

Illegal migrations as a problem of contemporary Europe on the XXI century

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ABSTRACT

Migration is a permanent or temporary change of the place of permanent residence. On the other hand, illegal migration is an entry into the destination country or a stay on its territory in a way that violates the legislation of the host country. There are various reasons for the actual state of this situation. The main reasons include the lack of other possibilities to settle in the given country, as well as the growing demand for an illegal, very cheap labour force. Figures indicate that the phenomenon of illegal migrations show an upward trend.

Furthermore, it is observed that the physical violence increases in relation to illegal immigrants, and the movements and routes used by illegal immigrants to enter a territory illegally are also used for smuggling and distributing drugs and weapons. A negative consequence of illegal migration is human trafficking, which may affect only individuals if it is done on a small scale; however, its effects can be extremely widespread if it is done by organized groups on a large scale. Therefore, illegal migration is a global problem. The EU institutions should intensify the fight against the negative effects of illegal migration.

In this paper, we describe the formatting guidelines for IJOURNALS Journal Submission.

Keywords: migration, illegal migration, human trafficking, illegal migration effects

1. INTRODUCTION

The problem of illegal migrations is an issue that is the subject of many discussions and interests of not only politicians and economists, but also social circles.

The purpose of this article is to show the scale of the phenomenon and its multiple negative consequences. It was assumed that illegal migration is a dangerous and a widespread global problem; therefore, it is necessary to find ways that would minimize the risk of illegal border crossings and focus on actions that aim at a reduction of the negative consequences of this phenomenon. This article is an attempt to consider this difficult issue to produce a broader look at the European Union's migration

policy. Firstly, in this article, terminological issues are discussed. Then, the scale of this phenomenon is showed by means of figures. Finally, the negative consequences of illegal migrations, especially human trafficking and human trade are presented. The article ends with an attempt to find a means to prevent fatal accidents connected with the discussed phenomena. We ask that authors follow some simple guidelines. In essence, we ask you to make your paper look exactly like this document. The easiest way to do this is simply to download the template, and replace the content with your own material.

2. The nature and types of migrations

Migration is a phenomenon that exists since the dawn of time. Our world today obtained its cultural shape to a large extent as the result of migration processes and their consequences [1].

There are many definitions of the migration phenomena. They are the subject of the research of several disciplines, such as sociology, economics, and particularly demographics. The precise definition of the phenomenon of migration is not easy to present. This is mainly due to the multi-dimensional and complex nature of the migration processes and the diversity of research perspectives and theoretical concepts that describe them.

The etymology of the noun "migration" derives from the Latin "migratio" which means moving, or changing location periodically. This phenomenon, as it is defined in the Polish Encyclopaedia of Sociology, is of a relatively permanent nature, and it occurs within a specific space [2].

The word "migration" means a journey, or the movement of the inhabitants of one country or region into the other [3].

Migration "is a change of the place of residence (permanent or temporary residence) within the border of a country, that involves crossing the administrative border of a municipality, including, in the case of urban and rural municipalities, a change of the place of residence within the municipality from rural areas to the city or vice versa"[4].

In the simplest geographic and demographic definition "a migrant is a person that comes or leaves a place

because of other reason than birth or death ...,” and the number of migrants is determined by the difference of population in a given period, adjusted to the number of births and deaths [5].

Migration is permanently or temporarily leaving of the place of the permanent residence, resulting in a movement into another place [6].

Migration is defined as "the process of spatial displacement of people, a change of residence (stay) of people who move from a place of origin (place of departure) to the destination place (place of arrival)" [7].

Based on the above definitions, one may see that migration is a permanent or temporary change of the place of permanent residence.

Migrations are shaped by various factors, events and circumstances, such as the demographic development of the country, the personal and family situation of the residents, material and cultural living conditions, the economic situation of the country, the labour market situation, the political situation of the country, and the state of public safety, including the result of the economic activities of large international companies which implement the circulation of employees.

In the specialized literature, a distinction is made between understanding the word “migration” if different criteria are taken into account. Therefore, we have a distinction between the economic, political, and social determinants, and another determinant (often classified as a social and cultural determinant).

This distinction is shown in the following table.

Table 1. The types of migration

Type of migration	The motives for migration	“Push out” factors
Economic migration	The improvement of the material conditions of the migrant - Perspectives for the improvement of the standard of living - Personal or professional development	- Poverty - Unemployment - Low wages - High birth rates - The lack of basic medical care - Deficiencies in the education system
Political migration	-Migrations without economic conditions only because of political reasons - Protection against various forms of discrimination - The feeling of safety - Political freedom	- Conflicts, danger, violence - Corruption - The violation of human rights

Social and cultural migration	- Family reunification - Migration to the country of their ancestors - The lack of discrimination - A search for other patterns and principles of life, new stimulus for personality, counterbalance for patterns dominated by individualism, state of possession, profit, power, and technology.	- Discrimination that results from ethnic or religious reasons
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Source: Own research based on J. E Zamojski: Migracje doby współczesnej: Geneza, charakterystyka, wyzwania i odpowiedzi. Polska Akademia Nauk, Bulletin of the Committee for Spatial Economy and Regional Planning, Polish Academy of Sciences, Warsaw 1998, p.190; A. Maryański: Migracje w świecie. PWN, Warszawa 1984, p. 8; Report of the World Bank 2006.

The simplest diversification of the movement of people is based on the length of their departure from their territory of origin constitutes a division into temporary or permanent [8].

Another distinction divides migration into internal and external. The first of these migrations take place within one country, for example, from the countryside to the city. External migrations involve crossing the border of a state[9].

There is also used a division based on the nature of the settlement of migrants in the place of destination and arrival. These include migrations from town to town, from urban to rural areas, from the countryside to the cities, and from countryside to countryside [10].

Another frequently used criterion is the form of a decision to move. This criterion creates another two types of migration: voluntary and compulsory. Petersen proposes several different classes of mobility, dividing them depending on what causal factors had an impact on the migration of individuals, i.e., it distinguishes primitive migration (as a result of the forces of nature), forced, voluntary, and mass, to which the behaviours of a conservative or innovative nature are assigned [11].

Another typology distinguishes between legal and illegal migrations, spontaneous and planned (often undertaken after long preparations), individual, family, or group.

Migration can also be divided based on cause. These include migrations of political economic, religious, and ideological backgrounds[12].

The interpretation of these categories is, however, intuitive and is unlikely to cause controversy among researchers.

The phenomenon of illegal migration - definitions, causes, and places of destination

"Illegal immigration can be defined as entry into the country of destination or stay on its territory in a way that violates the legislation of the host country." [13].

Illegal immigrants are those persons who reside in a foreign country without residence permits. Some of them came illegally, while the others crossed the border as tourists, others took a job without permission, having for example only a tourist visa. Currently, the term "illegal immigrants" is being discussed. In English, the term "illegal immigrants" is replaced by another, which is much gentler, which is "unauthorized immigrants" (residing without authorization) or undocumented workers (not registered workers) [14].

Huge disparities in economic development between the European Union [EU] countries and third world countries and difficult political and economic situations in the latter make the whole territory of the European Union a place of destination, which obviously includes those that want to arrive there illegally. Citizens of countries other than member states come to the EU with the aims of improving living conditions and seeking safety.

It often happens that the citizens of third countries wish to avoid immigration restrictive measures applied by an EU country and decide to enter there illegally.

The growing phenomenon of illegal immigration can be explained in two ways. Firstly, the legal aspect should be analysed. If the possibility of a legal settlement in the country is limited, the intensity of illegal immigration increases. Secondly, there is still a growing demand for an illegal, very cheap labour force that affects the scale of the phenomenon as a whole.

A cheap workforce brings tangible economic benefits not only for the employees but also for the entire economy.

Europol [16] the European Union law enforcement agency, uses various categories of immigration in its classification of offenses, e.g. "a facilitated illegal immigration," or in other words people smuggling. This process aims at gaining financial benefits from helping people to come to EU member states illegally (illegal entry) or staying there (illegal residence). Illegally, means that, during the process of smuggling, the legal provisions that concern the immigrants in the place of destination are omitted or violated.

The most common directions of migration in relation to the European Union countries are the north and the west. People migrate from underdeveloped countries (mainly from Africa and Asia) to richer EU countries [17].

The main European routes that are the target of the illegal smuggling activities indicated by Europol include the following:

1. The northern route: from Russia through the Baltic States to Scandinavia, or through Poland and the Czech Republic to Germany and Austria;
2. The Balkan route: from Bosnia and Herzegovina and Albania to Italy or Greece; and,
3. The southern route: through the Mediterranean Sea from Turkey or the Middle East Countries to Greece and Italy and from Morocco to Spain.

How do migrants choose the place of the destination, or

by what criteria are they guided? Certainly, such a motive may be historical or cultural ties. Thus, for example, France became a target country for the African French-speaking countries and Spain for Spanish-speaking countries in South and Central America.

Significant factors of the choice of the destination country remain issues that concern the chances of finding employment, improving the financial situation and being covered with favourable social benefits [18].

Illegal migration in numbers

In characterizing the phenomenon of illegal migration, one should see the data on the size of it. Referring to the figures published by the Europol of 2014, the border guards of EU states detained 278 thousand illegal immigrants. It is over three times more than in the previous year. The increase in illegal immigration is a result of the wars in Syria and Libya, as well as the crises in Iraq, Eritrea, South Sudan, and the Democratic Republic of Congo.

On the other hand, countries in which the majority of the requests for asylum were placed included Germany, Sweden, Italy, and France. On average, across the whole EU in 2014 per a thousand of residents, 1.2 people applied for asylum, although in many Member States the percentage is much higher, e.g., in Sweden, the same year, it amounted to 8.4 people [19].

According to Europol estimates, at least half of the number of immigrants who crossed the border did it with the help of organized criminal groups for which this type of activity is still very profitable. Organised crime groups generated 12 billion Euros of income in 2012 from the illegal smuggling through the borders.

The estimated cost of smuggling one immigrant by an organized criminal group to the territory of the EU in 2011 fluctuated between 3500 and 11250 Euros, with an average of 5000 Euros.

The negative face of the phenomenon of illegal migration

Illegal immigrants are exposed to many dangers, to which one may include the following:

1. The risk of being caught and deported (deportation);
2. The risk of becoming a victim of human trafficking and forced into slavery, e.g. being forced to work as a prostitute, or being sold for body organs; and,
3. The risk of losing life when crossing the border, e.g., as a result of drowning when travelling by sea or rivers and as a result of inhumane conditions during transportation, exposing immigrants to overheating or hypothermia.

Gradually the risk and physical violence in relation to illegal immigrants increases. It should be noted that the routes for smuggling illegal immigrants are also used to distribute drugs and weapons, and humans for trade, etc.

People who illegally migrate, as well as people who help them use various ways of entering into the territory

of EU countries. The most common illegal migration takes place by sea and land transport (often people are kept in inhumane conditions, e.g., migrants are hidden in cubbyholes of a particular means of transport). Migrants often have false documents. They travel generally in small groups that consist of a few people or in larger groups that consists of a dozen or so people. They often pretend to be tourists. Some illegal immigrants do not directly enter EU countries, but first enter bordering countries. There, with the help of organized criminal groups, they are prepared to be smuggled into the target country (country of destination).

Illegal immigration has grown to become a global problem. In almost every EU country there are thousands of illegal immigrants. Many people take illegal employment.

Illegal immigration is also associated with human trafficking. This phenomenon is referred to as *delicta juris gentium* - crimes under international law. These crimes threaten to undermine the very foundations of the enlightened international community as a whole, and it is this quality that gives each one of the members of the international community the right to enforce its criminal law against human trafficking, even though the crimes are committed outside the state's boundaries and the offender has no special connection with the state [20].

Trafficking has grown into a social phenomenon, absorbing various branches of science and public institutions.

Until 2000, effective international law and universally recognized international regulations were not concise enough to make a clear definition of human trafficking. Despite this fact, many international organizations and their bodies, for the benefit of their own, or for the purpose of international conferences, defined this phenomenon.

The first comprehensive definition of human trafficking was made in the Palermo Protocol [21] This definition eliminated differences between national legal interpretations, establishing an international legal order. The purpose of the Protocol was to prevent organized crime and human trade [22].

Provisions of Art. 3 of the aforementioned Protocol define "trafficking in persons" as follows [23]:

a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set

forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Human trafficking affects both individuals and groups of people if it is controlled by organized smuggling networks. Trading on a smaller scale takes place mainly in border areas. Trade organized by the criminal groups is done on a mass scale, where many people are recruited and transported. They are treated inhumanly and sold to customers abroad. International gangs are able to control all aspects of human trafficking. They have specialized recruitment agencies involved in the preparation of falsified documents, transportation, and assigning people to jobs, e.g., work in brothels or on the streets [24].

As a result of the emergence of new forms of organized crime routes, human trafficking in Europe has changed. Previously, it was easier for law enforcement authorities to determine the crime routes. In the early nineties, people from Poland, Czech Republic, Hungary, and Lithuania were the countries of origin. Now, they have become both transit countries and places of destination. Women are smuggled through many countries and to many places of destination .

Countries such as Ukraine, Belarus, Moldova, Romania, and Bulgaria, the Balkan countries, similarly, became both the transit countries as well as the places of destination. .

The possibilities to fight against illegal migration

The problems associated with the phenomenon of illegal immigration, smuggling and trafficking still remain unsolved. Certainly, the state of research on illegal migration in European countries is insufficient. Moreover, illegal migration is a profitable business for the organized crime groups; therefore, this phenomenon is very difficult to inhibit.

The EU institutions should focus on the activities that may reduce all risks and life threats associated with migrations as follows:

1. There should be developed regional and local measures for the protection of people endangered with human trafficking, and there should be implemented more comprehensive ways of control over traffic at the border crossings between the Member States.
2. It is absolutely necessary to fight human trafficking, smuggling, and organized crime.
3. Border protection measures should be strengthened, and there should be better monitoring of bordering seas and waterways.
4. Efforts should be made to protect and save the lives of illegal immigrants in the Mediterranean Sea.
5. It is important is to provide assistance to Member States which are subject to strong pressure of migration.

6. Actions should be taken that would reduce the whole process of illegal migration through, e.g., the protection of human rights or aid to the poorest countries.

The EU has developed a number of documents that relate to illegal migration with the objective of fighting against this phenomenon. However, this problem is impossible to be totally eradicated. Every year, many people make the effort to illegally enter the territory of the EU Community. People want to move to "a better world" and have "a better life." This wish pushes them to make sometimes-tragic choices: the risk of losing one's own life in exchange for "hope for a better tomorrow".

Conclusion

The growing phenomenon of illegal migrations has become a challenge for modern Europe. Both the figures that show the enormity of the phenomenon and the dangers associated with it are alarming. Illegal migrations are also associated with the problem of the distribution of drugs, weapons, and human trafficking. The latter violates international law derived from international agreements and customary law. The problem of human trafficking, despite the involvement of various branches of science and state institutions, still remains unsolved. For organized crime groups, this means just a source of income. Gangs have exact smuggling routes and take control over all aspects of human trafficking. That is why it is so important for the EU institutions to take all possible steps to fight the phenomenon of illegal migrations.

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- [9]. Such distinction seems to be rather intuitive. In this case, the measurement of the migration processes intensity may be problematic. Other terms may cause the interpretive difficulties such as the change of the countries status from where the immigrants come – gaining or losing independence, change of the state borders as a result of which people become members of another country without changing their place of residence. International comparisons may not be simpler, since there are many ways of registering the income and outcome of immigrants that exist despite the attempts to unify the procedures in this scope. One has to indicate that it is hard to estimate is also the number of migrants of an unregulated legal status – people who cross border illegally who perform a job without permissions who are not registered in official documents or registration systems constitute for the researchers an inaccessible category of people.
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