration System (SICA)—these mechanisms still do not have the necessary levels of effectiveness or coordination. Seventh, there is a lack of an efficient and centralized system of statistics and data on the implementation and monitoring of criminal investigations. Eighth, the judicial system still seems to be deficient and plagued with corruption. Among other factors, this may be caused by incomplete preliminary investigations, as these investigations depend largely on the testimony of trafficked victims who, out of fear of reprisals and the lack of protection, abstain from giving testimony. Ninth, the DGM is scarcely involved in the inter-institutional agenda to combat human trafficking. It seems safe to assume that the DGM is trying to avoid institutional set-ups that could endanger its wide level of discretion to make decisions. The focus of the DGM is more on administrative measures to regulate migration and to deport those who do not meet the documentation requirements. The lack of coordination between the MP and the DGM has allowed many of the victims of human trafficking to be deported without any prior investigation.<sup>69</sup> In sum, the lack of national and regional inter-institutional coordination and of human and financial resources creates a large information gap that easily turns into high levels of discretion, with the potential of leading to impunity and the institutionalization of corruption within public institutions.

## Conclusion

This chapter set out to show how corruption is a central link between public institutions and the migration industry in Guatemala. It did so by first defining corruption as an important and necessary aspect of informal rules embedded in public institutions. It then examined human smuggling and trafficking as two main areas in which organized crime depends on corrupt public officials. It concluded by discussing how some public institutions not only fail to perform their function of providing support for migrants but also actively grease the wheels of the migration industry through corruption.

For the Guatemalan case, corruption and its link to the migration industry is described here as what O'Donnell calls "brown areas" and it is carried out by public officials who stimulate the migration industries.<sup>70</sup> For government migration institutions, brown areas generate a misfit between what citizens expect from their public officials and what they actually get. However, as O'Donnell argues, when the fit is loose it does not mean that there is a lack of institutions or institutionalization, but rather that the way these institutions work turns them into informal rules.

It is very important to note that this does not mean that all government institutions and all public officials are corrupt. Rather, the distinction that this chapter has aimed to make is that when corrupt government institutions function in an informal way, this allows public officials to perform complementary services alongside their formal public duties, either on their own initiative or in response to external pressures. This is exactly what has been described as parallel structures of organized crime. Institutions have incorporated into their institutional functions the possibility to carry out corrupt practices. This informal institutionalization allows the continuity of those practices beyond the turnover of public officials.

Hence corrupt public institutions may function as a migration industry, and the relation between them and parallel, illegal, structures is often symbiotic. They may also facilitate the functioning of private migration industry actors, that is to carry out functions that in this volume are characterized as "facilitation industry" actions, hereby potentially enhancing activities linked to organized crime. The two main activities examined in this chapter are both limited to those related to the mobility of people: namely, trafficking in women and children, as well as human smuggling in Guatemala.

Thus, public officialdom becomes an important part in the puzzle of the migration industry, by facilitating or by becoming part of criminal networks, or by being a migration industry in and of itself through corruption. As seen in this chapter, what make such levels of corruption

possible are institutional factors, such as the lack of inter-institutional coordination and of human and financial resources, as well as inadequate legal frameworks and a deficient judicial system, which sustain the migration industry. The ineffective enforcement of judicial norms and failed attempts at the regulation of illicit actions, particularly for the crimes of human smuggling and trafficking, have two major effects. On the one hand, they produce private benefits for both public officials and migrants and allow the strengthening of criminal networks—a deviation from existing judicial norms that ultimately affects the democratic rule of law. On the other hand, they prompt a social acceptance of corruption because they make it possible to avoid legal restrictions that would otherwise limit the mobility of migrants.

Lastly, institutional factors play a huge role in the continuation of the migration industry's business, because they allow the maintenance of links to corrupt public officials. This type of corruption, over time and given a lack of institutional accountability mechanisms, as in the case of Guatemala, becomes embedded and informally institutionalized, allowing it to sustain those migration industries.

## Notes

- 1 The dividing line between human trafficking and smuggling is often very fine. In legal terms, human trafficking is distinguished from smuggling in that people who have been trafficked are seen as victims, whereas smuggled persons generally are believed to have made a "free choice."
- 2 Katharine Andrade-Eekhoff and Claudia Marina Silva-Avalos, *Globalización de la Periferia: Los Desafíos de la Migración Transnacional para el Desarrollo Local en América Central* (San Salvador, El Salvador: FLACSO Programa El Salvador, 2003), 8–15.
- 3 In contrast to Guatemala and El Salvador, Honduras did not suffer civil war. However, the country has faced huge challenges, including a downturn in coffee prices, extensive destruction by Hurricane Mitch in 1998 and the arrival of Salvadoran and Guatemalan refugees during the conflicts of the 1980s. Andrade-Eekhoff and Silva-Avalos, *Globalización de la Periferia*, 10–15.
- 4 Abelardo Morales Gamboa, *La Diáspora de la Posguerra. Regionalismo de los Migrantes y Dinámicas Territoriales en América Central* (San José, Costa Rica: FLACSO Costa Rica, 2007), 111–25.
- 5 Ninna Nyberg Sørensen, "The Rise and Fall of the 'Migrant Superhero' and the New 'Deportee Trash': Contemporary Strain on Mobile Livelihoods in the Central American Region," *Border-Lines* 5 (2010): 90–120.
- 6 Edelberto Torres-Rivas, *La Piel de Centroamérica: Una Visión Epidérmica de Setenta y Cinco Años de su Historia* (San José, Costa Rica: FLACSO Costa Rica, 2007).
- 7 Marc Rosenblum and Kate Brick, *US Immigration Policy and Mexican/Central American Migration Flows: Then and Now* (Washington, DC: Migration Policy Institute, 2011), 13–14.

- 8 UNICEF, *Encuesta sobre Remesas 2010, Protección de la Niñez y Adolescencia* (Guatemala: Organización Internacional Para las Migraciones, 2011).
- 9 CNDH, *Informe Especial sobre los Casos de Secuestro de Migrantes en México* (México: Comisión Nacional de los Derechos Humanos México, 2011).
- 10 US Department of Justice, *Overview of the Law Enforcement Strategy to Combat International Organized Crime* (Department of Justice, 2008).
- 11 Anti-Slavery, Transparency International, and UNODC, *The Role of Corruption in Trafficking in Persons*, Issue Paper (Vienna, Austria: United Nations, 2011), 5.
- 12 UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing The United Nations Convention against Transnational Organized Crime*, 15 November 2000, [www.unhcr.org/refworld/docid/4720706c0.html](http://www.unhcr.org/refworld/docid/4720706c0.html).
- 13 Kathy Richards, "The Trafficking of Migrant Workers," *International Migration* 42, no. 5 (2004): 156–57.
- 14 Guillermo O'Donnell, "The Quality of Democracy," *Journal of Democracy* 15, no. 4 (2004): 32–46.
- 15 Guillermo O'Donnell, "Illusions About Consolidation," *Journal of Democracy* 7, no. 2 (1996): 34–51.
- 16 For example, John Salt and Jeremy Stein, "Migration as a Business," *International Migration* 35 (1997): 467–94.
- 17 For example, Rubén Hernández-León, "The Migration Industry in the Mexico-US Migratory System," *California Center for Population Research On-Line Working Paper Series* 49 (2005): 1–40.
- 18 Anti-Slavery, Transparency International, and UNODC, *The Role of Corruption in Trafficking in Persons*, Issue Paper (Vienna, Austria: United Nations, 2011), 5–6.
- 19 Rubén Hernández-León, "The Migration Industry in the Mexico-US Migratory System," *California Center for Population Research On-Line Working Paper Series* 49 (2005): 1–40.
- 20 Guillermo O'Donnell, "Illusions About Consolidation," *Journal of Democracy* 7, no. 2 (1996): 34–51.
- 21 O'Donnell, "Illusions About Consolidation."
- 22 It is important to note that the aim of this chapter is not to brand all public officials as corrupt, but rather to highlight the institutional dynamics that allow corrupt behavior.
- 23 Giorgio Blundo and Olivier de Sardan, eds., *Everyday Corruption and the State* (Cape Town, South Africa: New Africa Books, 2006).
- 24 John J. Bailey and Roy Godson, *Organized Crime & Democratic Governability: Mexico and the U.S.-Mexican Borderlands* (Pittsburgh PA: University of Pittsburgh, Digital Research Library, 2009).
- 25 "Corruption" has been criticized mainly for its normative connotations with respect to moral issues, the difficulty of measuring its scope, and for the fact that its analysis is based mostly on subjective perceptions—such as the "Corruption Perceptions Index", published by Transparency International. Nevertheless, corruption is viewed here as a stepping stone that allows us to delve further into the "informal functioning" of the public services in the cases of human trafficking and smuggling, as evidence to support the argument that corrupt public officials become central actors within migration industries.

- 26 Transparency International, *Corruption Perceptions Index 2010*, 5, [www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/in\\_detail](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/in_detail).
- 27 Joseph S. Nye, "Corruption and Political Development: A Cost-benefit Analysis," *The American Political Science Review*, no. 61 (1967): 417–27.
- 28 For an extensive discussion on the different corruption debates see: Bill de Maria, "Neo-colonialism Through Measurement: A Critique of the Corruption Perception Index," *Emerald Group Publishing Limited* 4, no. 2/3 (2008): 184–202; Maryvonne Génaux, "Social Sciences and the Evolving Concept of Corruption," *Crime, Law & Social Change*, no. 42 (2004): 13–24; Arnold J. Heidenheimer and Michael Johnston, eds., *Political Corruption. Concepts & Contexts* (New Brunswick, NJ: Transaction Publishers, 2002); and Susan Rose-Ackerman, "Political Corruption and Reform in Democracies: Theoretical Perspectives," in *Comparing Political Corruption and Clientelism*, ed. Junichi Kawata (Aldershot, UK: Ashgate Publishing Ltd, 2006), 45–62.
- 29 Donatella della Porta and Alberto Vannucci, "A Typology of Corrupt Networks," in *Comparing Political Corruption and Clientelism*, ed. Junichi Kawata (Aldershot, UK: Ashgate Publishing Ltd, 2006), 22–44.
- 30 Kathy Richards, "The Trafficking of Migrant Workers," *International Migration* 42, no. 5 (2004), 147–168.
- 31 Giorgio Blundo and Olivier de Sardan, eds., *Everyday Corruption and the State* (Cape Town, South Africa: New Africa Books, 2006).
- 32 With respect to bribery, passive bribery refers to the action by means of which a civil servant receives money or gifts. Active bribery refers to the crime committed by the person who offers gifts, money or promises to a civil servant.
- 33 Transparency International, *National Integrity Systems. Transparency International Country Study Report*, 11–12.
- 34 Guillermo O'Donnell, "The Quality of Democracy," *Journal of Democracy* 15, no. 4 (2004): 41.
- 35 The three countries of Central America's northern triangle—El Salvador, Guatemala and Honduras—are the *pillars* underpinning the networks of human trafficking in the region. However, the region also provides a *bridge* for South Americans, Asians or other nationalities aiming to reach Mexico or the United States overland. Finally, the region is a *source* for the trafficking in persons. According to recent data, human trafficking is one of the most lucrative criminal networks in the world, along with the trafficking of drugs and weapons. The business of human smuggling generated earnings of \$6.6 billion in 2010 from Latin Americans who tried to cross the border to the United States, see: UNODC, *The Globalization of Crime. A Transnational Organized Crime Threat Assessment* (Vienna, Austria: United Nations Office on Drugs and Crime, 2010), 66.
- 36 Amnesty International, *Invisible Victims: Migrants on the Move in Mexico* (London: Amnesty International Publications, 2010).
- 37 Amnesty International, *Invisible Victims*.
- 38 Jeffrey Kaye, *Moving Millions. How Coyote Capitalism Fuels Global Immigration* (Hoboken, NJ, and Canada: John Wiley & Sons, 2010).
- 39 Natalia Armijo Canto, "Seguridad y Migración en la Frontera Sur de México: De Guatemala a Belice," in *Seguridad y Defensa en América del Norte. Nuevos Dilemas Geopolíticos*, ed. Raúl Benítez Manaut (San Salvador, El Salvador: Asociación Institución Salesiana, 2010), 245–62.

- 40 Armijo Canto, "Seguridad y Migración en la Frontera Sur de México."
- 41 Armijo Canto, "Seguridad y Migración en la Frontera Sur de México."
- 42 UNODC, *The Globalization of Crime. A Transnational Organized Crime Threat Assessment* (Vienna, Austria: United Nations Office on Drugs and Crime, 2010).
- 43 UNICEF, *Encuesta sobre Remesas 2010, Protección de la Niñez y Adolescencia* (Guatemala City: Organización Internacional para las Migraciones, 2011), [www.unicef.org.gt/1\\_recursos\\_unicefgua/publicaciones/Cuaderno%20de%20Trabajo%20No28.pdf](http://www.unicef.org.gt/1_recursos_unicefgua/publicaciones/Cuaderno%20de%20Trabajo%20No28.pdf).
- 44 Peter Andreas, "The Transformation of Migrant Smuggling Across the U.S.–Mexican Border," in *Global Human Smuggling. Comparative Perspectives*, eds. David Kyle and Rey Koslowski (Baltimore, Md.: Johns Hopkins University Press, 2001), 107–25.
- 45 CNDH, *Informe Especial sobre los Casos de Secuestro de Migrantes en México* (México: Comisión Nacional de los Derechos Humanos México, 2011), 10–18.
- 46 Natalia Armijo Canto, "Seguridad y Migración en la Frontera Sur de México: De Guatemala a Belice," in *Seguridad y Defensa en América del Norte. Nuevos Dilemas Geopolíticos*, ed. Raúl Benítez Manaut (San Salvador, El Salvador: Asociación Institución Salesiana, 2010), 245–62.
- 47 UN General Assembly, *Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, [www.unhcr.org/refworld/docid/479dee062.html](http://www.unhcr.org/refworld/docid/479dee062.html); and UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing The United Nations Convention against Transnational Organized Crime*, 15 November 2000, [www.unhcr.org/refworld/docid/4720706c0.html](http://www.unhcr.org/refworld/docid/4720706c0.html).
- 48 Claire Ribando Seelke, *Trafficking in Persons in Latin America and the Caribbean*, CRS Report for Congress. Prepared for Members and Committees of Congress (Congressional Research Service, 9 September 2011), [www.fas.org/sgp/crs/row/RL33200.pdf](http://www.fas.org/sgp/crs/row/RL33200.pdf).
- 49 International Labour Organization, *ILO Action against Trafficking in Human Beings* (Geneva, Switzerland: International Labour Office, 2008).
- 50 Sergio Fernando Morales Alvarado, *Situación de los Derechos Humanos en Guatemala Durante el 2009, Vol. I, Informe Anual Circunstanciado al Congreso de la República* (Guatemala City: Procuraduría de Derechos Humanos, 2009); and UNODC, *Global Report on Trafficking in Persons*, 2009, [www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).
- 51 Kathy Richards, "The Trafficking of Migrant Workers," *International Migration* 42, no. 5 (2004): 156–57.
- 52 CICIG, *Informe sobre Actores Involucrados en el Proceso de Adopciones Irregulares en Guatemala a Partir de la Entrada en Vigor de la Ley de Adopciones (Decreto 77–2007)* (Guatemala City: Comisión Internacional contra la Impunidad en Guatemala, 2010); and UNODC, *Global Report on Trafficking in Persons*, 2009, [www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).
- 53 Lorena Seijo, "Migración: Un Nido de Corruptos, al Desnudo," *Prensa Libre*, 11 February 2006, [www.prensalibre.com/noticias/Migracion-nido-corruptos-desnudo\\_0\\_132587872.html](http://www.prensalibre.com/noticias/Migracion-nido-corruptos-desnudo_0_132587872.html).
- 54 Miguel González, "Migración: Director Reconoce Corrupción," *Prensa Libre*, 14 October 2001, [www.prensalibre.com/noticias/Migracion-Director-reconoce-corrupcion\\_0\\_40196306.html](http://www.prensalibre.com/noticias/Migracion-Director-reconoce-corrupcion_0_40196306.html).

- 55 Claire Ribando Seelke, *Trafficking in Persons in Latin America and the Caribbean*, CRS Report for Congress. Prepared for Members and Committees of Congress (Congressional Research Service, 9 September 2011), [www.fas.org/sgp/crs/row/RL33200.pdf](http://www.fas.org/sgp/crs/row/RL33200.pdf).
- 56 UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, Ofelia Calcetas-Santos (E/CN.4/2000/73/Add.2), 27 January 2000, [www.unhcr.org/refworld/docid/3ae6b0fe0.html](http://www.unhcr.org/refworld/docid/3ae6b0fe0.html).
- 57 UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*.
- 58 CICIG, *Informe sobre Actores Involucrados en el Proceso de Adopciones Irregulares en Guatemala a Partir de la Entrada en Vigor de la Ley de Adopciones (Decreto 77-2007)* (Guatemala City: Comisión Internacional contra la Impunidad en Guatemala, 2010).
- 59 CICIG, *Informe sobre Actores Involucrados en el Proceso de Adopciones Irregulares en Guatemala*.
- 60 “Desmantelan Red de ‘Coyotes,’” *Prensa Libre*, 13 August 2002, [www.prensalibre.com.gt/noticias/Desmantelan-red-coyotes\\_0\\_57594947.html](http://www.prensalibre.com.gt/noticias/Desmantelan-red-coyotes_0_57594947.html).
- 61 UNODC, *Global Report on Trafficking in Persons*, 2009, [www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).
- 62 UNODC, *Global Report on Trafficking in Persons*; and Sergio Fernando Morales Alvarado, *Situación de los Derechos Humanos en Guatemala Durante el 2009, Vol. I, Informe Anual Circunstanciado al Congreso de la República* (Guatemala City: Procuraduría de Derechos Humanos, 2009), I.
- 63 Pavel Arellano, “Corrupción: Intervienen Migración y Aeropuerto,” *Prensa Libre*, 1 December 2001, [www.prensalibre.com/noticias/Corrupcion-Intervienen-Migracion-Aeropuerto\\_0\\_41396396.html](http://www.prensalibre.com/noticias/Corrupcion-Intervienen-Migracion-Aeropuerto_0_41396396.html); and Anti-Slavery, Transparency International, and UNODC, *The Role of Corruption in Trafficking in Persons*, Issue Paper (Vienna, Austria: United Nations, 2011).
- 64 UNODC, *Global Report on Trafficking in Persons*, 2009, [www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).
- 65 Olga López, “El Negocio de Traficar Ilegales,” *Prensa Libre*, 15 September 2005, [www.prensalibre.com/noticias/negocio-traficar-ilegales\\_0\\_113388702.html](http://www.prensalibre.com/noticias/negocio-traficar-ilegales_0_113388702.html).
- 66 López, “El Negocio de Traficar Ilegales.”
- 67 Lorena Seijo, “Migración: Un Nido de Corruptos, al Desnudo,” *Prensa Libre*, 11 February 2006, [www.prensalibre.com/noticias/Migracion-nido-corruptos-desnudo\\_0\\_132587872.html](http://www.prensalibre.com/noticias/Migracion-nido-corruptos-desnudo_0_132587872.html).
- 68 UNODC, *Diagnóstico de las Capacidades Nacionales y Regionales para la Persecución Penal del Delito de Trata de Personas en América Central* (San José, Costa Rica: Naciones Unidas ILANUD, 2009), [www.ungift.org/doc/knowledgehub/resource-centre/UNODC\\_Central\\_America\\_Regional\\_Report\\_2009\\_Sp.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/UNODC_Central_America_Regional_Report_2009_Sp.pdf).
- 69 UNODC, *Diagnóstico de las Capacidades Nacionales y Regionales para la Persecución Penal del Delito de Trata de Personas en América Central*.
- 70 Guillermo O’Donnell, “The Quality of Democracy,” *Journal of Democracy* 15, no. 4 (2004): 32–46.



# 11 Migration between social and criminal networks

## Jumping the remains of the Honduran migration train

*Ninna Nyberg Sørensen*

- **Honduran migration patterns**
- **The vibrant migration industry**
- **Deportations and the rescue industry**
- **Border tragedies, organized crime and the exploitation industry**
- **Conclusion**

In August 2010, the bodies of 72 bound and blindfolded Latin Americans—some of them piled up on top of each other like discarded contraband—were found on a remote ranch in San Fernando in the northeastern Mexican state of Tamaulipas. Of the identified victims, 58 men and 12 women, the majority were Honduran. A large arsenal of weapons, bulletproof vests, camouflage uniforms and vehicles with tinted windows were later found at the crime scene, suggesting the workings of organized crime. In the days following the massacre two police officials in charge of the investigation were killed. Global media reported various versions of the background to the massacre: that the victims were being recruited by drug traffickers, that they were trying to sell themselves to the cartels, or that they had refused to be hired as hit men. According to one of the two survivors, however, the entire group were undocumented migrants attempting to reach the border to the United States clandestinely when they were intercepted by los Zetas, a well-known drug cartel that has leaped into the business of smuggling people and in particular of kidnapping undocumented migrants for ransom.

The study of Central American migration has generally revolved around regional and temporary movements, massive displacements during the armed conflicts, and the following labor migrations, primarily to the United States. Theoretically, these studies have followed international trends, moving from a focus on urbanization to refugee flows and repatriation to migrant incorporation and exclusion in the migration destinations to, currently, emphasizing transnationalism, flows and social

networks.<sup>1</sup> Shifting trends have made an imprint on regional and national politics. The latest transnational turn can be dated to 2005, when the El Salvador *Human Development Report* promoted human mobility as an important development resource in the region,<sup>2</sup> leading the governments of first El Salvador, then Guatemala and Honduras, to follow up by beginning to formulate migration-development policies, strongly supported by international organizations and donors such as the World Bank, the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP).

Honduran migration nevertheless differs from the oft-cited case of Mexican migration as well as from the experiences of neighboring Central American countries (on which regional migration-development policies tend to build) first and foremost by taking off relatively late and by maturing simultaneously with the introduction of tighter migration controls. Honduran mass migration was spurred by the devastating human and economic effects of Hurricane Mitch in 1998 that granted thousands of Hondurans Temporary Protection Status (TPS) in the United States, has been sustained by widespread poverty and generalized violence throughout the 2000s and, most recently, propelled by the coup d'état of 28 June 2009, following which further hundreds of thousands of Hondurans have embarked on migratory projects. Three other significant aspects of contemporary Honduran migration are high rates of undocumented migration, large-scale deportation and significant numbers of disappearances and deaths along the migratory routes.

Attempts to control and manage migration through enhanced border controls, stricter border policing and high-tech surveillance facilities have not stopped the human traffic. Rather it has raised the price journeying migrants have to pay. The movement of undocumented migrants through Mexican territory has multiplied since the 1990s and is now worth US \$2–3 billion in yearly revenues, divided up amongst criminal cartels and corrupt police forces on both sides of the border. Undocumented migrants are in some ways more profitable than cocaine loads, as they can both be used as drugs mules and be forced to pay ransoms if abducted on the way.<sup>3</sup> As criminal organizations and cartels take over the coyote business, border-crossing undocumented migrants face a higher incidence of physical abuse and rape, extortion for additional sums of money, disappearance, and risk being discovered dumped, after having been tortured, then murdered. The Tamaulipas massacre is not an isolated case. Of the 9,758 kidnappings investigated by the Mexican Human Rights Commission, 67 percent of the victims were Hondurans.<sup>4</sup> According to a Salvadoran diplomat stationed in Vera Cruz, Mexico, the kidnappers segregate their victims by nationality. Every Salvadoran has a family

member in the United States and is, as such, more likely to produce a paid ransom. The Hondurans, on the other hand, are less well connected, have fewer resources, and are difficult to extract money from even when tortured.<sup>5</sup>

Understanding the rise of these particular migration industry actors demands attention to the history and context of Honduran migration as well as to the shifting efforts to regulate it. Because geography has placed Honduras at one of the world's busiest intersections of illegal drugs and human trafficking, it seems reasonable to explore the connections between the traditional and the new migration industry actors involved, and the roles they play for Honduran migrants. My exploration takes off from the analytical framework presented in the Introduction to the book. I use a broad definition of the migration industry, including among the entrepreneurs, businesses and criminal networks driven by profit motives, as well as the private, state and civil society actors engaged in facilitating, servicing and preventing undocumented Honduran migration. I begin by providing an overview of Honduran migration patterns. The following part describes the migration industry actors usually accounted for, as well as the rescue industry actors involved in humanitarian assistance. I then turn to the removal industry and the actors involved in the reception of Honduran deportees. The final part explores high-risk migration and the dangers involved in traversing territories controlled by organized criminal networks. Obviously the distinction habitually made between formal/informal and legal/illegal in the migration industry literature is of a totally different nature when the markets in which migration industry actors operate have become dominated by unscrupulous drug lords. My analysis is based on the relatively meager available official statistics and academic literature on Honduran migration as well as on interviews carried out among Honduran migrant associations, government officials, private-sector representatives, non-governmental organizations (NGOs) and religious institutions in Tegucigalpa in December 2010.<sup>6</sup>

### **Honduran migration patterns**

Inside the lobby of the Dirección General de Migración y Extranjería (DGME, General Directorate for Migration) in Tegucigalpa, a six-foot-high poster greets visitors to Honduras: "Welcome to Honduras, a five-star country." The welcoming entities have their logos printed in the bottom corners of the poster: The Ministry of the Interior and Justice and the DGME. Given that more than 100,000 Hondurans leave their country every year, the majority in precarious conditions, and that a

large percentage will re-enter the country due to deportation, the message seems carried a bit too far.

A search for official migration statistics has brought me to the Directorate, but as the offices have recently moved to new premises and many of the employees have taken office after the coup d'état and subsequent elections, general migration statistics, I am told, are not available. From interviews with DGME officials a picture of three major concerns nevertheless emerges: First, rising remittance levels are, as elsewhere in the region, embraced as a "new" solution to "old" Honduran development problems. Remittance influxes to Honduras constitute 21.5 percent of gross domestic product (GDP),<sup>7</sup> the highest percentage reported for Central America. Second, as Honduran migration is characterized by being undocumented and by having extremely high deportation rates, legalization of Honduran migration through negotiation of TPS and bilateral agreements for temporary labor migration schemes are seen as possible ways to secure a continuous flow of remittances. Last, national and international criticism of the hardships encountered by Honduran migrants in transit is pressing for a national policy on humanitarian assistance and services and, upon forceful return, for reintegration into the local labor market and society. Parts of finding solutions to these concerns have been outsourced to civil society; funding from the international community has been crucial to the few functioning programs. Each concern has its corresponding migration industry—the remittance, people pushing and rescue industries—to which I shall return after contextualizing Honduran migration and its specificities.

Honduras is among the poorest countries in Latin America. More than half of the population lives in poverty.<sup>8</sup> Contrary to the armed conflicts, civil wars and counter-insurgency campaigns mobilizing thousands of people in neighboring El Salvador, Guatemala and Nicaragua during the 1970s and 1980s, flight from poverty is generally seen as the main factor behind Honduran migration. Hurricane Mitch and the subsequent economic downturn are consequently believed to be the principal push factors. However, huge social inequality, extreme levels of insecurity, and social and political instability are important contributing factors in explaining current migration pressure. Honduras has the world's highest homicide rate (82.1 per 100,000 inhabitants), and is severely affected by the activities of international organized crime and domestic *maras* (gangs).<sup>9</sup> Corrupt police forces and former elite soldiers are involved in the illegal drug trade, as violent aggressors towards youth and minorities, and as participants in the proliferation of social cleansing. In conjuncture with the military coup Honduras, moreover, saw a 30 percent increase in violence, with a total of 5,253 homicides and

massive participation of state agents in violent acts and subsequent impunity.<sup>10</sup>

Estimates of Honduran international migration vary widely and are subject to contestation. The latest available statistics put the number of Hondurans in the United States at a low of 246,000 in 2006, whereas the Central Bank of Honduras, based on remittance statistics, estimates the number to be at least 700,000, or 10 percent of the population.<sup>11</sup> The Honduran government and various national migrant organizations estimate that 1.2 million, or approximately 15 percent of the population (7.6 million in 2010), currently live abroad.<sup>12</sup> This number is also reported by UNDP. Local media often refer to the Foro Nacional para las Migraciones en Honduras (FONAMIH, National Forum for Migration) estimate of 185,000 Hondurans leaving the country every year, which breaks down to 15,000 per month, 3,500 per week, 500 per day and 21 per hour.<sup>13</sup> The majority head for the United States, some for neighboring countries and Mexico, and Spain and Canada have become new long-distance destinations.<sup>14</sup> Estimates remain uncertain and cross-references to various “guesstimates” occur in official as well as in scholarly documents. They are way above official US Census statistics and as such attest to high rates of undocumented migration. They also suggest a rapid transformation from being primarily a country of reception during the 1970s and 1980s (receiving more than 100,000 migrants, primarily political refugees from Nicaragua, El Salvador and Guatemala), to becoming a country of mass migration; 87 percent of Honduran migrants are believed to have migrated within the last 10–15 years.<sup>15</sup>

Small-scale Honduran migration to the United States nevertheless does have a longer history. It began in the late eighteenth and early nineteenth centuries during the turmoil of independence from Spain and the founding of the republic of Honduras. Since then every major period of conflict has seen minor movements, never exceeding a few thousand people. Throughout most of the twentieth century Honduran migration was connected to the ups and downs of US capital investment in bananas and mining, and of US government investments in the military. Early settlements in the United States were connected to North American Company headquarters and the ports to which Honduran products were shipped, for example New Orleans.<sup>16</sup> Migrants included laid-off plantation workers and Honduran seamen. During the period 1970–89 various marginalized sectors of Honduran society began to leave the country, but still only in smaller numbers. It was not until the 1990s that migration became a mass phenomenon. The regional Peace Accords and the close of the Cold War put an end to substantial financial US aid to the Honduran military that for years had contributed

substantially to the local economy. In addition, the consequences of the first structural adjustment packages and massive corruption during the early 1990s, followed by an energy crisis, state failure to reconstruct the country after Hurricane Mitch, and subsequent augmentation of unemployment, poverty, inequality and insecurity all contributed to the current exodus.<sup>17</sup> The repercussions of the 2009 military coup—including the freezing of foreign aid—have led to further emigration.<sup>18</sup>

Current Honduran migration is characterized by being largely undocumented. Most have entered the United States during the era of migration enforcement, have social demographic characteristics of being younger, and have poor English skills and low levels of education.<sup>19</sup> FONAMIH estimates that less than 30 percent of Honduran migrants in the United States have some form of legal status (including 11.5 percent as residents and 11.8 percent under TPS).<sup>20</sup> Less than 20 percent are expected to make it at the first attempt. The deportation rates are high. Estimates of the gender composition vary considerably. The web page of IOM Honduras put the percentage of female migrants at 48.4 percent in 2010.<sup>21</sup> The relatively new migration to Spain and a few other European countries, primarily for work in the domestic sector, consists almost entirely of women.<sup>22</sup>

Florida, New York, California, Texas and New Jersey are preferred US destinations. The concentration of Honduran migrants in certain cities leaves the impression of a social network-based migration pattern facilitated by traditional migration industry actors. Strong social networks are indeed reported by several observers.<sup>23</sup> These networks are believed to reduce the costs of migration and decrease the risks involved, but it would be erroneous to assume that such networks are available to all migrants, in particular to the bulk of poor Hondurans. The substantial number of migrants who have fallen victim to human trafficking, abuse and murder on their journey northwards suggests that criminal networks have become stronger than, or substitute for a lack of, social networks among new Honduran migrant groups. It may therefore be a good idea to distinguish between social networks driven by solidarity (*redes solidarias*) and criminal networks driven by profit (*redes clandestinas*) in the analysis of Honduran migration.<sup>24</sup> Interestingly, recent female migration to Spain seems to a larger extent to rely on social networks, have lower costs and involve fewer risks.<sup>25</sup>

### **The vibrant migration industry**

Despite the rather recent takeoff of Honduran mass migration, local migration industry actors such as moneylenders, recruiters, coyotes,

transportation providers and travel agents, formal and informal remittance and courier services, and lawyers and notaries offering legal and paralegal counseling are all well in place. Motivated by the pursuit of financial gain, they “grease the engine of international migration” in the Hernández-León sense of the concept.<sup>26</sup> Even in official documents these actors are expected to play an active role at every step of Honduran migration. According to a recent World Bank Report on the US–Honduran Remittance Corridor (with the promising subtitle, “acting on opportunities to increase financial inclusion and foster development of a transnational economy”), the irregular nature of Honduran migration makes migrants look to the informal sector for service provision. A four-tiered migration and remittance system has developed, consisting of moneylenders, coyotes, cargo providers and money changers. The moneylender provides loans for the travel costs. The majority of these costs are used to pay the coyote, or human smuggler. The average cost has risen from \$4,000 in 2006 to \$6,000 in 2010 due to stricter border regimes. In the country of destination the migrant looks for the services of a cash and cargo provider for sending back remittances, first destined for paying back debts to moneylenders, and then to provide for family members. Back home, remittance receivers need to exchange to local currency, for which purpose they look for unregistered local moneychangers.<sup>27</sup>

During a workshop among migrant family members in Chuluteca (conducted by Ricardo Puerta in December 2010), the participants identified the same actors as the World Bank, but additionally included consulates (especially corruption within consulates), banks, telecommunications providers, smaller hotels along the migration route, restaurants, supermarkets, clothing shops and other businesses earning big money on migrants en route. According to the workshop participants, these actors are both formal and informal and should be counted as migration industry actors because they facilitate migration and make money on overpriced services to customers who cannot complain because of their undocumented status. My own interviews with state and civil society representatives point to a range of other service providers encompassing formal sector actors in the government, formal and informal actors in the private sector, and NGOs.

The Honduran state is an important actor and facilitator with respect to three areas: negotiation and prolongation of TPS, negotiation of temporary labor migration schemes, and outsourcing of various service and protection functions to NGOs.<sup>28</sup> The first TPS for Hondurans was granted in 1999, the most recent designation date was 5 January 2009, and the current expiration date is 5 July 2012. It is estimated that

approximately 66,000 Hondurans have been granted TPS. In terms of temporary labor migration schemes, the Honduran government initiated two pilot projects in 2007 and 2008, one with two Canadian business associations in the food industry, the other with the Spanish government. Very few workers have benefited from these programs and they both came to a halt with the coup d'état.

Due to the coup, the private sector has come to play a peculiar role and has, in some respects, taken over traditional state functions. According to the Consejo Hondureño de la Empresa Privada (COHEP, Council of Private Enterprises) and the Asociación Nacional de Industriales (ANDI, National Industrial Organization), the coup and the previous "left-wing" Zelaya government and post-election uncertainty have made it unattractive to North American business associations to strike migration deals with the Honduran government, whereas there is trust and mutual interest with Honduran business associations such as ANDI. North American business owners want private, non-state counterparts in Honduras. "What delays everything in Honduras is the government," as the COHEP representative stated. To compensate for the lack of government initiatives, ANDI is currently negotiating the provision of 80,000 temporary Honduran workers over a five-year period, primarily directed towards the agricultural sector in Fresno, California. In the parlor of corporate social responsibility and international migration management, the intention of the program is to provide an "orderly" and "legal" migration option, securing that migrants involved in the program are properly trained, have social security, get workers' compensation, have access to subsidized housing and transport, and are offered at least the minimum wages of the zone. "Without investments in migration, people will go and come home mutilated, they will become yet another burden on society, women will come home with AIDS, families will disintegrate," as the COHEP representative stated. The program will encompass selection of the participants, a psycho-social test, a three-step information package (knowledge of Honduran and US legal frameworks, operational capacity building, productive management of remittances), and will be cheaper than the undocumented option. Signing up for the program will cost \$4,000, be covered by "solidarity credits" given to groups of 10 persons who will then be collectively responsible for paying back, and family members in Honduras are requested to countersign the credit documents. The cost is around 30 percent less than that of undocumented travel, jobs abroad are secured and both financial and social risks are eliminated. According to the ANDI representative, the program constitutes a real "win-win" situation for Honduran migrants and their families. Negotiation of the



program has involved Honduran consular representatives in the United States, the Ministry of Labor in Honduras as well as a micro-credit provider. The program is not yet running but awaits some necessary changes to both Honduran and US migration law.

Other, less formal, migration “programs” are run informally by formal private-sector actors. During my interviews with NGO representatives, I came across the story of a Honduran travel agent who, due to the cheapness of tickets offered online, was about to close down her business when she found a niche in offering tourist package tours to Spain. The price of the package deal was said to be €2,000, including the airfare as well as a work contract for domestic service in Spain. An extra €2,000 that tourists must show migration authorities upon request was offered as a loan. The loan was to be paid back as soon as the migrant had passed through the airport. At the peak of this new business the travel agent even contracted a “teacher” who gave courses in how to speak and dress to not attract attention while passing through migration.<sup>29</sup> Unfortunately for prospective migrants, the teacher recently left for Spain herself.

Scholarly accounts habitually repeat that the poorest of the poor are sedentary because of a lack of resources to pay the costs of an informal coyote arrangement, a formal recruitment scheme or the more “luxurious” setup of a tourist package tour. However, poor Hondurans do migrate, as the “rescue” or humanitarian work carried out by local NGOs attests. Poor migrants travel in smaller groups overland, some are unaccompanied minors, and they meet extremely dangerous mercenaries on their way through Guatemala and Mexico. The Pastoral de Movilidad Humana (PMH) reports several cases of “infiltration” by los Zetas in the social infrastructure surrounding undocumented Honduran migration, often by young migrants previously abducted by the cartel who now serve as informers. Asking where people are headed and offering various coyote services at different prices, informers can easily identify and indicate whom to rob or extort, where and when. During fieldwork we came across a seriously injured Honduran man taken in for rehabilitation. He had been held hostage and tortured for over a month by the Zetas in Mexico, his family unable to pay the ransom, and was only allowed to escape because the extortionists thought he was about to die anyway.

The Centro de Atención al Migrante Retornado (CAMR, Center for Reception of Returned Migrants), Casa Alianza, the Red de Comités de Migrantes y Familiares (RED COMIFAH, Network of Migrant Committees and Families) and other individual member organizations of the FONAMIH provide vital social infrastructure and humanitarian

assistance to migrants and deportees, as well as more accurate knowledge on the Honduran migration drama than can be obtained from official statistics. Much work is carried out on a voluntary basis. Over the years these NGOs have had some success with improving public policies in some areas (e.g. in the area of unaccompanied minors) and with compensating for a lack of public policies in other areas (e.g. providing migrant shelters and receiving deportees).

The religious NGOs maintain a certain preoccupation with migration-related family breakdown but do also partly see migration as a consequence of high levels of intra-familial violence.<sup>30</sup> During field work only representatives from the private sector reproduced some form of migrant marginalizing discourse by referring to contingents of deported women as prostitutes and potential carriers of AIDS. State actors generally seemed too embarrassed to put the blame on anyone.

### **Deportations and the rescue industry**

The ironic five-star country metaphor is not the monopoly of the state. “Welcome to Honduras, a five star country, and you are one of the seven million stars that inhabit this beautiful country,” is the encouraging message Sister Valdetta Willemann gives to arriving deportees when she steps up to greet them off the chartered “removal flights” arriving on a daily basis. She runs the Center for Attention of Returned Migrants at the international airport of Tegucigalpa. On the day of my visit 130 deportees arrived by plane. The majority had spent three to four months awaiting their deportation in US prisons. Only when they have been released from the plastic flexi handcuffs used during the journey is Sister Valdetta allowed to enter the plane. She is escorted by two Honduran migration police officers. The deportees are then walked to the CAMR building, where a migratory check-in is made by the authorities and an interview is conducted by CAMR staff. Inside the reception hall the deportees are offered one phone call, the traditional lunch tortilla, a drink and money to pay for the bus ride to their final destination. Outside the CAMR building family members struggle with taxi drivers and mobile phone vendors to be the first to greet exiting deportees.

Hondurans have become the second largest migrant group apprehended and deported by US authorities. According to official deportation statistics, the number has gone up from around 5,000 per year in the early 2000s, peaking at over 30,000 in 2008, to 22,500 in 2011. Including deportations by land from Mexico, official statistics report around 12,000 a year from the early 2000s, a peak of 83,000 in 2005,

and between 45,000 and 58,000 in more recent years.<sup>31</sup> Those deported by air are most likely transported by the New Mexico-based CSI Aviation Services Inc. which, due to US privatization of its detention and deportation operations, makes huge profits on the removal business (see also Chapter 6, this volume). The company has become the largest provider of US deportation flights to Central America, with million-dollar contracts awarded by the Bureau of Immigration and Customs Enforcement (ICE) within the US Department of Homeland Security.<sup>32</sup>

The high number of deportations in relation to migration attempts leaves the impression that Honduran migration is repetitive. According to FONAMIH activists, 90 percent of the deportees will attempt to migrate as quickly as possible. From the perspective of the remittance-dependent state, this could mean that rather than being invested in local development, substantial sums might be used on repeated migration attempts. Consequently, expectations for a development impact of incoming remittances might be far too high. An additional subtraction exercise concerning the reverse remittances sent to migrants laid-off as a consequence of the economic crisis could also be made.<sup>33</sup> Apart from such purely economic considerations, the high deportation number urges the calculation of the enduring human costs of the current deportation regime for deportees, their families, and the communities from which they migrate and to which they are deported.

Nathalie Peutz and Nicholas de Genova have recently called attention to the normative and administrative role of deportation in global migration regulation. Deportability—the protracted possibility of being deported—bears profoundly on individual lives. Deportation is rendering greater numbers and more diverse categories of migrants subject to arrest, detention and deportation. In terms of practice, deportation entails “the sociological production of deportable populations [that] are not limited to bilateral transactions between ‘host’ and ‘sending’ states but rather must be comprehended as an increasingly unified, effective *global* response to a world that is being actively remade by transnational human mobility.”<sup>34</sup> They therefore urge migration research to view deportation as “something more than a prosaic or inevitable conclusion to various ostensibly ‘failed’ migrant or refugee aspirations.”<sup>35</sup> Nathalie Peutz further suggests understanding the deportee through an “anthropology of removal” that throws the state and its exclusions directly into the transnational arena and demonstrates how neoliberal globalization generates immobility and opacity for some individuals when compared to the more transparent “flexibilities” forced on others. Deportations have legal, economic, embodied, and spatial consequences and should, apart from the study of the deportees’ experience of

deportation, also include the study of the state agencies charged with apprehension and deportation, the private corporation or corporate mercenaries that benefit from these practices, the transnational organizations or local networks that assist arriving deportees, and the activist groups whose political work opposes deportation.<sup>36</sup>

Seen from the Honduran side it is clear that deportation effectively subverts the myth of success through migration. By being physically constrained, forcibly relocated, dumped back into Honduras in chains and with no luggage, movement once again becomes restricted due to the double stigma attached to the deportee body: “polluted” by prison sentences (even if the felony was nothing but a lack of proper documentation); “polluted” by the myth of deportees bringing social ills, such as the female deportees suspected of prostitution and carrying AIDS. The deportee, in other words, becomes the victim of disgrace, shame and speculation, while simultaneously transforming from a remittance provider to an economic burden. Yet, not all deportees conform to such victim identities, as some are perfectly aware of the global and national structures to blame. Others use deportation as an occasion for a “free” and US government-sponsored home visit.

The Honduran government has outsourced several humanitarian services to NGOs, primarily because of a lack of state capacity, but also because large parts of their social and humanitarian funds have been provided by the international community which, due to state corruption, have made their economic assistance conditional on outsourcing.<sup>37</sup> In 1996, for example, legal and humanitarian assistance to asylum seekers was outsourced to the Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH, Center for Research and Promotion of Human Rights); in 2001 the reception of deportees was delegated to the Catholic Church, first to Caritas, which later subcontracted the Scalabrinian sisters.

Contrary to the moralizing discourses of the rescue industry actors found by Laura Agustín in various anti-trafficking NGOs in Europe,<sup>38</sup> most Honduran NGOs involved in deportee reception remain critical towards the government and not the migrants. “It is actually erroneous to say that the government has no (migration) policy,” an NGO representative stated: “The government is in favor of migration, they want people go and send back remittances to make up for their lack of public spending.” High deportation rates are thus blamed as much on Honduran as on US government policies. Several NGOs acknowledge their business function. Even if their main concern is the creation of just migration policies facilitating transnational mobility, their actual activities are focused on deportation reception and anti-trafficking campaigns, simply

because these are the issues for which they can get international funding. At the same time secular and faith-based NGOs compete over the same meager national and international resources available for information campaigns, migrant shelters and reception of deportees. Competition works against effective coordination as does the recent drain on international funding. As for other areas of Honduran society, the coup d'état has had an additional devastating and disrupting effect.

### **Border tragedies, organized crime and the exploitation industry**

The American borderlands have historically been constructed as a dangerous territory in which the border is charged with life and death symbolism through the relationship between migration and death. Day of the Dead celebrations (All Saints, 2 November) have in latter years been taken up by activists as an occasion to raise consciousness about the criminalization of international migration, the escalation of border militarization and the deaths and disappearances of undocumented migrants.<sup>39</sup> Every year crosses and symbolic coffins are carried to the wall that divides Mexico from the United States, while commemoration ceremonies for those who died crossing the borderlands are held.

Approximately eight years ago Casa Alianza Honduras detected a rise in the deportation of children who had embarked on international migration without the protection of older relatives. Some left in order to reunite with parents who had left earlier, others to help out poor relatives in Honduras, and yet others to escape from local *mara* or police violence. Currently around 50 minors are repatriated every week and Casa Alianza estimates that at least 6,000 unaccompanied children travel every year and that large percentages of them fall victim to human trafficking through the operations of criminal cartels along the migration trail.

Central American migrants are more exposed than their Mexican counterparts. Among Central Americans the group most at risk of experiencing deaths and disappearances are Hondurans, who generally are young, poor and inexperienced, with neither the financial means to hire a coyote nor an established network to assist in the crossing process.<sup>40</sup> The most deadly way to travel through Mexico is to jump the freight trains. According to PMH, in just one year (2009), 267 Honduran migrants lost their lives en route, 44 were seriously injured and 16 suffered amputation of limbs.

RED COMIFAH, an umbrella organization for Honduran migrant committees, has registered more than 800 cases of disappeared Honduran migrants over the last seven years. As the organization only

registers the cases reported to them, this number is only a fraction of the total. Since 2000, the group has participated in six “*caravanas*” along the US–Honduran migration corridors in search of missing migrants. Despite having resolved only a few cases, their search trips have resulted in heightened awareness among authorities, human rights organizations and prospective migrants. Their search has also established that not all disappearances are due to death. Human trafficking, incarceration and the abovementioned amputations are other contributing factors. Regarding the latter situation, COMIFAH have found several migrants who have lost body parts by falling off trains and who have received attention from one of the shelter facilities catering to this particularly vulnerable group and who then, upon recovery, have been unwilling to burden their families back home or have learned that their families are not willing or able to be burdened by their disability.

Enhanced border control has made undocumented migration more difficult, more expensive and more dangerous. It has turned previously routine crossings into dangerous undertakings that regularly involve passing through rough terrain or dealing with criminal organizations. Criminal networks, while established to traffic drugs, have expanded into an array of other illegal avenues of profit generation, including human smuggling and kidnapping undocumented migrants. An indirect consequence of North American border security arrangements has been an increasingly violent competition between Mexican drugs cartels and their affiliated gang contractors as they both struggle to maintain markets and trafficking corridors. With criminal networks increasingly controlling the undocumented migration routes, the abduction, extortion and killing of Honduran migrants on the Guatemala–Mexico and Mexico–United States borders have become common phenomena. Traveling migrants may be robbed of their belongings, be raped, or held captive for two to three weeks, and captured migrants are often only released if their families pay a ransom. Migratory routes controlled by criminal networks thus imply higher levels of danger and exploitation than those conventionally accounted for in analyses of the social infrastructure or migration industry available to undocumented migrants.

In a recent article, Marta Caminero-Santangelo expands the notion of the “disappeared” to take into account deaths and disappearances among Latin American migrants crossing the borders towards the United States. Not long ago military regimes and death squads “disappeared” people in various Latin American countries. Today it is unscrupulous coyotes and drug cartels rather than military regimes that disappear people.<sup>41</sup> Mexican cartels are not the only ones in business. The “Gringo Coyote Company,” a mafia dedicated to trafficking undocumented migrants

along the Tijuana–San Diego corridor, is operated by North Americans.<sup>42</sup> One should not overlook, however, that state politics are behind both past and present disappearances. Between 1995 and 2005, deaths due to border crossing increased by over 100 percent, with the great majority of incidents occurring in the desert at the Arizona–Sonora border.<sup>43</sup> To the extent that undocumented migration increasingly involves engaging in transactions with migration industry actors of the criminal cartel kind, “successful” migration—leading to the much-celebrated (and much-needed) remittances—may be reserved for the privileged few, while death and disappearance may constitute a real risk factor for the marginalized majority. In such cases—as suggested by Alicia Smith Gamacho—“the interrupted biographies of the disappeared” represent a rupture rather than “the narrative of transnational community.”<sup>44</sup>

In the eyes of the state, border security refers to protection from terrorism and illegal immigration. From the undocumented migrant’s point of view, immigration enforcement means violence. According to the Comisión Nacional de Derechos Humanos (CNDH, National Commission on Human Rights), every year around 20,000 undocumented migrants are kidnapped by organized criminal groups while traveling through Mexican territory. Up to two thirds suffer extortion or robbery. Most kidnappings involve death threats directed at the migrants or their families. The ransom asked for fluctuates between \$100 and \$3,000, and is often transferred through remittance companies or existing financial institutions.<sup>45</sup> The migrants become trade items between the cartels, and if they cannot pay they are killed in order to convince others to pay. In the report entitled *Bienvenidos al Infierno*, or “Welcome to Hell” in English, CNDH describes the characteristics of the kidnappings. Often the victims are detained by the police and then sold to the criminal organizations that put them up in abandoned houses where the beatings, the harassment, the rapes and the torture begin, all with the aim of extracting phone numbers and other personal information in order to threaten family members to pay exorbitant sums in ransom. “Welcome to the kidnappers’ hell,” said a kidnapper to a group of migrants put up in a safe house in Coatzacoalcos; “you are meat for the dogs.” Another testimony given in the report relates: “While waiting for the ransom to arrive they violated me.” Other testimonies report being kidnapped by the police and given to Los Zetas: “The kidnappers are from Honduras, from El Salvador, from Mexico.” “Like everybody else, all I wanted was a better life ... to come to the United States to work ... to make myself a future” (author’s translation).<sup>46</sup>

Violence against migrants at the border is not random or isolated. At least 60–70 percent of undocumented female migrants who cross

the border alone experience sexual abuse. Border patrols and other law enforcement agents are often involved, with rape the price of not being apprehended, deported, or for having their confiscated documents or valuables returned.<sup>47</sup> Rape by border or detention center authorities has been reported for transsexuals,<sup>48</sup> but all undocumented migrants are in principle vulnerable to sexual and other assaults.

As indicated above, organized criminal networks and corrupt migration authorities both facilitate and constrain migration: facilitate through selling expensive smuggling arrangements or demanding fees for not apprehending; constrain through targeting undocumented migrants for abduction and extortion or for handing apprehended migrants over to the cartels. Such blurring of il/legal boundaries challenges common conceptualizations and the separation of the migration industry and the state.

Diane Davis argues that current patterns of armed non-state control of traditional state functions challenge prevailing notions of nation-state sovereignty. Unlike the armed groups operating during the Central American civil wars (whose object of violence was the state), today's non-state-armed actors have as their reference point civil society and the market,<sup>49</sup> and this market increasingly involves undocumented migrants. Criminal networks involved in the trade in drugs, arms and human beings are rarely involved in struggling for political domination, control of the state or political inclusion. Rather their interest is directed towards economic and sub-territorial domination as well as a coercive capacity to control key local nodes and transnational networks supporting their economic activities. They grow and proliferate in marginalized areas characterized by informality and reliance on illicit trade and services and where employment in the informal sector due to a scarcity of formal sector jobs is the common source of livelihoods.<sup>50</sup> That drug cartels such as the Zetas are known to act clandestinely on behalf of states or in conjunction with the state's own armed actors only serves to further blur the line between the state and non-state monopoly over means of violence.<sup>51</sup>

Armed non-state actors are commonly identified as central protagonists of regime instability, political disorder, violent conflict and overall conditions of insecurity and violence, but are by no means a problem only in the poorest or most politically unstable countries of the world. The example of how the Zetas have co-opted large parts of the traditional coyote business, and of how many of the region's border control authorities have become corrupted and involved in the traffic in drugs and persons (and are being openly recruited by the cartels), clearly attests to this reality. Cartels co-exist and overlap with the modern state and



are as such an example of a “coercive transition” in which nation states are losing power to non-state actors who take over their roles.<sup>52</sup>

## Conclusion

According to the international community, Honduran migrants leave in an undocumented way. But that is not true. They all leave with the national identity card, they have documents.

(Honduran government representative, December 2010)

This chapter set out to explore Honduran migration and the migration industry actors involved in facilitating, servicing and preventing it. The analysis has shown that Honduran migration is characterized by relative recency, irregularity, extremely high levels of deportation, and a rising incidence of disappearances and deaths. The combination of late takeoff and the timing of this takeoff to coincide with a period of stricter migration controls has to a certain extent impeded the development of strong migratory networks and therefore possibly led to a greater reliance on “coyote capitalism”<sup>53</sup> and other migration industry actors.<sup>54</sup> Migratory routes controlled by criminal networks imply higher levels of danger and exploitation than those conventionally accounted for in analyses of the social infrastructure or migration industry available to undocumented migrants. As the national identity card referred to in the vignette provides no social security for those who stay, and even less for those who are forced to leave, the Honduran government and the international community have a pressing problem to solve. Humanitarian assistance or limited temporal labor migration schemes—however important—remain palliative.

The analysis has identified a broad array of migration industry actors encompassing not only the in/formal service providers facilitating migration, but also the in/formal actors engaged in constraining Honduran migration. Figure 11.1 summarizes the main actors involved. The figure includes both formal and informal private, state and civil society actors engaged in facilitating and preventing undocumented Honduran migration, as well as the rescue industry actors providing humanitarian assistance to deported migrants or victims of organized crime during the journey. Some actors are driven by solidarity, others by profit motives only. The case of the travel agent selling tour packages for domestic service to Spain seems to combine the traditional migration industry feature of being run by and made up of co-nationals, who assist others in circumventing European border controls for profit.

In the eyes of the international migration managing community, Honduran international migration is illegal and disorderly. In accordance

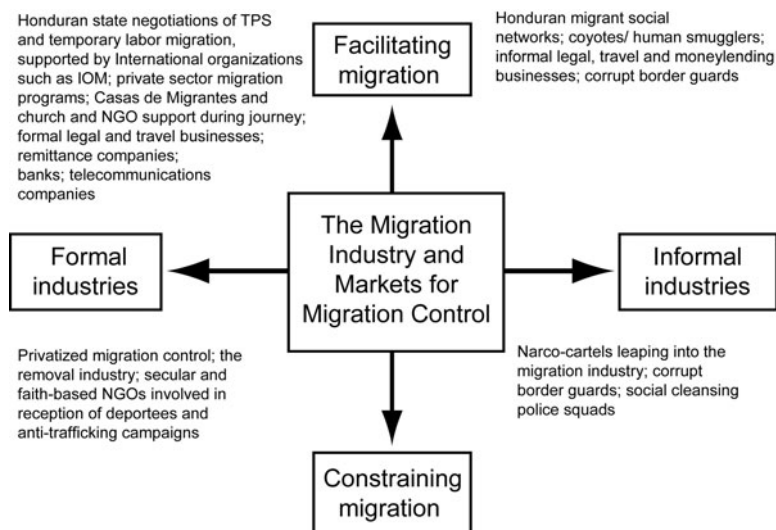


Figure 11.1 Honduran migration industry actors

with this view, increasingly rigid migration and deportation regimes obstruct Honduran government wishes (more than concrete policies) to act on migration opportunities and “increase the financial benefits from remittances and foster the development of a transnational economy.”<sup>55</sup> Traditional migration industry actors such as the moneylenders, the coyotes, the transportation providers and the local money exchangers continue to provide a social infrastructure connecting origin and destination for parts of the Honduran migratory circuit. They have been joined by transnational businesses such as remittance and telecommunications companies, as well as by secular and faith-based NGOs offering support along the migration trail. The NGOs have become mediators who draw their growing importance from a proliferating migration industry composed of for-profit entrepreneurs and businesses which exploit migrants through assisting them. Current activities carried out by both NGOs and private entrepreneurs have overtaken traditional state functions, either by providing humanitarian relief or by negotiating national labor migration schemes directly with foreign industries.

The proliferation of human smuggling networks, trafficking rings and the transnational trade in drugs means that traditional actors no longer are the only, nor even necessarily the most important, for understanding Honduran migration. To these networks and to the implicated corrupt migration authorities, profit and market conditions are not

related to maintaining satisfied customers as long as the supply of undocumented migrants rises every day. Contemporary migration-development policy discourse reflecting state interests in capturing and utilizing migrant remittances for development purposes will not solve the deep economic and political problems of Honduras and even less the security problems of the large majority of Honduran migrants. On the contrary, to assume that Honduran migration is spurred and maintained by strong, transnational social networks is to neglect that the networks available to the bulk of poor actual and prospective Honduran migrants are the criminal networks operating along the migration trail.

That criminal networks such as the Zetas are known to act in conjunction with armed state actors should warn us against reserving notions of transnational networks to migrants only. At the same time, the importance of criminal networks for contemporary Honduran migration must be understood in the context of the global political economy surrounding efforts to control and manage international migration. Paraphrasing Caminero-Santangelo,<sup>56</sup> we could say that even if it is organized criminal networks rather than global migration regimes that “disappear” people these days, putting too much emphasis on these perpetrators, who are the obvious culprits for border deaths and disappearances, potentially obscures the complicity of border policing itself. On the other hand, disregarding the active role that undocumented Honduran migrants and their organizations play, not only in countering the risks and their deportability but also in their conscious choice to search for better lives, equally obscures the complexities of migration and the fact that many succeed in overcoming attempts at immobilizing them.

## Notes

- 1 Eric Popkin, “Transnational Migration and Development in Postwar Peripheral States: An Examination of Guatemalan and Salvadoran State Linkages with their Migrant Populations in Los Angeles,” *Current Sociology* 51, no. 3–4 (2003): 347–74; and Sarah J. Mahler and Dusan Ugrina, *Central America: Crossroads of the Americas*, [www.migrationinformation.org/issue\\_apr06.cfm](http://www.migrationinformation.org/issue_apr06.cfm).
- 2 UNDP, *Informe de Desarrollo Humano. Una Mirada al Nuevo Nosotros: El Impacto de Las Migraciones* (El Salvador: United Nations Development Programme, 2005).
- 3 Robert J. Bunker, “Strategic Threat: Narcos and Narcotics Overview,” in *Narcos Over the Border: Gangs, Cartels and Mercenaries*, ed. Robert J. Bunker (London and New York: Routledge, 2010), 8–29.
- 4 Comisión Nacional de Derechos Humanos (CNDH), *Bienvenidos al Infierno del Secuestro. Testimonios de Migrantes* (DF, México: CNDH, 2009).
- 5 Gran Aguilar and Raúl Rodríguez Cortéz, *Bienvenidos al Infierno del Secuestro*, 13 May 2011, [www.elgrafico.mx/columnas/89604.html](http://www.elgrafico.mx/columnas/89604.html).

- 6 I thank the *compañeras* of the Foro Nacional para las Migraciones en Honduras (FONAMIH, National Forum for Migration) for organizing a tight interview schedule to perfection, as well as for making time to fill me in on the current Honduran migration situation. Apart from executive secretary Edith Zavala at FONAMIH, I interviewed representatives of the Red de Comités de Migrantes y Familiares (RED COMIFAH, Network of Migrant Committees and Families), Caritas, Casa Alianza, Asociación de Hermanas Scalabrinas/Pastoral de Movilidad Humana (PMH), the Centro de Atención al Migrante Retornado (CAMR, Center for Reception of Returned Migrants), the Asociación de Organismos No Gubernamentales (ASONOG, Organization for National NGOs), the Service Entity to Promote Women's Participation (UNISA), the Instituto Nacional de la Mujer (INAM, National Women's Institute), the International Organization for Migration (IOM), the Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH, Center for Research and Promotion of Human Rights), the Labor Ministry, the Dirección General de Migración y Extranjería (DGME, General Directorate for Migration), the Ministry of Foreign Affairs, the Consejo Hondureño de la Empresa Privada (COHEP, Council of Private Enterprises), and the Asociación Nacional de Industriales (ANDI, National Industrial Organization). Additional thanks go to Ricardo Puerta and Sara Elisa Rosales for generously sharing their research findings with me and, in the case of Ricardo, for including some of my questions in a survey he was carrying out during my stay.
- 7 Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion and Foster Development of a Transnational Economy*, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).
- 8 UNDP, *Human Development Report. The Real Wealth of Nations: Pathways to Human Development* (New York: United Nations Development Programme, 2010).
- 9 UNODC, *The United Nations Global Study on Homicides* (Vienna, Austria: United Nations Office on Drugs and Crime, 2011).
- 10 José M. Cruz, “Estado y Violencia Criminal en América Latina,” *Nueva Sociedad*, no. 226 (2010): 67–84.
- 11 Instituto Nacional de Estadística (INE), *Migración y Remesas Internacionales* (Tegucigalpa, Honduras: BID y la Presidencia de la República de Honduras, 2007). Statistics from the National Bank of Honduras are cited from Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion and Foster Development of a Transnational Economy*, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).
- 12 Endo, Hirsch, Rogge and Borowik, *The US–Honduras Remittance Corridor*.
- 13 Foro Nacional para las Migraciones en Honduras (FONAMIH), *Lectura de Escenarios: Para la Formulación de Políticas en Materia Migratoria* (Tegucigalpa, Honduras, 2008).
- 14 Instituto Nacional de Estadística (INE), *Migración y Remesas Internacionales* (Tegucigalpa, Honduras: BID y la Presidencia de la República de Honduras, 2007); and Manuel Orozco, *Migración, Remesas y Desarrollo*:

- Marco Conceptual y Empírico* (Washington, DC: Diálogo Inter-Americano, 2010).
- 15 Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion and Foster Development of a Transnational Economy*, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).
  - 16 Sara Elisa Rosales, *Migración, Remesas y Género: Viajeras Invisibles* (Tegucigalpa, Honduras: Multigraficos Flores, 2008).
  - 17 Vladimir López Recinos, *Causas y Consecuencias de la Migración de los Hondureños con Destino a Estados Unidos*, bibliotecavirtual.clacso.org.ar/ar/libros/becas/2005/2005/migra/lopez.pdf.
  - 18 Manuel Rojas Bolanos, “Centroamérica: Anomalías o Realidades?” *Nueva Sociedad*, no. 226 (2010): 100–14.
  - 19 Sarah Blanchard, Erin R. Hamilton, Nestor Rodríguez, and Hirotooshi Yoshioka, “Shifting Trends in Central American Migration: A Demographic Examination of Increasing Honduran-US Immigration and Deportation,” *The Latin-Americanist* 55, no. 4 (2011): 61–84.
  - 20 Foro Nacional para las Migraciones en Honduras (FONAMIH), *Ejes de un Proceso Migratorio* (Tegucigalpa, Honduras: Publigráficas S. de R.L., 2006).
  - 21 IOM data from the UN Department of Economic and Social Affairs, *Population Division’s World Migrant Stock: The 2008 Revision Population Database*.
  - 22 Victor Mesa, ed., *Honduras: Migración, Política y Seguridad* (Tegucigalpa, Honduras: Centro de Documentación de Honduras (CEDOH), 2005); and Sara Elisa Rosales, *Migración, Remesas y Género: Viajeras Invisibles* (Tegucigalpa, Honduras: Multigraficos Flores, 2008).
  - 23 See Ricardo Puerta, *Así Operan las Redes del Crimen en Contra de los Migrantes*, 24 January 2011, [www.proceso.hn/2011/01/24/Reportajes/As.C.AD/32854.html](http://www.proceso.hn/2011/01/24/Reportajes/As.C.AD/32854.html), 4; and Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion and Foster Development of a Transnational Economy*, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).
  - 24 Vladimir López Recinos, *La Violación de los Derechos Humanos de los Migrantes Hondureños en Tránsito por México*, paper presented at the Primer Coloquio Internacional Migración y Desarrollo, Zacatecas, México, 2003; and Vladimir López Recinos, *Causas y Consecuencias de la Migración de los Hondureños con Destino a Estados Unidos*, bibliotecavirtual.clacso.org.ar/ar/libros/becas/2005/2005/migra/lopez.pdf.
  - 25 Sara Elisa Rosales, *Migración, Remesas y Género: Viajeras Invisibles* (Tegucigalpa, Honduras: Multigraficos Flores, 2008).
  - 26 Rubén Hernández-León, *The Migration Industry in the Mexico–US Migratory System*, [scholarship.org/uc/item/3hg44330](http://scholarship.org/uc/item/3hg44330); and Rubén Hernández-León, *Metropolitan Migrants: The Migration of Urban Mexicans to the United States* (Berkeley: University of California Press, 2008).
  - 27 Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion*

and Foster Development of a Transnational Economy, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).

- 28 The US Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely or, in certain circumstances, where the country is unable to handle the return of its nationals adequately, such as during armed conflicts, environmental disasters, and other extraordinary and temporary conditions.
- 29 This finding is particularly interesting. When Dominican migration to Spain peaked in the early 1990s, I came across a similar migration industry run by a middle-class Dominican entrepreneur who catered to rural women in the Dominican Republic looking for work in the domestic sector. Ten years later, I found that this strategy was used by Colombian women migrating for domestic work in Italy. In the Dominican case I was able to localize a "school" in rural Vicente Noble, run by a former female migrant, who taught would-be migrants how to behave like tourists when passing through migration: do not straighten your hair, wear linen and not polyester, wear low-heeled leather shoes and not high-heeled plastic sandals, do not shout—and "call the bus a bus and not a 'guagua', por favor." Undocumented migration for work in the domestic sector apparently offers female entrepreneurs a special migration industry niche.
- 30 For a discussion of family disruption as a cause or a consequence of migration, see Ninna Nyberg Sørensen and Luís E. Guarnizo, "Transnational Family Life Across the Atlantic: The Experience of Colombian and Dominican Migrants in Europe," in *Living Across Worlds*, ed. Ninna Nyberg Sørensen (Geneva, Switzerland: International Organization for Migration, 2007).
- 31 Statistics provided by CAMR and FONAMIH. The only reliable statistical analysis available is Sarah Blanchard, Erin R. Hamilton, Nestor Rodríguez, and Hirotooshi Yoshioka, "Shifting Trends in Central American Migration: A Demographic Examination of Increasing Honduran-US Immigration and Deportation," *The Latin-Americanist* 55, no. 4 (2011): 61–84, comparing Honduran migration to other Central American migrations. This analysis confirms a relative recency of Honduran migration and a concomitant "higher" risk of deportation.
- 32 Jeffrey Kaye, *For Immigration Crackdown Proponent, Deportations Mean Business*, [www.huffingtonpost.com/jeffrey-kaye/for-immigration-crackdown\\_b\\_594426.html](http://www.huffingtonpost.com/jeffrey-kaye/for-immigration-crackdown_b_594426.html).
- 33 For a fuller argument, see Ninna Nyberg Sørensen, "The Rise and Fall of the 'Migrant Superhero' and the New 'Deportee Trash': Contemporary Strain on Mobile Livelihoods in the Central American Region," *Border-Lines* 5 Special Issue (2011): 90–120.
- 34 Nathalie Peutz and Nicholas de Genova, "Introduction," in *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, ed. Nicholas de Genova and Nathalie Peutz (Durham and London: Duke University Press, 2010), 1–29.
- 35 Peutz and de Genova, "Introduction."
- 36 Nathalie Peutz, "'Criminal alien' deportees in Somaliland: An Ethnography of Removal," in *The Deportation Regime: Sovereignty, Space, and the*

- Freedom of Movement*, ed. Nicholas de Genova and Nathalie Peutz (Durham and London: Duke University Press, 2010), 371–409.
- 37 Corruption is a very real problem: in 2007 the Honduran government designated 15 million Lempiras (approximately €570,000 or \$790,000) to migrant organizations and NGOs providing humanitarian assistance and support to migrants and deportees (Fondo de Solidaridad con el Hondureño Migrante en Condiciones de Vulnerabilidad). The budget line was published in the Honduran *Gazette* in 2008. A first and very small amount of the budget was released in August 2010. The new government excused the late payment and the fact that the bulk of the designated budget had “disappeared” due to corruption.
- 38 Laura M. Agustin, *Sex at the Margins: Migration, Labour and the Rescue Industry* (London and New York: Zed Books, 2008).
- 39 Claudio Lomnitz, *Death and Idea of Mexico* (New York: Zone Books, 2005).
- 40 Jacqueline M. Hagan, *Migration Miracle: Faith, Hope and Meaning on the Undocumented Journey* (Cambridge, Mass.: Harvard University Press, 2008).
- 41 Marta Caminero-Santangelo, “The Lost Ones: Post-gatekeeper Border Fictions and the Construction of Cultural Trauma,” *Latino Studies* 8, no. 3 (2010): 304–27.
- 42 Ricardo Puerta, *Gringo Coyote Inc. Proceso Digital*, [rpuerta.blogspot.com/2011/02/gringo-coyote-inc.html](http://rpuerta.blogspot.com/2011/02/gringo-coyote-inc.html).
- 43 Marta Caminero-Santangelo, “The Lost Ones: Post-gatekeeper Border Fictions and the Construction of Cultural Trauma,” *Latino Studies* 8, no. 3 (2010): 304–27.
- 44 Alicia Smith Gamacho, *Migrant Imaginaries: Latino Cultural Politics in the US–Mexico Borderlands* (New York: New York University Press, 2008).
- 45 Ricardo Puerta, *Así Operan las Redes del Crimen en Contra de los Migrantes*, 24 January 2011, [www.proceso.hn/2011/01/24/Reportajes/As.C.AD/32854.html](http://www.proceso.hn/2011/01/24/Reportajes/As.C.AD/32854.html).
- 46 Comisión Nacional de Derechos Humanos (CNDH), *Bienvenidos al Infierno del Secuestro. Testimonios de Migrantes* (DF, México: CNDH, 2009).
- 47 Sylvanna Falcon, “Rape as a Weapon of War: Advancing Human Rights or Women at the US–Mexico Border,” *Social Justice*, no. 2 (2001): 31–50.
- 48 *Immigration Enforcement*, [www.incite-national.org/media/docs/0767\\_toolkit\\_rev-immigration.pdf](http://www.incite-national.org/media/docs/0767_toolkit_rev-immigration.pdf).
- 49 Diane E. Davis, “Irregular Armed Forces, Shifting Patterns of Commitment, and Fragmented Sovereignty in the Developing World,” *Theory and Society* 39, no. 3–4 (2010): 397–413.
- 50 Davis, “Irregular Armed Forces.”
- 51 Diane E. Davis, “Non-state Armed Actors, New Imagined Communities, and Shifting Patterns of Sovereignty and Insecurity in the Modern World,” *Contemporary Security Policy* 30, no. 2 (2009): 221–45.
- 52 Davis, “Non-state Armed Actors.”
- 53 Jeffrey Kaye, *Moving Millions: How Coyote Capitalism Fuels Global Immigration* (New Jersey: John Wiley and Sons, 2010).
- 54 Sarah Blanchard, Erin R. Hamilton, Nestor Rodríguez, and Hirotooshi Yoshioka, “Shifting Trends in Central American Migration: A Demographic Examination of Increasing Honduran–US Immigration and Deportation,” *The Latin-Americanist* 55, no. 4 (2011): 61–84, confirms that Honduran

migrants in the United States are more geographically dispersed than groups arriving earlier, and that new arrivers are less likely to rely on community/transnational social networks.

- 55 Isaku Endo, Sarah Hirsch, Jan Rogge, and Kamil Borowik, *The US–Honduras Remittance Corridor: Acting on Opportunities to Increase Financial Inclusion and Foster Development of a Transnational Economy*, World Bank Working Paper No. 177 (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2010).
- 56 Marta Caminero-Santangelo, “The Lost Ones: Post-gatekeeper Border Fictions and the Construction of Cultural Trauma,” *Latino Studies* 8, no. 3 (2010): 304–27.



# Index

- Abbott, Ken 49
- accountability: airline 141, 143;  
corporate veil 17, 129, 140–41,  
144; detention center 137, 139,  
142, 143, 144; EU, PSC and  
borderscapes 152, 166, 167–68,  
169, 175; government 145, 220;  
Guatemala 220, 227, 233;  
increased by market mechanisms  
140–41, 144; monitoring 135,  
139–42, 144; outsourcing 17, 129,  
136, 137, 139, 140–42, 143,  
144–45; private military company  
141, 143; state 145
- advice to the migrant 3, 6, 7, 9, 34
- advocacy organization 5, 34, 118,  
136
- Africa 173–89; marriage of  
convenience 1–2; MIDSA 49; *see*  
*also* EU and Africa
- Agustín, Laura María 6, 249
- airline: accountability 141, 143; API  
data 133, 135; asylum 131, 136,  
141, 144–45; Australia 116; border  
control 134–35; corporate veil  
141; deportation 116–17; EU  
115–16; governmental authority  
138–39, 149; human rights  
responsibility 131, 139, 144–45,  
146; increased security concerns  
133; migration management 4, 7,  
13, 130; neoliberal state 110, 112,  
115–17; outsourcing 131, 133,  
134–35, 136, 138–39, 141, 143,  
144–45, 146; passenger screening  
25, 133; privatization 115; PSC  
130; responsibility of custody of  
rejected passengers in transit  
130–31; sanctions 7, 13, 115, 116,  
130, 131, 134–35, 136, 141,  
144–45; UK 116–17, 134–35; US  
115; visa application 131; *see also*  
airport; transport
- airport: border control 132, 133–34,  
154, 206; detention zone 131;  
passenger screening 2, 25, 128,  
133; privatization 16; *see also*  
airline
- arms industry 167, 168, 169; Libya,  
arms embargo 158, 159, 167;  
weapons trafficking 219, 222, 235;  
*see also* the military; security  
issues
- asylum 9, 14, 114, 174, 187; airline  
131, 136, 141, 144–45; asylum  
policy 8; Australia 57–58;  
Denmark 22; human rights 137,  
142, 174, 175; IGC 49; NGO 3, 6,  
10, 12; outsourcing 129, 130, 131,  
132, 133, 136–37, 141, 142, 144;  
rejection 133, 136–37, 141, 144;  
transportation 136; visa  
application 132; *see also* refugee
- Australia: 1992 Migration  
Amendment Act 121; ACC 121;  
ACM 142; airline 116; asylum  
57–58; deportation 116; detention  
121–22, 137, 142; DIAC 121; G4S  
117, 154; GEO Group Limited  
117; Group 4 Falck 121; GSL  
122; Howard, John 121;  
neoliberalism 110, 114, 121, 124;

- NGO 122; outsourcing 17, 109, 110, 114, 116, 121–22, 124; ‘Pacific solution’ 121; Rudd, Kevin 121
- Bayart, Jean-François 186
- Berg, Ulla D. 18, 190–214
- Betts, Alexander 15, 45–63
- Biersteker, Thomas 59
- Bodnar, John 28
- Boeing 2, 9, 20, 132, 134
- border control 6, 13; airport 132, 133–34, 154, 206; border enforcement 39, 152, 156, 168, 191; corruption 4, 10, 176; externalization of border regimes into sending countries 152, 157–60, 193, 209; G4S 152, 156, 168; Israel 132, 154; outsourcing 12, 31, 39, 132, 133–34; Peru 205–6; port 132; PSC, construction of border infrastructures 156, 168; UK 132; US 1, 132, 133–34; *see also* corruption; Finmeccanica; Mexico–Guatemala border; migration control; US–Mexico border
- borderscape *see* EU, PSC and borderscapes
- broker 5, 18, 90, 97; profit-driven 24, 25, 27, 28, 29, 40; South Korea, marriage migration 98–99, 106; *see also* labor migration; middleman/intermediary
- Caminero-Santangelo, Marta 251, 256
- Canada 145, 227, 229, 242
- capital: migrant capital 16, 66, 68, 70, 74, 78, 80; neoliberal capitalism 68; social capital 27–28, 30, 34, 36, 40, 70
- Castles, Stephen 5, 25
- CCA (Corrections Corporations of America) 38, 39, 118, 122, 123, 142
- child: ‘child laundering’ 228; deportation 250; Guatemala 219, 227–28, 232; Honduras 246, 247, 250; human rights 137; illegal adoption 219, 227–28, 232; NGO 247; rescue industry 196; smuggling and trafficking 6, 219, 227–28, 229, 232, 250 (profit 227, 228); South Korea 99
- civil society 6; East Asia 101; Peru 18, 192, 193, 206–8, 213; South Korea 96–97, 101, 105; *see also* human rights; NGO
- Cohen, Daniel 184
- Cohen, Robin 5
- commercialization of international migration 2–3, 4, 13–14; commodification of migration 15, 39, 40, 46, 55, 67, 68 (refugee 57–58); a global business 5; *see also* market/markets for migration; MI
- corruption 10, 234; Africa 176, 177, 182, 183, 185; border control 4, 10, 176; bribery 79, 105, 182, 183, 185, 194, 217, 221, 224, 227, 229, 235 (active/passive bribery 221, 235); brown area 221, 232; definition 217, 220 (political corruption 220); ECAs 167–68; facilitation industry 221; forms of 221; Honduras 249, 259; impunity 225, 231; informal MI 219, 220; institutionalization 217, 220, 231, 232, 233; Latin American 217; Mexico 31, 32; Peru 193–94, 197, 199, 208, 209, 214; public official 10, 18, 19, 65, 72, 74–75, 76, 176, 181, 183, 199, 244 (Guatemala 215, 216, 217, 218, 220, 222, 224, 226, 228, 229, 232; Honduras 241–1, 244, 252, 253, 255); South Korea 105; tightened migration control/human smuggling profitability 4, 10, 19, 176, 177, 191–92, 222, 239; Transparency International 220, 234 (Corruption Perceptions Index 214, 234); UN Convention against Corruption 216–17; *see also* criminal network; Guatemala; irregular/undocumented migration
- criminal network 10, 11, 18, 238–61; ‘bastard’ industry of migration

- control 15, 31–32, 37, 39, 40;  
 ‘bastard’ industry/tight migration  
 control relationship 10, 32, 177;  
 Central America, combating  
 organized crime 223–24; ‘child  
 laundering’ 228; deterrent to  
 migration 31, 32; extortion 31, 40,  
 224, 239, 246, 251, 252, 254;  
 Guatemala 216, 219–20, 221–22,  
 224, 225, 226, 227, 228, 232;  
 human smuggling and trafficking  
 2, 216, 243, 251–52; impunity 225;  
 kidnapping 31, 37, 216, 224, 238,  
 239–40, 246, 251, 252; marriage of  
 convenience 1–2, 19; Mexico 31,  
 32; organized crime, definition  
 216; parallel structures of 219,  
 226, 232; profit 235, 243; state/  
 state agent 32, 216, 219–20,  
 221–22, 224, 225, 226, 227, 232,  
 253–54, 256; *see also* corruption;  
 drug trafficking; Honduras,  
 criminal network; human  
 smuggling and trafficking
- CSI (Coalition of Service Industries)  
 51, 248
- Davis, Diane 253
- de Genova, Nicholas 248
- della Porta, Donatella 220
- democracy 13; East Asia 88, 96, 99;  
 EU, PSC and democratic  
 transparency 153, 166;  
 outsourcing and democratic  
 control 129–30, 136, 141, 143
- Denmark 22, 146
- deportation/forced return 13, 248;  
 Africa 185; airline 116–17;  
 Australia 116; child 250;  
 consequences 248–49; escort 128,  
 137, 142, 144, 151, 156; G4S 128,  
 156; Guatemala 230, 231;  
 Honduras 19, 186, 239, 241, 243,  
 247–50, 254, 259; human rights  
 violation 128, 137, 142, 143–44,  
 151; Malaysia 72; outsourcing 16,  
 31, 114, 116, 143; Peru 196, 211;  
 privatization 16, 31, 156, 168, 248;  
 ‘safe repatriation’ 230; stigma 249;  
 Taiwan 89, 91; UK 116–17, 128,  
 142, 144, 151; US 2, 7, 38, 123,  
 196, 211, 247, 248; woman 245,  
 247, 249; *see also* return
- detention/detention center 6, 13, 38;  
 accountability 137, 139, 142, 143,  
 144; Australia 121–22, 133; G4S  
 2, 117, 118, 119–20, 133, 142, 154,  
 156; GEO Group 133; Germany  
 120–21; human rights violation  
 119, 137, 142, 144, 174; Libya  
 174, 176; lobbying 119, 120;  
 Malaysia 74; migration prison  
 industry, growth 110;  
 neoliberalism 117–23; the  
 Netherlands 119–20; North Africa  
 175–76; outsourcing 16, 17, 31,  
 111, 112, 117–23, 133, 143; prison  
 market 38; privatization 16, 31,  
 111, 117, 124, 156, 168, 248;  
 refugee 137, 148; Serco 133;  
 substandard quality 119, 120, 122;  
 UK 2, 117, 118–19, 133; US 38,  
 121, 122–23, 133, 248
- documents for migration 4, 218;  
 facilitation industry 73;  
 Guatemala, document fraud  
 229–30; health certificate/exam 73,  
 76, 89, 104; marriage of  
 convenience 1–2, 106; passport 48,  
 54; Peru, document fraud 18, 190,  
 191, 192, 193, 196–99, 201, 210  
 (crack down on fraud 205–7; ‘The  
 Fight Against Forgery and  
 Identity Theft’ 206–7, 210;  
*jaladores/tramitadores* 192,  
 197–99, 206; prices 211–12); *see  
 also* visa
- drug trafficking 31, 32, 185–86, 222,  
 223, 224, 235; Honduras 238, 238,  
 239, 240, 241, 250, 251, 252, 253,  
 255
- Du Toit, Brian M. 66
- Durand, Jorge 210
- East Asia 9, 87–107; civil society  
 101; democracy 88, 96, 99;  
 developmental state 88, 89, 90, 92,  
 95, 96, 100; facilitation/control  
 interdependency 87–88; informal  
 MI 99; Japan 16, 92–95, 100–101,

- 104, 106; Singapore, guest worker program 89, 104; South Korea 16, 88, 96–99, 101, 105–7; state 16, 88, 99–100, 102; Taiwan 16, 88, 89–92, 97, 100, 101, 102, 103; *see also* Japan; labor migration; South Korea; Taiwan
- ECAs (export credit agencies) 17, 153, 158, 167–68, 169; *see also* EU, PSC and borderscapes
- economic issues: EU, PSC and borderscapes 17, 155, 157, 161, 163–68, 169 (banks 17, 153, 166, 167, 169; ECAs 17, 153, 158, 167–68, 169; FP7 157, 164; investment firms 17, 153, 166, 169); looking for better economic situation as cause of migration 64, 72, 73, 191, 216, 239, 241, 242–43; migrant's indebtedness 72, 74, 90, 96, 102, 178, 183, 244 (migration on credit 191, 200, 203); Peru, economic growth 191, 208, 210; *see also* economic profit; remittance
- economic profit 8, 35, 87; document fraud 211–12; from non-profit actor to entrepreneur 33–34, 36, 40, 43, 69; human smuggling and trafficking 4, 10, 19, 176, 177, 183, 216, 224, 225, 227, 228, 229, 230, 235; Japan 94, 104; labor migration agency 12, 29, 91; marriage of convenience 1–2, 19, 98; middlemen/intermediary 74, 75, 91, 132, 180; migrant exploitation/extortion 12, 18, 31, 40, 75, 91, 95, 96, 104, 176–77, 203–4, 224, 239, 246, 251, 252, 254; 'migration hump' 26–32, 39; monetization of solidarity 42, 70; outsourcing 25, 123; 'people pusher' 180, 181; Peru, migration entrepreneur 200, 202–3, 204, 212, 213; recruitment 9, 69, 72, 74; semi-governmental organization 93, 96, 104; 'strange bedfellows' scheme 32–39; tightened migration control/human smuggling profitability 4, 10, 19, 176, 177, 191–92, 222, 239
- EIB (European Investment Bank) 166
- EOS (European Organization for Security) 153, 162, 163, 169
- EU (European Union) 48–49, 191; 1990 Schengen Implementing Convention 115, 146; airline 115–16; European Council 158; European Court of Human Rights 137–38; European Parliament 164, 165, 166; Global Strategy 55; immigration law 145–46, 196; Malmström, Cecilie 158, 165; migration policy 54–55, 165, 166, 175 (MPI 54–55); Peru 191, 193, 195, 196; solicited labor migration 108, 113; visa 131, 198; *see also following EU entries*: Germany; Italy; the Netherlands; Spain; UK
- EU and Africa 18, 68, 173–89; boat migration 174, 181–84, 185; corruption 176, 177, 182, 183, 185; deportation 185; detention center, North Africa 175–76; human rights 174, 175; human smuggling 18, 176–77, 181–83, 186; Libya 173, 174, 176; migrant exploitation/extortion 176–77; outsourcing 173; 'people pusher' 9, 173–74, 177–81, 186–88; *see also* 'people pusher'
- EU, PSC and borderscapes 9, 17, 152–72; accountability 152, 166, 167–68, 169, 175; borderscapes, concept 152, 153–54, 168; borderscaping 152, 155; democratic transparency 153, 166; dissolving, redefining, re-territorializing borders 17, 152, 155; EOS 153, 162, 163, 169; European Commission 155, 158, 162, 163, 164, 166, 169; EUROSUR 152, 156–57, 159, 162, 165, 168; externalized PSC borderscaping 152, 157–60; financing and political economy 17, 153, 157, 158, 163–68, 169; human rights 153, 155, 159, 168;

- Libya 157–60, 166, 167; lock-in effects 152, 159, 168; market dynamics 153, 155, 157, 160–61, 163, 165, 166, 169; neoliberalization of European borderscapes 153, 155, 160–63, 166, 169; NGOs 155, 165, 166; policy-making 165, 166, 175; politics 153, 161, 162, 163, 166, 167, 169; profit 155, 161; PSC borderscape contracts 152, 154, 155, 156, 157, 163, 168 (impact/consequences 156, 157, 168, 175–76); PSC lobbyism 153, 161, 162, 163, 169; PSC militarization of borders 153, 155–56, 157, 158, 159, 160–61, 165, 167, 168, 169, 175, 187; PSC services 156, 168; securitization 155–56, 157, 160–61, 169, 170, 175; security research 153, 156–57, 163–66, 169; surveillance 158–59, 165; technology 152, 153, 161, 164–65, 166; *see also* Finmeccanica; G4S; security issues; surveillance
- EUROSUR (European External Border Surveillance System) 152, 156–57, 159, 162, 165, 168; I2C 157; research and development 156; seaBILLA 157; TALOS 157; UAV 157; *see also* EU, PSC and borderscapes
- facilitation industry 6, 7, 9–10, 11, 15–16, 25, 39, 64, 152, 192; co-ethnics 33–34, 36, 40, 43, 73; corruption 221; cosmopolitans 33–34, 36, 40; facilitation/control interdependency 29–30, 31, 40, 87–88, 109, 175, 196; information 64, 74, 75; politics 36–37; remittance industry 37; ‘strange bedfellows’ scheme 33, 36, 40; tasks 73; *see also* MI, actors
- family 78; family reunion 94, 104, 114, 195, 213, 228; Honduras 245, 247; kinship/friendship networks 28–29, 69–70; South Korea, multicultural family 99, 101, 107
- Feeley, Malcolm 119
- Finmeccanica 17, 152, 154, 155, 162, 163, 165, 166–67, 175; border control technologies 154, 157, 164; border infrastructures 156; Libyan border control capacities 152, 159–60, 166, 168; Orsi, Guiseppe 154
- Foucault, Michel 113
- France 43, 118, 158, 174, 227
- Friedman, Milton 112
- G4S (Group 4 Securicor) 2, 17, 128–29, 152, 154, 166; Australia 117, 154; border enforcement 152, 156, 168; Buckles, Nick 154; deportation 128, 156; detention 2, 117, 118, 119–20, 133, 142, 154, 156; forced escort operation 128, 137, 142; human rights violation 128, 137, 142; lobbyism 162, 163; the Netherlands 119–20; passenger screening 2, 128; transportation 118; UK 2, 117–18, 128, 133, 142, 154, 156; US 2, 117; US–Mexico border 154
- Gammeltoft-Hansen, Thomas 1–23, 34, 128–51
- GATS (General Agreement on Trade in Services) 50, 51, 53
- GATT (General Agreement on Tariffs and Trade) 210
- GCCA (Global Commodity Chain Analysis) 70, 83
- GEO Group Limited 38, 117, 122, 123, 133
- Germany 145; detention 120–21; neoliberalism 114, 121, 124; outsourcing 109, 116, 120–21, 124; politics 120–21; Serco 120
- GFMD (Global Forum on Migration and Development) 48, 50, 52
- Gibson, Katherine 76
- global migration governance 45–63; bilateralism 47, 49, 50, 55; embedded governance 47, 48, 50; irregular migration 15, 47, 53–55, 58; multilateralism 47, 48, 50, 58; polycentric concept 15, 47, 58; regionalism 47, 48–49, 50, 55

- (RCPs 49, 50; RECs 48–49, 50, 54); unilateralism 47, 49, 50; *see also* MI, global migration governance
- globalization 175, 186, 188;  
migration trajectories 67, 68, 78
- GMG (Global Migration Group) 52
- Golash-Boza, Tanya 25, 35
- GoP (Group of Personalities) 164, 169
- government 2, 3, 6, 8, 16;  
accountability 145, 220; consular official/representative of foreign government 35, 37, 79, 146, 205, 244; corruption of public official 10, 18, 19, 65, 72, 74–75, 76, 176, 199, 244 (Guatemala 215, 216, 217, 218, 220, 222, 224, 226, 228, 229, 232; Honduras 241–1, 244, 252, 253, 255); health worker migration 76–77; legal/illegal migration distinction 11; pro/anti-immigration divide 35; public institutions/migration industry link 19, 215, 218–22; *see also* corruption; Guatemala; outsourcing; privatization; state
- Graham, Julie 76
- Grillo, Ralph 67, 70–71
- GSL (Global Solutions Limited) 122, 154
- Guatemala 19, 215–37;  
accountability 220, 227, 233; CIGIG 227–28; corruption 215–22 (bribery 224, 227, 229; brown area 221, 232; government institutions 215, 218–22; institutionalization 217, 220, 231, 232, 233; profit 217, 220; public official 19, 215, 216, 217, 220); criminal network 216, 219–20, 221–22, 224, 225, 226, 227, 228, 232; deportation 230, 231; document fraud 229–30; factors sustaining MI of corrupt public institutions 215, 220–21, 230–31, 233; government institutions involved in corruption 226–27 (DGM 226, 227, 229–30, 231; DGM labor unions 226–27; Ministry of the Interior 226, 227, 230; MP 226, 231; PGN 226, 228, 231; PNC 226, 231); human smuggling and trafficking 19, 215, 216, 219, 222, 224, 225–30, 232, 233, 235 (child 219, 227–28, 232; public officials corruption 215, 216, 217, 218, 220, 222, 224, 226, 228, 229, 232); impunity 225; Mexico–Guatemala border 222–25; public institutions/migration industry link 19, 215, 218–22; sex industry 226, 228–29; tightened migration control/human smuggling relationship 222, 223–24; trafficking of Guatemalan, Honduran and Salvadoran women 228–29, 232 (profit 229)
- Guiraudon, Virginie 110
- Hagan, Jacqueline M. 6
- Hall, Rodney Bruce 59
- Harding, Richard W. 119
- Harney, Robert F. 4–5, 24
- health: health certificate/exam 73, 76, 89, 104; health/care worker 69, 76–80, 81, 195, 200, 204, 213
- Hernández-León, Rubén 15, 24–44, 192, 244; migration industry, conceptualization 5–6
- Higuchi, Naoto 104
- Hillmann, Felicitas 16, 64–86
- Ho, Elaine L. 68
- Honduras 19, 186, 238–61; ANDI 245–46; child/unaccompanied minors 246, 247, 250; CNDH 252; COHEP 245; corruption 249, 259 (official/state agent 241–1, 244, 252, 253, 255); deportation 19, 186, 239, 241, 243, 247–50, 254, 259; DGME 240, 241; FONAMIH 242, 243, 246, 248; irregular migration 241, 242, 243, 254–55; labor migration 241, 243, 244, 245, 246, 254, 259; MI 240, 243–47, 254–55; migrant in transit 12, 241, 244; migration patterns 239, 240–43, 254, 260–61; remittance 241, 244, 248, 249, 252, 255, 256; social network/

- redes solidarias* 243, 256, 261;  
state 244–45, 249, 253–54, 256;  
TPS 239, 241, 243, 244–45, 259;  
US 242, 243, 246; woman 243,  
245, 246, 247, 249, 251, 252–53;  
*see also following Honduras entries*
- Honduras, criminal network 12, 19,  
241, 243, 250–54, 255–56; abuse  
and rape 239, 243, 251, 252–53;  
armed non-state actors 253–54;  
disappearances/murder 238, 239,  
243, 250, 251–52, 254; domestic  
*maras/gangs* 241; drug cartel 238,  
238, 239, 240, 241, 250, 251, 252,  
253, 255; extortion 239, 246, 251,  
252, 254; Gringo Coyote  
Company 251–52; human  
smuggling and trafficking 243,  
251–52; kidnapping 238, 239–40,  
246, 251, 252; profit 243; state  
253–54, 256; torture 240, 252; *los*  
*Zetas* 238, 246, 252, 253, 256; *see*  
*also criminal network; Honduras*
- Honduras, rescue industry 19, 241,  
246, 247–50, 254; CAMR, 246,  
247; CIPRODEH 249; faith-based  
NGO 247, 249, 250, 255; NGO  
244, 246–47, 249–50, 255;  
outsourcing 244, 249; PMH 246,  
250; protection functions 244,  
246–47; RED COMIFAH 246,  
250–51; *see also Honduras*
- human rights 9, 12, 16, 48, 174, 175,  
205; airline 131, 139, 144–45, 146;  
asylum 137, 142, 174, 175; child's  
human rights 137; complaint  
mechanisms 136; detention center  
137, 139, 142, 174, 175; EU, PSC  
and borderscapes 153, 155, 159,  
168; European Court of Human  
Rights 137–38; Honduras 139;  
international human rights law 48,  
137, 139, 144, 175; militarization  
of borders 159, 168; outsourcing  
and human rights responsibility  
129, 131, 132, 136–40, 142,  
143–45; refugee 16, 57; 'rights  
economy'/market for human  
rights' 14; South Korea 96–97,  
105; state 137–40, 142, 145;  
Taiwan 91–92, 101; UK 142, 144;  
US 142; violation of 17, 129, 132,  
133, 175, 223 (deportation 128,  
137, 142, 143–44, 151; detention  
center 119, 137, 142, 144, 174);  
visa 139; *see also civil society*;  
irregular migration; NGO
- human smuggling and trafficking 2,  
4, 7–8, 10; Africa 18, 176–77,  
181–83, 186; by sea 181–83; child  
6, 219, 227–28, 229, 232, 250;  
connection men 181–82, 183;  
counter-trafficking programs 3;  
coyote 37, 45, 87, 224, 243, 244,  
250, 251, 254, 255; criminal  
network 2, 216, 243, 251–52;  
extortion 12; facilitation/control  
interdependency 29–30, 31, 196;  
factors underpinning smuggling  
and trafficking 226; Ghanaian  
human smuggling 181; Guatemala  
(Central/Latin America) 19, 215,  
216, 219, 222, 224, 225–30, 232,  
233, 235; ineffective enforcement  
of laws against 226, 233; 'migration  
merchants' 5; policing/smuggling  
interdependence 224–25; profit 4,  
10, 19, 176, 177, 183, 216, 224,  
225, 227, 228, 229, 230, 235;  
public officials corruption 176,  
181, 183, 215, 216, 217, 218, 220,  
222, 224, 226, 228, 229; sex  
industry 14, 226, 228–29;  
smuggling/trafficking distinction  
225, 233; tightened migration  
control/human smuggling  
relationship 4, 10, 19, 32, 176,  
177, 186, 191–92, 196, 222, 223–24,  
239; US–Mexico border 2, 29–30,  
37, 216, 222, 224; *see also criminal*  
*network; irregular/undocumented*  
*migration; 'people pusher'*
- Huysmans, Jef 156
- ICAO (International Civil Aviation  
Organization) 48, 50, 54; MRTD  
54; NTWG 54; passport 48, 54
- illegal migration 18–19; labeling 20,  
71; *see also irregular/  
undocumented migration*

- ILO (International Labour Organization) 48, 50, 213, 226
- immigration law 8; EU 145–46, 196; international migration law 48; legal/illegal distinction 10, 11, 18–19, 30, 109, 218 (blurring 65, 70, 71, 74–75, 76, 78–79, 80, 81–82, 253); *see also* international law; United States, immigration law
- India 51–52, 53
- International Court of Justice 138, 139
- international law 48, 138, 140; international human rights law 48, 137, 139, 144, 175; International Law Commission 149; *see also* immigration law
- IOM (International Organization for Migration) 56, 239; irregular migration 54; refugee 56; return assistance 10; voluntary return 2–3
- irregular/undocumented migration 9, 18–19, 190, 218; boat migration 157, 174, 181–84, 185; criminalization 38, 223, 225; definition 53; Honduras 241, 242, 243, 254–55; human rights 12; informal MI 35–36; legal/illegal distinction 10, 11, 18–19, 30, 109, 218 (blurring 65, 70, 71, 74–75, 76, 78–79, 80, 81–82, 253); Malaysia 71–72, 74–75; markets for migration 55, 58; migration control, technology 53–54, 58; migration governance 15, 47, 53–55, 58; migration policy 54–55, 58; migration trajectories 9, 10, 71–72, 74–75; Peru 18–19, 191, 193, 205, 209; private actors 53, 54–55, 58; US 36, 38; US–Mexico border 1, 2; woman 196, 198, 200–202, 205; *see also* corruption; criminal network; EU and Africa; Guatemala; Honduras; human rights; human smuggling and trafficking; Peru
- Italy 192, 195, 200–202, 205, 212, 213; 2002 Bossi-Fini Law 204, 205, 213; ISTAT 205, 213
- Japan 9, 16, 92–95; Brazilian-Japanese 93–94, 100–101; ‘economic miracle’ 88; ethnic homogeneity 92, 100; ethnic labor recruitment business 94, 106, 195; guest worker program 89, 92, 94–95; ITP 93, 94–95, 104; JITCO 93, 95, 100, 104; migrant exploitation 95, 104; MITI 88; neoliberalism 94; NGO 95, 101; Peruvians-Japanese 103, 195–96, 211; private actors 94, 95; recruitment 94, 95; state 93, 94, 100, 104; visa 93, 94; *see also* East Asia
- Johnson, Chalmers 88
- Jones, Trevor 118
- Keyes, David 31
- Kingma, Mireille 77–78
- Knowles, Anne Kelly 66
- Koslowski, Rey 5, 48
- Kyle, David 5
- labor migration 48, 191; 3D job 90, 95, 96; co-ethnics 89, 106; ‘commerce of migration’ 4–5, 24; domestic work 71, 74, 92, 106, 213, 229 (Honduras 243, 246, 254, 259; Peru 195, 200, 204; Philippines 77, 78); employer 29, 32, 35, 36, 40, 43, 74, 78, 90–91, 93, 95, 96, 213 (employer sanctions 91, 191, 195); EU 108, 113; GFMD 52; guest worker scheme 8, 9, 51, 87, 89, 92, 94–95 (Japan 89, 92, 94–95; Singapore 89, 104; Taiwan 89–91, 102); health/care worker 69, 76–80, 81, 195, 200, 204, 213; highly skilled immigrant worker 9, 13, 102; Honduras 241, 243, 244, 245, 246, 254, 259; indentured labor 68, 76, 81; labor migration agency 9, 12–14, 29, 91; ‘migration hump’ 26–32; Peru 195, 200, 205, 213; undocumented/irregular worker 35, 36, 74 (South Korea 91, 96); ‘work-for-passage’ 68, 75; *see also*



- following* labor migration *entries*;  
migration trajectories
- labor migration and migration  
governance 15, 47, 48, 50–53, 58;  
liberalization of labor markets 50;  
lobbying 50–51, 58; markets for  
migration 52, 58; multilateralism  
50, 52–53, 58; private actors  
50–52, 58
- labor migration, recruitment 9, 25,  
27–28, 30, 36, 37, 40, 69, 70, 76;  
ethnic labor recruitment 94, 106;  
Japan 94, 95; official labor  
recruitment program 73, 74, 84;  
network 70; profit 9, 69, 72, 74;  
South Korea 96, 105; woman 106;  
*see also* labor migration
- Lahav, Gallya 110
- Leander, Anna 160–61
- Lemberg-Pedersen, Martin 17, 152–72
- Lemke, Thomas 162
- Libya: arms embargo 158, 159, 167;  
detention center 174, 176;  
'friendship pact' 174, 175; human  
smuggling 158; Italy/  
Finmeccanica 152, 159–60, 166,  
167, 168; surveillance 158–59; *see  
also* EU, PSC and borderscapes
- lobbying 12, 39, 118, 153, 161, 162,  
163, 169, 218; detention 119, 120;  
labor migration 50–51, 58
- Lucht, Hans 18, 173–89
- Malaysia 16, 71–76, 81; 2002  
Malaysian Immigration Act 74;  
deportation 72; Indonesian  
migrant workers in Malaysia  
71–76, 81; irregular migration  
71–72, 74–75; regulation 71; *see  
also* migration trajectories
- market/markets for migration 45,  
143; accountability 140–41, 144;  
ethnic and 'nostalgia' market 31;  
EU, PSC and borderscapes 153,  
155, 157, 160–61, 163, 165, 166,  
169; irregular migration 55, 58;  
Japan 94, 104; labor migration 52,  
58; market authority 59; market  
for military force 155; migration  
governance 45, 46–47, 52, 55,  
58–59; migration liberalization  
113; migration management 4,  
13–14 (horizontal market 13;  
vertical market 13); neoliberalism  
160; Peru 193; prison market 38;  
refugee 57–58; South Korea,  
domestic marriage broker market  
98–99, 106
- marriage: Japan 98, 104; marriage of  
convenience 1–2, 10, 19, 22, 98,  
106; prohibitions on marriage 89,  
104; South Korea, marriage  
migration 98–99, 100, 106; Spain  
1–2; Taiwan 89, 98; UK 22
- Massey, Douglas 210
- Menz, Georg 16–17, 108–27
- Mexico 1, 27–28, 38, 49; criminal  
network 31, 32; H2A/H2B  
temporary visa programs 30; labor  
migration 27–30; remittance 37–38;  
*see also* Mexico–Guatemala  
border; US–Mexico border
- Mexico–Guatemala border 222–25;  
human smuggling 222, 224;  
militarization 223, 224; public  
officials corruption 224; *see also*  
Guatemala
- MI (migration industry) 1–23, 64,  
208; actors 2, 6, 8–10, 15, 24–40;  
control industry 6, 7, 9, 11, 16–17,  
25; facilitation/control/rescue  
relationship 4, 6–7, 10–12, 24, 25,  
26, 29; government 8; impact of 8,  
12, 15, 46, 59, 191, 195; informal  
MI 35–36, 65, 71, 81, 99, 193,  
197, 209, 218, 219, 220, 244, 246;  
migrant 12, 14; migration  
management 3, 6; migration  
policy 6, 12, 15; migration systems  
theory 5; old and new migration  
industries 7–8; roles played by 8,  
10–12, 24–25; self-sustainment of  
migration 64, 65, 78, 80, 94; state  
11–12, 14, 218; structures:  
political/economic/social 8, 12–14;  
*see also following* MI *entries*;  
commercialization of international  
migration; facilitation industry;  
migration control; migration  
trajectories; rescue industry

- MI, actors 2, 6, 8–10, 15, 24–40, 243–46, 254, 255; agencies and companies 9; ‘bastard’ industry of migration control 15, 31–32, 37, 39, 40; clandestine actors 10, 15, 30, 35–36; facilitators 15, 39–40; firms engaged in control and restriction 15, 39–40; informal actors 35–36; migration trajectory 65, 69, 70, 71, 74, 75, 81; NGOs, humanitarian organizations, migrant associations 10, 25; rescue organizations 15, 39; shifting/blurring of roles 33–35, 36, 39, 40, 65, 75, 80, 81; smaller enterprises 9, 69; transnational corporations 9; *see also* facilitation industry; migration control; rescue industry
- MI, conceptualization 4–6, 15, 24–44; academic concept 4–6; ‘business of migration’ 24; ‘commerce of migration’ 4–5, 24; commodification of migration 15, 39, 40; ‘immigrant place entrepreneurs’ 24; MI, definition 6, 25, 45, 69, 190; ‘migration hump’ 15, 24, 25, 26–32, 39 (initiation 26, 27–28; stagnation and decline 26, 30–32; takeoff 26, 28–30); ‘migration merchants’ 5, 24; neoliberal governance 15, 40; ‘strange bedfellows’ scheme 15, 24, 25, 26, 32–39 (alliances and articulations 35–39, 40; ‘immigration ally’ 26; location and shifting positions of MI 33–35, 36, 39, 40); *see also* MI
- MI, global migration governance 15, 45–63; commodification of migration 46, 58; irregular migration 15, 47, 53–55, 58; labor migration 15, 47, 48, 50–53, 58; markets for migration 45, 46–47, 52, 55, 58–59; MI’s impact on global migration governance 8, 12, 15, 46, 59; migration policy 46, 54–55, 57–58; private actors 46, 49–50, 58–59; private authority 15–16, 59; refugee 55–58; *see also* global migration governance
- middleman/intermediary 9, 10, 11, 15, 28, 39, 40, 73, 74, 91, 94; connection men 181–82, 183; economic gain 74, 75, 132, 180; licit/illicit boundary 81; *see also* broker; ‘people pusher’
- migrant 10, 12, 14, 64, 70, 71; exploitation/extortion 12, 18, 31, 40, 75, 176–77, 224 (Honduras 239, 246, 251, 252, 254; Japan 95, 104; Peru 203–4; South Korea 96; Taiwan 91); indebtedness 72, 74, 90, 96, 102, 178, 183, 244 (migration on credit 191, 200, 203); legal/illegal perception 81–82; MI, impact of 12; overwork 91, 95, 104; *see also* human rights
- migrant destination 4, 28, 29, 74, 77; Asia 14, 77; Europe 14, 77; UK 77; US 1, 14, 27–28, 51, 77; *see also* EU; United Kingdom; United States
- migrant-sending region 4, 14, 28, 30, 51–52; Africa 14; Asia 14; externalization of border regimes into sending countries 152, 157–60, 193, 209; Latin America 14; Mexico 1, 27–28; MI actors 75, 77; Philippines 77–78; *see also* Guatemala; Honduras; Peru; remittance
- migration, causes: armed conflict 216, 239, 241, 242; looking for a better economic situation 64, 72, 73, 191, 216, 239, 241, 242–43; natural disaster 216, 239, 241, 243; unemployment 1, 27, 243; *see also* labor migration
- migration control 4, 16–17, 38–40, 192; control industry 6, 7, 9, 11, 16–17, 25, 35; externalization 9, 152, 157–60, 193, 209; facilitation/control interdependency 29–30, 31, 40, 87–88, 109, 175, 196; migration control by ‘remote control’ 111, 112, 117; multinational corporation 35; politics 35, 38, 39; privatization 4, 6, 8, 12, 13, 16–17, 31, 40, 129; restrictionist coalition 35, 40;

- security concern 17, 35, 39, 133, 155, 161; state sovereignty 129, 135, 139, 143, 145, 218; 129, 218; 'strange bedfellows' scheme 34–35, 40; tightened migration control/ human smuggling relationship 4, 10, 19, 32, 176, 177, 186, 191–92, 196, 222, 223–24, 239; *see also* border control; MI, actors; migration management; outsourcing; regulation; surveillance
- migration management 2–3, 16–17, 110; airline 4, 7, 13, 130; foreign policy cooperation 17; G4S 2; government 2, 3, 6, 8, 16; IM 3, 6; internationalization 13; markets 4, 13–14 (horizontal market 13; vertical market 13); outsourcing 6, 8, 13, 14, 16–17, 25, 30, 31, 65; privatization 4, 6, 8, 12, 13, 16–17, 30, 31; software and data management 25; US–Mexico border 2, 20; *see also* airline; migration control; outsourcing; PSC
- migration policy 218; EU 54–55, 165, 166, 175 (MPI 54–55); Honduras 249, 256; ICMPI 55; IM 6, 12, 15; irregular migration 54–55, 58; migration governance 46, 54–55, 57–58; refugee 57–58
- migration, research on 4, 11, 13, 14, 24, 25, 45, 66–67, 87, 218; political science 108–9
- migration trajectories 9, 16, 64–86; irregular migration 9, 10, 71–72, 74–75; Malaysia 16, 71–76, 81; MI actors 65, 69, 70, 71, 74, 75, 81; MI, blurring of categories 16, 65, 81 (formal/informal 65, 71, 81; functional 65, 75, 80, 81; legal/illegal 65, 70, 71, 74–75, 76, 78–79, 80, 81–82); MI, self-sustainment of migration 64, 65, 78, 80; migrant capital 16, 66, 68, 70, 74, 78, 80; migration chain 70, 75, 76, 81; patterns of migration 65, 66; Philippines 16, 75, 76–80, 81; *see also* labor migration; patterns of migration
- the military: accountability 141, 143; EU Military Committee 164; market for military force 155; militarization of borders (EU 153, 155–56, 157, 158, 159, 165, 167, 168, 169, 175, 187; human rights 159, 168; Mexico–Guatemala border 223, 224; US–Mexico border 196, 250); private military company 132, 141, 143, 160–61
- Miller, Mark J. 5, 25
- MPI (Migration Policy Institute) 54–55
- multilateralism: labor migration 50, 52–53, 58; migration governance 47, 48, 50, 58
- multinational/transnational corporation 2, 9; *see also* PSC
- NAFTA (North American Free Trade Agreement) 49, 210
- NATO (North Atlantic Treaty Organization) 164, 174
- neoclassical economics 27
- neoliberalism 160, 187; immobility 248; Japan 94; market dynamics 160; neoliberal capitalism 68; neoliberal governance paradigm 8, 14, 17, 40, 112, 124; South Korea 99; Taiwan 90, 91, 100; Washington Consensus 67, 88; *see also* outsourcing; neoliberal state and migration control
- neo-Marxism 108–9, 113
- the Netherlands: detention 119–20; G4S 119–20; neoliberalism 114, 124; outsourcing 17, 109, 119–20, 124; politics 120
- network 8, 27, 64–65, 69–70; kinship/friendship networks 28–29, 69–70; monetization of solidarity 42, 70; network theory 14, 27; recruitment network 70; social network 8, 24, 27, 67, 243, 256, 261
- Newburn, Tim 118
- NGO (non-governmental organization) 6; anti-immigration associations 10; asylum 3, 6, 10, 12; Australia 122; child 247;

- combating trafficking 3; EU, PSC and borderscapes 155, 165, 166; irregular migration 10; Japan 95, 101; MI 3, 10, 25; migration management 11; South Korea 96–97, 101; Taiwan 91, 92, 101; *see also* civil society; Honduras, rescue industry; human rights; religious organization
- Nye, Joseph 220
- OAS (Organization of American States): CICTE 206
- O'Donnell, Guillermo 217, 219, 212, 232
- outsourcing 6, 8, 13, 14, 16–17, 25, 31, 45, 65, 218–19; deportation 16, 31, 114, 116, 143; detention 16, 17, 31, 111, 112, 117–23, 133, 143; hybridity 129, 134–35, 163–66, 169 (ECAs 167); multi-layering 129, 134, 135; outsourcing process, features 129; politics 129, 138; pre-arrival control 130–31, 134, 143; profit 25, 123; rescue industry 244, 249; state 110; transportation 111, 112, 114–17, 130–31; visa application 131–32; *see also following*
- outsourcing *entries*; privatization
- outsourcing: human rights and accountability 16, 128–51; accountability 17, 129, 136, 137, 139, 140–42, 143, 144–45; airline 131, 133, 134–35, 136, 138–39, 141, 143, 144–45, 146; asylum 129, 130, 131, 132, 133, 136–37, 141, 142, 144; border control 12, 31, 39, 132, 133–34; democratic control 129–30, 136, 141, 143; deportation 143; detention 133, 143; human rights responsibility 129, 131, 132, 136–40, 142, 143–45, 173; human rights violation 17, 128, 129, 133, 137, 142, 143–44; Jimmy Mubenga's case 128, 129, 137; legal responsibility 29, 132, 134, 135–40, 141, 143, 145, 155; rise of the private border control 130–36, 152; visa 131–32, 212; *see also* accountability; human rights; outsourcing; private actors; responsibility; state
- outsourcing: neoliberal state and migration control 8, 16–17, 88, 90, 108–27; airline 110, 112, 115–17; Australia 17, 109, 110, 114, 116, 121–22, 124; EU 115–16; Germany 17, 109, 114, 116, 120–21, 124; migration control by 'remote control' 111, 112, 117; migration liberalization 113; neoliberal governance paradigm 8, 14, 17, 40, 112, 124; neoliberalization of European borderscapes 153, 155, 160–63, 166, 169; the Netherlands 17, 119–20, 124; outsourcing 8, 16–17, 109–10, 111–14, 124; penal state 110–11; prevention 111, 112, 114; prison privatization 117, 118, 120, 121, 122, 124, 148; private actors 109, 110, 112, 113, 114, 119, 120, 121, 122, 123–24; privatization 8, 16–17, 109–10, 111, 113, 124; shipping company 110, 112, 115–16; transportation 111, 112, 114–17, 124; UK 17, 110, 114, 116–17, 118–19, 124; US 17, 109, 117, 114, 121, 122–23; *see also* Australia; Germany; neoliberalism; the Netherlands; outsourcing; United Kingdom; United States
- Parreñas, Rachel Salazar 78
- passenger screening 2, 25, 128, 133, 205
- patterns of migration 4, 12, 65, 66, 67, 109, 165; Honduras 239, 240–43, 254, 260–61; 'migration hump' 15, 24, 25, 26–32; a path-dependent process 27–28; *see also* migration trajectories
- 'people pusher' 9, 11, 173–74, 177–81, 186–88; agents of change 187; Bobby's story 177–81, 184–86, 187; a category of hope 187; Kantinka's story 177–84, 187;

- profit 180, 181; storytellers 179–81; strategies, 180–81; *see also* EU and Africa
- Peru 18–19, 190–214; 1986 Immigration Control and Reform Act 195; civil society 18, 192, 193, 206–8, 213 (CNL 194, 206–7); corruption 193–94, 197, 199, 208, 209, 214; counterfeit currency 207, 214; deportation 196, 211; DIGEMIN 194, 206, 208, 212, 213; document fraud 18, 190, 191, 192, 193, 196–99, 201, 205–7, 210, 211–12; economic growth 191, 208, 210; ethnic rituals 201–2; ethnicity/class structure 197–98, 199; EU 191, 193, 195, 196; irregular migration 18–19, 191, 193, 205, 209; Italy 192, 195, 200–202, 204, 205, 212, 213; Japan, *Nikkei* Peruvians 103, 195–96, 211; labor migration 195, 200, 205, 213; markets for migration 193; MI 192, 209 (informal 193, 197, 209); MIGM 213; migrant exploitation 203–4; migration entrepreneur 18, 192–93, 198, 199–205 (profit 200, 202–3, 204, 212, 213; services 191, 200, 202); migration on credit 191, 200, 203; PNP 206, 207, 213 (‘El Escuadrón Verde’ 206, 207, 210); RENIEC 206, 213; rescue industry 196; state institutions 18, 192, 193, 196, 205–8, 213, 214; surveillance 194, 207, 210; tightened migration control/human smuggling profitability 191–92; US 191, 193, 194, 196, 198, 206, 211; visa 18, 198, 212; woman 196, 198, 200–202, 205
- Peutz, Nathalie 248
- Philippines 16, 49, 75, 76–80, 81; centralized labor market 76; domestic work 77, 78; government 76, 77, 102; health worker 76–80, 81; OWWA 81; POEA 77, 81; *see also* migration trajectories
- policy *see* migration policy
- political economy 12, 109, 110, 186, 256; EU, PSC and borderscapes 17, 157, 163–68, 169; migrant destination 194–96; migration project 67; PSC 163–68, 169
- politics: control industry 35, 38, 39; European border politics 153, 161, 162, 163, 166, 167, 169; facilitation industry 36–37; Germany 120–21; the Netherlands 120; outsourcing 129, 138; pro/anti-immigration divide 35
- port: border control 132; migration management 13; passenger screening 25; privatization 16; *see also* transport
- Poulantzas, Nicos 110–11, 113
- Povinelli, Elizabeth A. 187
- prison management 135; detention center/prison distinction 137; human rights 137; penal state 110–11; prison market 38; privatization 117, 118, 120, 121, 122, 124, 148; *see also* detention/detention center
- private actors 45–63, 65, 130, 245–46, 255; accountability 110, 119, 122; CSR 46, 56, 58; definition 140; irregular migration 53, 54–55, 58; Japan 94, 95; labor migration 50–52, 58; lobbying 12, 39, 50–51, 58, 118, 119, 120, 153, 161, 162, 163, 169; migration governance 46, 49–50, 58–59; neoliberal state 109, 110, 112, 113, 114, 119, 120, 121, 122, 123–24; overlapping 9, 36, 75, 135; private authority 15, 59 (impact on migration governance 15–16, 59); refugee regime 56–57, 58; roles: ANIME 46, 49, 58; state 88, 94, 100 (blame-avoidance 100, 112, 145, 155; cost shifting and reduction 100, 112, 114, 120, 121; efficiency 90, 100, 112, 114, 120); Taiwan 90; UNHCR 56–57; vested interests 113; *see also* privatization; PSC
- privatization 45, 140, 145; airline 115; airport 16; deportation 16, 31, 156, 168, 248; detention 16, 31, 111, 117, 124, 156, 168, 248;

- lock-in effects 17, 110, 113, 118, 119, 120, 124, 152, 159, 168;  
 migration control 4, 6, 8, 12, 13, 16–17, 31, 40, 129; neoliberal state 8, 16–17, 109–10, 113, 124; port 16; principal–agent dilemma 17, 110; prison privatization 117, 118, 120, 121, 122, 124, 148;  
 self-reinforcing dynamics 17, 110, 113, 114, 124, 159; UK 109, 117–19, 124; US 109, 122–23, 124; *see also* outsourcing; private actors; PSC
- PSC (private security company) 2–3, 6, 9, 11, 12, 17, 110, 124; BAE Systems 157, 162, 164, 167; detention 111, 124; EADS 157, 164, 165; Europe 9, 17, 152–72; Haliburton 9; Thales 154, 157, 162, 164, 165, 167; visa 11; *see also* airline; Boeing; EU, PSC and borderscapes; Finmeccanica; G4S; IOM; outsourcing; neoliberal state and migration control; private actors; privatization
- RCP (regional consultative process): IGC 49; MIDSA 49; RCM 49
- refugee 6, 14, 115; 1951 Refugee Convention 148; commodification 57–58; CSR 56, 58; detention 137, 148; EU 58; global refugee regime 48; human rights regime 16, 57; IGC 49; IOM 56; markets for migration 57–58; migration governance 55–58; migration policy 57–58; private actors 56–57, 58; refugee protection 13, 15, 46, 47, 58; rescue industry 26, 34; RPZ 58; TPC 58; *see also* asylum; UNHCR
- regulation 2, 30, 67, 108, 113;  
 biopower 113; Malaysia 71;  
 migration liberalization 113; state 138; *see also* migration control
- religious organization 10, 12, 37, 240, 247; Honduras, faith-based NGO 247, 249, 250, 255; *see also* NGO
- remittance 5, 6, 14, 37, 218;  
 Honduras 241, 244, 248, 249, 252, 255, 256; labor migration 29, 30; Mexican–US migratory system 37–38; money transfer corporation 29, 37–38; *see also* Western Union
- rescue industry 6, 7, 10, 12, 25–26, 34, 39, 40, 152; child 196; from non-profit actor to entrepreneur 36, 43; ‘immigration ally’ 26; migration control functions 10, 34; non-profit industry 10, 26, 34; outsourcing 244, 249; Peru 196; refugee 34; rehabilitation 25; resettlement of refugee 26, 34; ‘strange bedfellows’ scheme 34, 40; *see also* Honduras, rescue industry; MI, actors
- responsibility 187; CSR 46, 56, 58; governmental authority 138–39, 149; human rights responsibility 129, 131, 132, 136–40, 142, 143–45; legal responsibility 29, 132, 134, 135–36, 141, 143, 155, 173; public/private distinction 136–40, 144, 145; state 137–40, 143, 145, 173; *see also* human rights; outsourcing: human rights and accountability return 66; return assistance 246–47 (Denmark 22; Honduras, rescue industry 19, 241, 247–50, 254; IOM 2–3, 10; post-return integration programs 22); return migration programs 34; returned migrant as promoter/facilitator 70, 72, 75; South Korea 97; TPS 259; voluntary return 200–201, 204; *see also* deportation/forced return; Honduras, rescue industry; rescue industry
- Rosales Sandoval, Isabel 19, 215–37  
 rule of law 130, 217, 233
- Salt, John 5
- security issues: EOS 162; ESRAB 153, 164, 169; ESRIF 153, 164, 165, 169; ESRP 163–64, 166; Frontex Agency’s R&D Unit 153, 158, 162, 163, 165–66, 168, 169; GoP 164, 169; migration control as security concern 17, 35, 39,

- 133, 155, 161; securitization 155–56, 157, 160–61, 169, 170, 175; security research 153, 156–57, 163–66, 169; STRAW Consortium 162, 163; *see also* EU, PSC and borderscapes; the military
- Serco 117, 120, 122, 132, 133, 156
- Smith Gamacho, Alicia 252
- Snidal, Duncan 49
- Sørensen, Ninna Nyberg 1–23, 34, 238–61
- South Korea 16, 88, 96–99; civil society 96–97, 101, 105; EFWA 97; EPP/EPS 97, 106; ITTP 96, 97, 105; KFSB 96, 97, 105; KITCO 96, 100, 101, 105; marriage migration 98–99, 100, 106; migrant exploitation 96; migrant's rights 96–97, 105; multicultural family 99, 101, 107; neoliberalism 99; NGO 96–97, 101; recruitment 96, 105; 'runaway'/irregular worker 91, 96; state 96, 98–99, 100; VEP 98; woman 98, 106; *see also* East Asia
- Spaan, Ernst 16, 64–86
- Spain 1, 185, 195
- state 108–9; autonomy 113; criminal network 32, 216, 219–20, 221–22, 224, 225, 226, 227, 232, 253–54, 256; East Asia 16, 88, 99–100, 102; Honduras 244–45, 249, 253–54, 256; human rights responsibility 137–40, 143, 145, 173; Japan 93, 94, 100, 104; MI 11–12, 14, 218; MI private actors 88, 94, 100 (blame-avoidance 100, 112, 145, 155; cost shifting and reduction 100, 112, 114, 120, 121; efficiency 90, 100, 112, 114, 120); migration control, a sovereign function 129, 135, 139, 143, 145, 218; Peru 18, 192, 193, 196, 205–8, 213, 214; Philippines 76, 77, 102; 'retreat of the state' 161–62, 254, 255; semi-governmental body 93, 96, 104; South Korea 96, 98–99, 100; sovereignty 9, 16, 45, 65, 88, 110; Taiwan 90, 100; Westphalian state 14, 110, 143; *see also* government; outsourcing; privatization
- Stein, Jeremy 5
- Surak, Kristin 16, 87–107
- surveillance 25, 67, 110–11; drones/UAVs 132, 153, 157, 159, 164, 165, 169, 175; EOS 162; Libya 158–59; Peru 194, 207, 210; PSC 156, 158–59, 165; PSC, research/development of surveillance functions 156; RVSS 53; SOBCAH 164; technology 53–54, 58, 152, 153, 161, 164–65, 166; *see also* EU, PSC and borderscapes; EUROSUR; migration control; security issues
- Taiwan 16, 88, 89–92, 97; citizenship 89; CLA 89, 92; deportation 89, 91; guest worker program 89–91, 102; human rights 91–92, 101; low-skilled foreign worker 89, 90; migrant exploitation 91; neoliberalism 90, 91, 100; NGO 91, 92, 101; private actors 90; 'runaway' 91, 101, 103; state 90, 100; woman 91; *see also* East Asia
- Tamagno, Carla 18, 190–214
- technology 53–54, 58, 152, 153, 161, 164–65, 166; *see also* surveillance
- terrorism, 9/11 attacks 133, 196, 205, 223
- think tanks 49, 54; Adam Smith Institute 118; ICMPD 55
- TPS (Temporary Protection Status) 218, 239, 241, 243, 244, 245, 259
- trade union 49, 51, 90; ITUC 52; Guatemala 226–27
- transit, migrant in 116, 130, 176, 180, 186; Honduras 12, 241, 244; TPC 58
- transnational corporation *see* multinational/transnational company
- transnationalism 7, 67, 238, 248
- transport 1, 11, 40; criminal network 32; facilitation industry 40; human rights responsibility 136; irregular migration 1, 31, 36; migration control 40; outsourcing 111, 112,

- 114–17, 124, 130–31, 134;  
sanctions 130, 134, 136, 145–46;  
shipping 110, 112, 115–16  
(sanctions 115, 130; seaBILLA  
157; UK 115, 116); ‘strange  
bedfellows’ scheme 32; *see also*  
airline; airport; port
- Turner, Bryan S. 67
- UN (United Nations) 47, 48; CICIG  
227–28; UN Convention against  
Corruption 216–17; UNDESA 52,  
53; UNDP 239, 242; UNODC  
231
- UNHCR (UN High Commissioner  
for Refugees) 6, 48, 56–57, 136;  
1951 Convention relating to the  
Status of Refugees 48; private  
actors 56–57, 136
- United Kingdom 57, 145; 1793  
United Kingdom Registration of  
Aliens Act 115; 1971 Immigration  
Act 117; 1999 Immigration and  
Asylum Act 117; 2006  
Immigration Asylum and  
Nationality Act 132; airline  
116–17, 134–35 (e-Borders  
Initiative 132, 135, 147); Blair,  
Tony 119; border control 132;  
Brown, Gordon 119; deportation  
116–17, 128, 142, 144, 151;  
detention 2, 117, 118–19, 133;  
ECGD 167; G4S 2, 117–18, 128,  
133, 142, 154, 156; GEO Group  
Limited 117; human rights 142,  
144; marriage of convenience 22;  
neoliberalism 17, 110, 114, 124;  
outsourcing 17, 109, 114, 116–17,  
118–19, 124; prison privatization  
117, 118; privatization 109,  
117–19, 124; Serco 117; shipping  
company 115, 116; Straw, Jack  
118; UK Border Agency 117, 128,  
145, 152, 156
- United States 35, 143, 191; 1944  
Chicago Convention on  
International Civil Aviation 115;  
AFL-CIO 51; airline 115; border  
control 1, 132, 133–34; Bush,  
George 123; CCA 38, 39, 118,  
122, 123, 142; Customs and  
Border Protection Agency 143;  
Department of Homeland  
Security 248, 259; deportation 2,  
7, 38, 123, 196, 211, 247, 248;  
detention 38, 121, 122–23, 196,  
248; Ellis Island 7, 29; FAIR 51;  
G4S 2, 117; GATS Mode IV 51;  
GEO Group 38, 117, 122, 123;  
health worker 69, 78; Honduras  
242, 243, 246; human rights 142;  
ICE 123, 196, 211, 248; INS  
122–23; irregular migration 36,  
38; marriage of convenience 19;  
neoliberalism 110, 114, 121, 124;  
‘Operation Endgame’ 123;  
outsourcing 17, 109, 117, 114,  
121, 122–23; Peru 191, 193, 194,  
196, 198, 206, 211; prison  
privatization 122–23; privatization  
109, 122–23, 124; PRM  
department 57; USTR 51; visa 30,  
51–52, 212; *see also following*  
United States *entries*
- United States, immigration law:  
1885 Foran Act 29; 1902  
Passenger Act 7, 130, 145; 1952  
Immigration and Nationality Act  
145; 1986 Immigration Reform  
and Control Act 29; 1996 IIRIRA  
123, 196; 2010 SB 1070 39
- US–Mexico border 37; border  
control 132, 210; disappearances/  
deaths 250; facilitation/control  
interdependency 29–30; G4S 154;  
human smuggling 2, 29–30, 37,  
216, 222, 224; irregular migration  
1, 2; migration management 2, 20;  
militarization 196, 250; Operation  
Gatekeeper 223; public officials  
corruption 224
- Vannucci, Alberto 220
- visa: airline 131; asylum 132;  
bilateral agreements 49;  
corruption 10; CSC WorldBridge  
131; EU 131, 198; human rights  
139; Japan 93, 94; outsourcing  
131–32, 212; Peru 18, 198, 212;  
private company 11; religious visa



- 198; restrictive/discriminatory visa regime 191, 198, 199; US 30, 51–52, 212; visa agency 131–32; visa application 131–32, 212; VFS Global 131; *see also* documents for migration
- Wacquant, Loic 111
- Western Union 38, 52, 77, 176; *see also* remittance
- woman: deportation 245, 247, 249; domestic work 71, 74, 92, 106, 213, 229 (Honduras 243, 246, 254, 259; Peru 195, 200, 204; Philippines 77, 78); exploitation 98, 106; Honduras 243, 245, 246, 247, 249 (rape 239, 251, 252–53); irregular migration 196, 198, 200–202, 205; overwork 106; Peru 196, 198, 200–202, 205; Philippines 81; rescue industry 196; sex industry 14, 226, 228–29; South Korea 98, 106; Taiwan 91; trafficking 6, 228–29, 232 (profit 229)
- World Bank 239, 244
- WTO (World Trade Organization) 48, 50, 51, 53
- Žižek, Slavoj 188
- Zolberg, Aristide 24, 26, 32, 34, 36, 40, 111

## Routledge Global Institutions Series

**69 The Migration Industry and the Commercialization of International Migration (2013)**

*edited by Thomas Gammeltoft-Hansen (Danish Institute for International Studies) and Ninna Nyberg Sørensen (Danish Institute for International Studies)*

**68 Integrating Africa (2013)**

Decolonization's legacies, sovereignty, and the African Union  
*by Martin Welz (University of Konstanz)*

**67 Trade, Poverty, Development (2013)**

Getting beyond the WTO's Doha deadlock  
*edited by Rorden Wilkinson (University of Manchester) and James Scott (University of Manchester)*

**66 The United Nations Industrial Development Organisation (2012)**

Industrial solutions for a sustainable future  
*by Stephen Browne (FUNDS Project)*

**65 The Millennium Development Goals and Beyond (2012)**

Global development after 2015  
*edited by Rorden Wilkinson (University of Manchester) and David Hulme (University of Manchester)*

**64 International Organizations as Self-Directed Actors (2012)**

A framework for analysis  
*edited by Joel E. Oestreich (Drexel University)*

**63 Maritime Piracy (2012)**

*by Robert Haywood and Roberta Spivak (One Earth Future Foundation)*

**62 United Nations High Commissioner for Refugees (UNHCR) (2nd edition, 2012)**

*by Alexander Betts (University of Oxford), Gil Loescher (University of Oxford), and James Milner (University of Toronto)*

**61 International Law, International Relations, and Global Governance (2012)**

*by Charlotte Ku (University of Illinois)*

**60 Global Health Governance (2012)**

*by Sophie Harman (City University, London)*

**59 The Council of Europe (2012)**

*by Martyn Bond (University of London)*

**58 The Security Governance of Regional Organizations (2011)**

*edited by Emil J. Kirchner (University of Essex) and Roberto Dominguez (Suffolk University)*

**57 The United Nations Development Programme and System (2011)**

*by Stephen Browne (FUNDS Project)*

**56 The South Asian Association for Regional Cooperation (2011)**

An emerging collaboration architecture

*by Lawrence Sáez (University of London)*

**55 The UN Human Rights Council (2011)**

*by Bertrand G. Ramcharan (Geneva Graduate Institute of International and Development Studies)*

**54 The Responsibility to Protect (2011)**

Cultural perspectives in the Global South

*edited by Rama Mani (University of Oxford) and Thomas G. Weiss (The CUNY Graduate Center)*

**53 The International Trade Centre (2011)**

Promoting exports for development

*by Stephen Browne (FUNDS Project) and Sam Laird (University of Nottingham)*

**52 The Idea of World Government (2011)**

From ancient times to the twenty-first century

*by James A. Yunker (Western Illinois University)*

**51 Humanitarianism Contested (2011)**

Where angels fear to tread

*by Michael Barnett (George Washington University) and Thomas G. Weiss (The CUNY Graduate Center)*

- 50 The Organization of American States (2011)**  
Global governance away from the media  
*by Monica Herz (Catholic University, Rio de Janeiro)*
- 49 Non-Governmental Organizations in World Politics (2011)**  
The construction of global governance  
*by Peter Willetts (City University, London)*
- 48 The Forum on China-Africa Cooperation (FOCAC) (2011)**  
*by Ian Taylor (University of St. Andrews)*
- 47 Global Think Tanks (2011)**  
Policy networks and governance  
*by James G. McGann (University of Pennsylvania) with Richard Sabatini*
- 46 United Nations Educational, Scientific and Cultural Organization (UNESCO) (2011)**  
Creating norms for a complex world  
*by J.P. Singh (Georgetown University)*
- 45 The International Labour Organization (2011)**  
Coming in from the cold  
*by Steve Hughes (Newcastle University) and Nigel Haworth (University of Auckland)*
- 44 Global Poverty (2010)**  
How global governance is failing the poor  
*by David Hulme (University of Manchester)*
- 43 Global Governance, Poverty, and Inequality (2010)**  
*edited by Jennifer Clapp (University of Waterloo) and Rorden Wilkinson (University of Manchester)*
- 42 Multilateral Counter-Terrorism (2010)**  
The global politics of cooperation and contestation  
*by Peter Romaniuk (John Jay College of Criminal Justice, CUNY)*
- 41 Governing Climate Change (2010)**  
*by Peter Newell (University of East Anglia) and Harriet A. Bulkeley (Durham University)*
- 40 The UN Secretary-General and Secretariat (2nd edition, 2010)**  
*by Leon Gordenker (Princeton University)*

- 39 Preventive Human Rights Strategies (2010)**  
*by Bertrand G. Ramcharan (Geneva Graduate Institute of International and Development Studies)*
- 38 African Economic Institutions (2010)**  
*by Kwame Akonor (Seton Hall University)*
- 37 Global Institutions and the HIV/AIDS Epidemic (2010)**  
Responding to an international crisis  
*by Franklyn Lisk (University of Warwick)*
- 36 Regional Security (2010)**  
The capacity of international organizations  
*by Rodrigo Tavares (United Nations University)*
- 35 The Organisation for Economic Co-operation and Development (2009)**  
*by Richard Woodward (University of Hull)*
- 34 Transnational Organized Crime (2009)**  
*by Frank Madsen (University of Cambridge)*
- 33 The United Nations and Human Rights (2nd edition, 2009)**  
A guide for a new era  
*by Julie A. Mertus (American University)*
- 32 The International Organization for Standardization (2009)**  
Global governance through voluntary consensus  
*by Craig N. Murphy (Wellesley College) and JoAnne Yates (Massachusetts Institute of Technology)*
- 31 Shaping the Humanitarian World (2009)**  
*by Peter Walker (Tufts University) and Daniel G. Maxwell (Tufts University)*
- 30 Global Food and Agricultural Institutions (2009)**  
*by John Shaw*
- 29 Institutions of the Global South (2009)**  
*by Jacqueline Anne Braveboy-Wagner (City College of New York, CUNY)*
- 28 International Judicial Institutions (2009)**  
The architecture of international justice at home and abroad  
*by Richard J. Goldstone (Retired Justice of the Constitutional Court of South Africa) and Adam M. Smith (Harvard University)*

- 27 The International Olympic Committee (2009)**  
The governance of the Olympic system  
*by Jean-Loup Chappelet (IDHEAP Swiss Graduate School of Public Administration) and Brenda Kübler-Mabbott*
- 26 The World Health Organization (2009)**  
*by Kelley Lee (London School of Hygiene and Tropical Medicine)*
- 25 Internet Governance (2009)**  
The new frontier of global institutions  
*by John Mathiason (Syracuse University)*
- 24 Institutions of the Asia-Pacific (2009)**  
ASEAN, APEC, and beyond  
*by Mark Beeson (University of Birmingham)*
- 23 United Nations High Commissioner for Refugees (UNHCR) (2008)**  
The politics and practice of refugee protection into the twenty-first century  
*by Gil Loescher (University of Oxford), Alexander Betts (University of Oxford), and James Milner (University of Toronto)*
- 22 Contemporary Human Rights Ideas (2008)**  
*by Bertrand G. Ramcharan (Geneva Graduate Institute of International and Development Studies)*
- 21 The World Bank (2008)**  
From reconstruction to development to equity  
*by Katherine Marshall (Georgetown University)*
- 20 The European Union (2008)**  
*by Clive Archer (Manchester Metropolitan University)*
- 19 The African Union (2008)**  
Challenges of globalization, security, and governance  
*by Samuel M. Makinda (Murdoch University) and F. Wafula Okumu (McMaster University)*
- 18 Commonwealth (2008)**  
Inter- and non-state contributions to global governance  
*by Timothy M. Shaw (Royal Roads University)*
- 17 The World Trade Organization (2007)**  
Law, economics, and politics  
*by Bernard M. Hoekman (World Bank) and Petros C. Mavroidis (Columbia University)*

- 16 A Crisis of Global Institutions? (2007)**  
Multilateralism and international security  
*by Edward Newman (University of Birmingham)*
- 15 UN Conference on Trade and Development (2007)**  
*by Ian Taylor (University of St. Andrews) and Karen Smith (University of Stellenbosch)*
- 14 The Organization for Security and Co-operation in Europe (2007)**  
*by David J. Galbreath (University of Aberdeen)*
- 13 The International Committee of the Red Cross (2007)**  
A neutral humanitarian actor  
*by David P. Forsythe (University of Nebraska) and Barbara Ann Rieffer-Flanagan (Central Washington University)*
- 12 The World Economic Forum (2007)**  
A multi-stakeholder approach to global governance  
*by Geoffrey Allen Pigman (Bennington College)*
- 11 The Group of 7/8 (2007)**  
*by Hugo Dobson (University of Sheffield)*
- 10 The International Monetary Fund (2007)**  
Politics of conditional lending  
*by James Raymond Vreeland (Georgetown University)*
- 9 The North Atlantic Treaty Organization (2007)**  
The enduring alliance  
*by Julian Lindley-French (Center for Applied Policy, University of Munich)*
- 8 The World Intellectual Property Organization (2006)**  
Resurgence and the development agenda  
*by Chris May (University of the West of England)*
- 7 The UN Security Council (2006)**  
Practice and promise  
*by Edward C. Luck (Columbia University)*
- 6 Global Environmental Institutions (2006)**  
*by Elizabeth R. DeSombre (Wellesley College)*
- 5 Internal Displacement (2006)**  
Conceptualization and its consequences  
*by Thomas G. Weiss (The CUNY Graduate Center) and David A. Korn*

#### **4 The UN General Assembly (2005)**

*by M.J. Peterson (University of Massachusetts, Amherst)*

#### **3 United Nations Global Conferences (2005)**

*by Michael G. Schechter (Michigan State University)*

#### **2 The UN Secretary-General and Secretariat (2005)**

*by Leon Gordenker (Princeton University)*

#### **1 The United Nations and Human Rights (2005)**

A guide for a new era

*by Julie A. Mertus (American University)*

Books currently under contract include:

#### **The Regional Development Banks**

Lending with a regional flavor

*by Jonathan R. Strand (University of Nevada)*

#### **Millennium Development Goals (MDGs)**

For a people-centered development agenda?

*by Sakiko Fukada-Parr (The New School)*

#### **Peacebuilding**

From concept to commission

*by Robert Jenkins (The CUNY Graduate Center)*

#### **UNICEF**

*by Richard Jolly (University of Sussex)*

#### **The Bank for International Settlements**

The politics of global financial supervision in the age of high finance

*by Kevin Ozgercin (SUNY College at Old Westbury)*

#### **International Migration**

*by Khalid Koser (Geneva Centre for Security Policy)*

#### **Human Development**

*by Richard Ponzio*

#### **Religious Institutions and Global Politics**

*by Katherine Marshall (Georgetown University)*



**The Group of Twenty (G20)**

*by Andrew F. Cooper (Centre for International Governance Innovation, Ontario) and Ramesh Thakur (Balsillie School of International Affairs, Ontario)*

**The International Monetary Fund (2nd edition)**

Politics of conditional lending

*by James Raymond Vreeland (Georgetown University)*

**The UN Global Compact**

*by Catia Gregoratti (Lund University)*

**Institutions for Women's Rights**

*by Charlotte Patton (York College, CUNY) and Carolyn Stephenson (University of Hawaii)*

**International Aid**

*by Paul Mosley (University of Sheffield)*

**Global Consumer Policy**

*by Karsten Ronit (University of Copenhagen)*

**The Changing Political Map of Global Governance**

*by Anthony Payne (University of Sheffield) and Stephen Robert Buzdugan (Manchester Metropolitan University)*

**Coping with Nuclear Weapons**

*by W. Pal Sidhu*

**Global Sustainability**

*by Tapio Kaminien*

**Private Foundations and Development Partnerships**

*by Michael Moran (Swinburne University of Technology)*

**Feminist Strategies in International Governance**

*edited by Gülay Caglar (Humboldt University of Berlin), Elisabeth Prügl (Graduate Institute of International and Development Studies, Geneva), Susanne Zwingel (SUNY Potsdam)*

**The International Politics of Human Rights**

*edited by Monica Serrano (Colegio de Mexico) and Thomas G. Weiss (The CUNY Graduate Center)*