

# From Migration Control to Disciplining Mobility: New Actors, New Challenges

Gallya Lahav  
Associate Professor  
Department of Political Science  
SUNY Stony Brook, United States  
Gallya.lahav@stonybrook.edu

The 'Lampedusa Dilemma':  
Global Flows and Closed Borders.  
What should Europe do?  
EUI, Florence  
17-18 November 2014

## INTRODUCTION

The **EUI Forum on Migration, Citizenship and Demography** is a joint initiative by the four departments of the EUI, the Robert Schuman Centre for Advanced Studies and the Max Weber Programme. It brings together critical analysis, informed debate and policy recommendations from the wider field of citizenship and democracy, demography, migration and asylum governance, and the management of cultural diversity.

**Professor Anna Triandafyllidou is the Scientific Organiser of the Forum's Inaugural Event: The 2014 Conference on the Lampedusa Dilemma.**

Policy experts and scholars from a variety of disciplines will share their views on migration governance, human rights, asylum-seeking and international protection, as well as irregular migration.

The Lampedusa disaster of October 2013 demonstrates the dramatic events taking place in the Mediterranean area which require urgent, forward-looking and well-thought out responses.

While the democratic upsurge of the 'Arab Spring' may have been lauded by Western observers, very soon after, reactions were mired in concerns about the prospective surge of people arriving from the embattled Middle East. The speculative, if unrealized, physical threat of migrants and ethnic minorities flooding Western shores have forced European policy-makers to reconcile their rights-based and economic interests to open borders for the movement of people, with their political pressures and capacities to secure their borders. Across the board, a changing discourse paved the way for dramatic qualitative regulatory changes steadily incurred since the end of the Cold War. A momentum towards 'disciplining' the cross-border mobility of people has coincided with a sweeping expansion of the migration regulatory regime.

A core feature of this enlarged migration playing-field has been the incorporation of non-state actors at the private, local, and international level in burden-sharing functions of gate-keeping. Actors such as airlines and transport companies, travel agencies, hospitals, universities, employer groups, NGOs, and foreign states have been co-opted in an extended regulatory framework of migration and border control. Since these non-state actors have the economic, social and/or political resources to facilitate or curtail entry and return, they provide states with different sites and flexible tools to control mixed migratory flows at the source.

The question is to what extent do these actors open up new channels and opportunities for state regulation over borders, or diminished democratic governance? To a large degree, the answers depend on the nature of the relationships that keep these dynamics in motion, and the degree of collaboration, cooptation or level of autonomy of each actor. This topic has received increasing attention in the literature (Gammeltoft-Hansen and Nyberg Sorensen, 2013; Bloom 2014) though still begs systematic empirical testing and substantial investigation. To a large extent, the research has shown that such enforcement models have effectively allowed liberal states the flexibility to circumvent humanitarian and financial constraints, while

meeting regulatory goals (Lahav and Guiraudon, 2006). Less systematically studied however has been the impact of this extended regulatory playing-field on democratic governance. Given the devolution of migration to largely non-democratically accountable actors, how do diffuse, non-state societal actors, namely the publics react to the changes in the “rules of the game”? The second set of questions stemming from these institutional developments thus relates to their normative impact on democratic governance and civil liberties. These considerations underscore the point that effectiveness, may not only be measured by implementation outcomes, but they rely on the level of public support and political leverage that politicians can garner among constituencies that democracies compel.

### **New actors in migration management and surveillance instruments.**

In addressing these questions, this paper poses a less linear view of globalization that may allow scholars to identify the diverse levels and instruments that states have been able to deploy to protect traditional interests. The proliferation of new actors in migration management, and the deployment of vast surveillance instruments, such as IT, biometrics, and scanning (see Koslowski, 2011), visual diagnostics, and smart borders, facilitated by globalization undermine the negative externalities of regulation for democratic societies. The creation of transnational spaces, such as airports, airspace, seas, cyberspace for example, challenge traditional border control and national sovereignty. They also represent areas where rights may be circumvented. According to some human rights groups, these types of spaces have been seen to “create a corporate equivalent of Guantanamo Bay” – a virtual rules-free zone in which perpetrators are not likely to be held accountable for breaking the laws (*New York Times*, 24 May, 2006). Combating non-state actors with non-(central) state actors has resulted in an array of new regulators in what have been traditionally state regulatory functions. However, as this commentary suggests, the impact on democratic governance and regulatory effectiveness, fundamental precepts of European political identity and of territorial independence are clearly in the balance. The increasing salience and ‘securitization’ of migration and dramatic sensationalism captured in the ‘Lampedusa syndrome’ – has placed these issues in the center of public debate, forcing democratic policy-makers to consider public and societal demands around these institutional and normative transformations.

### **New regulatory modes on cross-border control and democratic governance**

This brief report broadly identifies the emergence of new actors in disciplining mixed migratory flows, since human mobility became linked to security concerns in the post-Cold War era (Lahav 2013). It examines the effects of such regulatory modes on cross-border control and democratic governance, by considering both overt institutional developments, and soft implementation practices and attitudinal norms. Finally, the report contextualizes these regulatory dynamics the security framework triggered by the ‘Arab Spring’ in 2010-2011.

## **INSTITUTIONAL DEVELOPMENTS**

Ironically, the end of the Cold War unleashed a climate of heightened insecurity, evidenced by the emergence of new security issues and new policy actors on the political agenda (Lahav, 2012). Notably, European policy-makers across the board began to adopt policies that converged

around restrictive migration enforcement. The most striking policy developments towards this goal have included tighter border controls, increased visa requirements, readmission agreements, buffer zones, smart borders, fingerprinting and biometric databases, carrier sanctions, accelerated return procedures, employer sanctions, labor enforcement, work authorization and student verification procedures, detention and removal of criminal aliens, changing benefits eligibility, and computer registration systems. While these initiatives represent the most obvious legislative responses to migration concerns, the image of governments simply making and then implementing policy simplifies the process of contemporary migration practice.

### Non-state and private actors in migration control

What has gone largely unnoticed in all of these policy developments has been the marked reliance on non-state, typically, private actors, who provide services, resources, technology, and non-public practices that are otherwise unavailable to central government officials (Gilboy, 1997, 1998; Lahav, 1998; 2003; 2007; Guiraudon and Lahav 2000; 2006). In the literature, they have invariably been understood as ‘deputy sheriffs’ (Torpey 2004), ‘agents’ (Guiraudon and Lahav, 2000) and public-private partnerships in processes of ‘remote control’ (Zolberg, 1999), delegation (Guiraudon and Lahav, 2000); venue-shopping (Guiraudon, 2000; Lavenex, 2001a/b), externalization (Lavenex and Ucarer, 2002; 2004; Lavenex, 1999; 2006; 2013), outsourcing and privatization (Lahav, 1998; 2000, 2005; Menz), and commercialization (Gammeltoft-Hansen and Nyberg Sorensen, 2013). While the constellation of actors with diverse interests reflects the complexity of an extended regulatory playing field, the dynamic is similar. In almost all cases, they are encouraged by states to promulgate extremely protectionist norms. Actors at different levels are reined in either through incentives or constraints (e.g., sanctions).

Going beyond the monolithic view of the state, we can reconceptualize state and public regulatory modes by broadly identifying the number of levels available to policy-makers in controlling migration, and the interests involved among the various actors of the enlarged migration ‘playing field.’ (see Guiraudon and Lahav 2000). This policy framework provides a portrait of how liberal states reconcile the cross-pressures of mixed flows of migration. As such, it represents both overt coercive enforcement strategies of states, and soft indirect power of implementation practices.

**Table 1: Non-State Actors in EU Migration Regulation: International, Private, Local**

| <b>International or Third-State Actors</b>  |
|---|
| <ul style="list-style-type: none"> <li>• Readmission Agreements (with Macao, Hong Kong, Pakistan, Eastern Europe, Russia, western Balkans, Sri Lanka, Morocco, Tunisia, Turkey, Azerbaijan,)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Visa agreements (countries of Western Balkans, Russia)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Mobility Partnerships</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Frontex</li> </ul>   |
| <ul style="list-style-type: none"> <li>• ENP</li> </ul>   |
| <b>Private Actors</b>   |
| <ul style="list-style-type: none"> <li>• Access of vehicle registration services to SIS II</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Obligation of air carriers to communicate passenger data</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Return and expulsion: joint flights</li> </ul>   |
| <b>Local Actors</b>   |
| <ul style="list-style-type: none"> <li>• Police (information management)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Detention Centers</li> </ul>   |

**Depoliticization of migration issues**

The intensification of non-state actors in regulating border crossings has diverted much of the focus away from political debate and has reframed the migration discourse in technical terms. The diffusion of migration regulation to technocratic actors who can more effectively target mobility at the source has soared in Europe at all levels, and has served to depoliticize the immigration issue as much as possible. Increasingly, international and communitarian instruments (particularly the Lisbon Treaty of 2009 which formally institutionalized the EU as an external actor) have enabled European states to socially sort non-desirable migrants (Lyons 2007), monitor borders and negotiate with diverse stakeholders. In this way, migration policy increasingly has become the domain of foreign actors or non-state regulators, but its technical diffusion has ensured increasing enforcement capacities, away from public scrutiny.

**Table 2: Technical and Operations Measures**

|   |
|---|
| • IT agency for AFSJ  |
| • Schengen Information System II  |
| • European external border surveillance and smart border system (EUROSUR) |
| • Standing Committee on Operational cooperation on internal security      |
| • VIS Regulation and Code   |
| • Integration of Biometric features in passports and travel documents     |
| • Exchange of information to combat counterfeit travel documents          |
| • FADO Image-archiving system   |
| • EURodac system  |
| • Entry/Exit System (EES) (pending)                                       |
| • Registered Traveller Program  |

**Reliance on instruments of surveillance**

There are three innovations worthy of study here. First, while the incorporation of non-state actors in migration regulation appear to have roots in older neo-corporatist approaches to conflict-management (Lahav, 1998: 689), they show increasing signs of institutionalization and “webbing” which have flourished as part of state expansion. Second, globalization has afforded migration control extensive burden-sharing capabilities, with an extraordinary degree of sophisticate technology (e.g., biometrics, smartborders, data mining). Finally, the post-WWII context of liberal judicial norms and public scrutiny that states have overcome in order to pursue these national interests is unprecedented. While many of these policies were geared to more serious border control, their reliance on instruments of surveillance (see Liberatore 2005, Lyon 2002; 2004) and non-state actors has also represented a significant retreat from certain liberal principles guiding immigration practices. Among contentious regulatory concerns are questions about privacy, accountability, transparency, discrimination, profiling, and surveillance.

## Normative and Attitudinal Developments

### Public support for new regulatory modes is critical

To the extent that the policy implementation relies on technocratic diffusion of regulation and consensus-building (e.g., de-politicization) we are compelled to ask, how might European electorates figure in this dynamic? Is there a democratic consensus or compromise in regulating migration in this manner? How are public interests organized in such a landscape? The import of public support for new regulatory modes is critical as immigration has become increasingly salient on the public agenda (Lahav 2013). Indeed, the tendency of immigration politics to straddle the ordinary liberal-conservative divide has fuelled “strange bedfellows” coalitions on reforms (Zolberg 1999; Tichenor 2002), making migration regulation politically intractable.

For the most part, the security-rights debate has created a battle line between liberal interest groups and civil libertarians (and some conservatives) concerned about privacy and freedom on one side, and conservatives who worry about the social moral fabric, national security and terrorism, on the other. The first camp considers “Big Brother” – the central government -- not terror to be the greatest threat to the preservation of security and especially democracy. To these groups, the enlistment and collaboration of new actors in migration regulation is all-encompassing and intrusive. The contention within this grouping has not been so much about how well states or non-state actors can oversee policy regulations, and be supervised, but rather about the violation or protection of rights.<sup>1</sup>

### Deficient accountability

The key issue of accountability of these actors has been a major source of concern for civil liberties activists and those concerned about the deterioration of democracies, who echo Plato’s classical concern about ‘who will guard the guardians?’ (Keohane, 2001; Etzioni, 74). Deficient accountability opens the door to government abuses of power, but excessively tight controls make agents reluctant to act (Etzioni, 2004: 66). Finally, the collection of private information, and social surveillance opens a door to all kinds of dissemination abuses that may be democratically compromising.

### Private information and protection of privacy and civil rights

On the other side, proponents have argued that in fact, these actors enable states to develop more reliable means of identification, that would expedite entry into controlled areas, and that would create uniform and verifiable standards rather than the arbitrary ones that exist cross-regionally. While acknowledging that reliability in processes, personnel and technology need to be improved, some advocates argue that these kinds of tools may *help* preserve privacy and civil rights. They argue that government authorities will need less information to determine identification, the innocent can be better protected, and all kinds of other crime such as identity theft, credit card and voter fraud may be prevented (Etzioni, 2004: 120-125). The private sector has been considered to be most likely generators of reliable means of identification (i.e., ATM cards). In addition, it has been argued that limits on use of powers can be built into technology and into the laws. In Europe for example, the establishment in December 2012 of the EU Agency for the operational management of large-scale IT systems in the area of Home Affairs signalled an important attempt to create an independent regulatory

agency to manage sensitive data issues (DG [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/agency/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/agency/index_en.htm))/  
Opponents sometimes claim that these kinds of measures are more troubling as they may amount to ‘the fox guarding the henhouse’ (Etzioni, 2004, 67). Finally, arguments in favor of collusion with new gatekeepers include consideration of public goods. More specifically, those who favor bioterrorism security measures at borders argue that whether or not they prevent future attacks, they also promote public health (i.e., the fight against SARS, influenza, AIDS, Ebola) – a major public good, even if it contributes nothing to national security (Etzioni, 2004: 89-94). The extreme form of this argument is that democracy is endangered not when strong measures are taken to enhance borders and safety and to protect and reassure publics – but when these actions are not taken.

### ‘Virtues’ and benefits of such modes of regulation

Though the majority of regulatory debate has been focused on rights-security interests, the arguments are far from straight-forward. While policy studies have aptly focused on the negative externalities of such enforcement measures on state commitments to uphold democratic and humanitarian norms, more research is warranted on the ‘virtues’ of such modes of regulation advocated by its defendants at the national level. The outsourcing of migration management via readmission agreements for example clearly incurs the risk of transgressing on obligations of the Geneva Convention, or the European Convention on Human Rights, as it may involve ‘chain refoulement’ by third-countries. By outsourcing virtual gatekeeping to countries with dubious democratic standards in the Mediterranean, such as Libya or Morocco, EU states for example, can be seen to circumscribe their more democratic domestic constraints (Cassarino, 2007). Notwithstanding, in line with humanitarian arguments, researchers must systematically assess the value of increasing transparency, predictability, and efficiency in managing migration, such a burden-sharing approach may serve for vulnerable persons. As some libertarian proponents of readmission agreements argue for example, these instruments provide a transparency, since they clearly state the procedural conditions for readmission prior to the enforcement of a return decision. Moreover, if implemented with care, and true to Lisbon or Stockholm Program stipulations,<sup>2</sup> such agreements may contribute in fact to reducing the migrant’s period of uncertainty or detention by facilitating and speeding up the enforcement of return decisions.

Other unforeseen ‘benefits’ derived from such enforcement strategies may focus on electoral politics. More specifically, the technical diffusion of regulatory practices serves to depoliticize the increasing salience of migration on the public agenda. These electoral fortunes that might otherwise go to the extreme-right has offered mainstream policy-makers the ability not only to defuse the issue (Lahav 2013) but particularly in the case of migrants from the MENA region, it has enabled politicians to avert increasing transnationalization and radicalization of ethnic minorities at home.

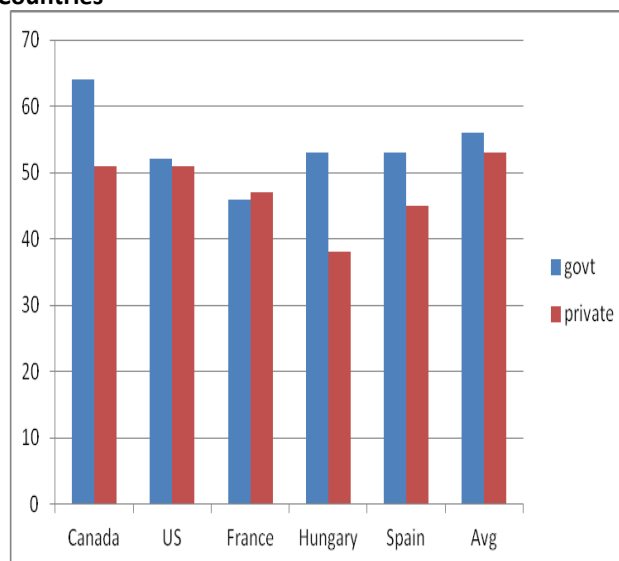
### Media attention

The increasing consensus among European publics reflects a major shift in migration discourse that emphasizes technical issues over political aspects of migration. The extent to which the migration issue has undergone a depoliticization (e.g., decrease in ideological polarization or public reaction) is manifest in support of publics for shift from traditional state to new actors in migration regulation at all levels. Interestingly, while media attention on

**Public support**

issues of privacy and surveillance issues have increased dramatically, and the impact of civil liberties has been catapulted onto the mainstream media agenda (Whitley, 2008; 13), the decline in public support for a “surveillance society” has been rather inconsequential. Public acquiescence to increasing surveillance or increasing control mechanisms have not accompanied by a noticeable surge in populist movements (Zureik, et al. 2008; Lahav 2013). Moreover, though most people across Europe (and other democracies express skepticism of both government or private companies’ abilities to protect their personal information (see Zureik et al., 2008: 13), they are more likely to support information-sharing between private actors and national governments than all other combinations.<sup>3</sup>

**Figure 1: Public Support for regulation over personal information of Select Countries**

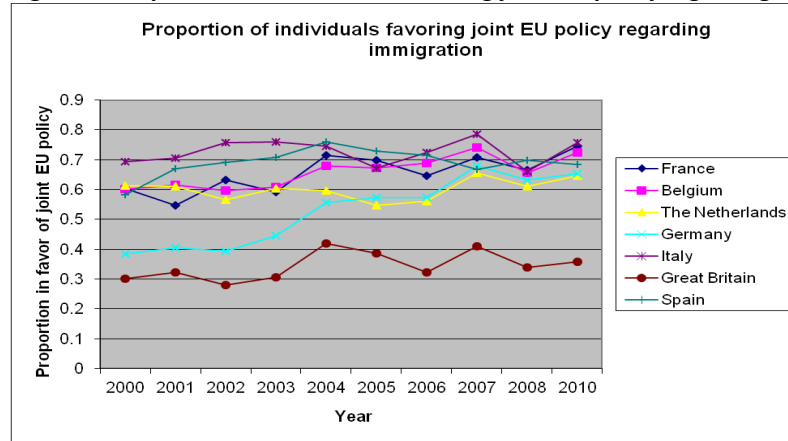


Source: *Surveillance Project, November 2008,*

Q: *To what extent do you believe laws are effective at protecting your personal information that is held by government departments/ private companies*

Public support for international or external EU actors (e.g., Frontex) has also been more favorable. In a 2011 poll, support to delegate the EU responsibility to set national-level immigration numbers increased to 42 percent from 2010 levels, though southern European countries disproportionately made up this pro-EU bloc of voters (German Marshall Fund 2011). According to the poll, 60 % of Italians and 51 % of Spaniards preferred a EU role in establishing national immigrant numbers, an increase from 47 % and 34 %, respectively, in 2010. German respondents expressed far lower support (35 %, still up from 27 % in 2010), and lower still were electorates of the United Kingdom (18 %, up from 12 % in 2010).

Figure 2: Proportion of individuals favoring joint EU policy regarding immigration



Considering the trends in public opinion in both immigration rejection and EU support, it is no surprise that the policies most convivial to the “partial” Europeanization of migration have been on visas, asylum and illegal where protectionism has been most desirable (Lahav and Luedtke, 2014).

### Prevalence of security-driven over humanitarian interests

To be sure, public deference to these new actors over time coincides with increasing prevalence of security-driven over humanitarian interests of the migration equation. As migration experts have noted, if migration is linked to security, we may expect more limited debate on democratic values or civil liberties, and ultimately de-politicisation to eventually take place (Liberatore, 2005: 2). In this context, the emergent institutional dynamics related to mobility thus reflects this weak demand structure or client politics. The promotion of the EU as a foreign policy actor in mobility for example, has coincided with the institutional dominance of security-dominant JHA, which has emerged as a pivotal actor in EU migration regulation. The democratic shortcomings of institutions include the marginal role of national legislatures and the European Parliament (EP); the non-accountability of Eurojust (EU Justice cooperation) to the European Court of Justice (ECJ), and the isolation of police cooperation (Europol) from the publics. To a large degree, the activity generated by such actors has been determined by bargaining among networks of bureaucrats and professional elites – seemingly disconnected from publics.). Ironically, the innovative technological support gained by democratically unaccountable non-state actors have provided states the capacity to regulate borders more securely, in more flexible ways that can depoliticize the rights fall-out, short-circuit public scrutiny, and reconcile the migration ‘trilemma’ between rights, security, and markets (Lahav 2005).

### ‘Trilemma’ of migration: rights, security and markets

## THE EFFECTS OF THE ‘ARAB SPRING’ ON NEW REGULATORY FRAMEWORK

Given that the growth of such a migration regulatory framework has coincided with a deepening of security link, we are compelled to assess how the revolutionary upsurge and political instability in Euro-Med’s so-called ‘neighbourhood’ has affected the control strategies institutionalized since the end of the Cold War. As seemingly stable authoritarian regimes in the Middle East and North Africa were radically falling to popular uprisings, they promised



### Nature of public debate changed

to champion Europe's sacred principles of 'democracy, rule of law, universality and indivisibility of human rights and freedoms, equality'. These hopes were quickly replaced by alarming crises and instability, when a vacuum of power paved the way for radical or authoritarian regimes, unleashing large influxes of displaced persons (mostly within the MENA region). European publics were quickly absorbed by fears of large-scale migration and exportation of these conflicts on its territory, and therefore the nature of public debate changed (see Lahav, 2013). Migration policy-makers were forced to urgently reconcile their control dilemma anew and to reconsider the regulatory strategies adopted since the 1990s. To what degree could Europeans hang on to the view of North African or Mediterranean states as pre-frontier barriers to irregular entries?

### Externalizing migration policies to third- countries in the Mediterranean appeared tenuous

Strategies of externalizing or outsourcing migration policies to third- countries in the Mediterranean appeared tenuous, given the lack of adequate guarantees for regulation and even more importantly, human rights violations (Trauner and Carrapico, 2012). European policy-makers were suddenly put in a tricky position forced to rely on countries with dubious democratic standards and political instability. While European institutions such as the EP attempted to pressure the Commission in 2013 to halt financial imbursement to then-Morsi's Egypt, for the most part, these politically sensitive issue linkages were largely avoided. The discomfort and resistance of European practitioners to 'rock the boat' have led to institutional and bureaucratic wrangling around EU agencies and national actors, but with little change to institutional dynamics. Thus, even while the Commission called for a comprehensive revision of the EU's European Neighbourhood Policy Strategy in the form of "A New Response to a Changing Neighbourhood" (European Commission, May 25, 2011), the dynamic remained much the same.

In efforts to reconcile competing interests, European states have concentrated their MENA relations more on technical cooperation (Bauer, 2011) and externalization of regulation. In keeping with efforts to discipline and control potential influxes and defuse public debate, European countries pursued with vigour a 'carrot' strategy of mobility partnerships. The proliferation of these initiatives with countries, such as Morocco, Tunisia, Egypt, and Turkey was seen as precursors to readmission agreements.<sup>4</sup> Though based on the principle of exchange (e.g., more access to Europe or development aid for improved border-protection cooperation), they have been criticized for their non-complementarity and have been met with serious problems (see Mourakis and Triandafyllidou, 2013). Only one-third of these agreements—both adopted or in progress—have contained visa liberalizations (www.europa.eu.DGS, 2013). Furthermore, the condition that the Commission put on EU member states to cease national negotiations in parallel to EU readmission agreements with third countries meant that European states focused their energies on individual bilateral migration agreements (greatly favoured by third countries).<sup>5</sup>

### Smart borders system

In context of anticipated inflows from the MENA region, European states have sought to reconcile their cross-pressures and expand their regulatory outreach in other technical ways. Most notably has been the surge of new proposals by the European Commission to adopt a 'smart borders package'. With the understanding that irregular migrants within the EU are largely overstayers (Triandafyllidou and Ambrosini, 2011), the EU has stepped up the diversification of arsenal and surveillance techniques by pursuing smart border

systems congruous to those adopted in the United States. While these proposals for smart borders system first formally emerged in 2008 (through a Commission white paper), it was notably in the midst of the Arab spring that the European Council (of national ministers) moved to push it forward rapidly (European Council Conclusions, 24 June 2011). In February 2013, the European Commission tabled three specific proposals that include an Entry/Exit system, a Registered Traveller Programme for vetting select individuals before they arrive at EU borders, and legal amendments to the Schengen Borders Code. While still undergoing contentious negotiations, these initiatives reflect an intensification of enforcement strategies that began in the aftermath of the Cold War insecurity but cemented by concerns about political instability and insecurity in Europe's backyard.

## CONCLUSIONS

### Effectiveness of new regulatory frameworks driving migration control

The extent to which European policy makers manage new challenges of migration is largely dependent on the ability to adapt strategic responses while responding to competing political pressures. To a large degree, the effectiveness of new regulatory frameworks driving migration control today is predicated more on democratic outcomes (*perceptions* of control or insecurity) than on demographic or policy outcomes. Notwithstanding, it is worthwhile to note that despite controversial fears about dramatic spikes in irregular migration or asylum applications, as some experts suggest, this did not pan out exactly as projected beyond the initial phase (Fargues, 2011). By 2012, Frontex (2013) estimated that illegal border crossings into the EU in fact decreased roughly 50% compared to the previous year (from approximately 150,000 to 73,000). The degree to which the proliferation of new actors helped stem these crossings may offer some insight about the effectiveness in regulating mobility. Equally telling is the success of policy-makers to technically defuse and depoliticize the migration issue in ways that have attenuated both financial and normative costs (e.g., privacy, equality, accountability, transparency, due process, discrimination, 'non-refoulement').

### Unintended effects

Of course, the proliferation of such control mechanisms does not necessarily mean that states have become more efficient in their overall response to migration. Quite on the contrary, intensified regulation and limitation of entry access may in fact serve to dislocate the pressure for mobility and have unintended effects, such as perpetuating the phenomenon of irregular migration, compromising states' capacity to satisfy economic demands (Castles 2004), to fulfil humanitarian obligations, or to guarantee civil liberties (Lahav, 2003). Despite these significant humanitarian and economic compromises however, this burden-sharing dynamic offers policy-makers substantial leverage in reconciling the cross-pressures posed by mixed flows, and multiple linkage opportunities. Paradoxically, in some cases, European policy-makers can use 'control signals' to draw public attention to their successful efforts at controlling unwanted forms of immigration or to placate public hostility while simultaneously pursuing more liberal regulations on wanted forms of immigration (Wright, 2013). Compelled by international agreements (Schengen, ENP, etc.) and sanctioned by domestic public opinion, European states may thus manage the mobility control dilemma in ways that balance the diverse (and sometimes opposing) interests of the stakeholders involved. While the fragmented nature of such control may not

lend itself to global governance,<sup>6</sup> such multi-layered governance may be said to “rescue states’ control prerogatives through enhanced cooperation (Kunz, Lavenex and Panizzon, 2011). In context of turbulence in the Middle East, and fiscal crises in the West, the incorporation of non-state actors may offer European states more cost-efficient and effective enforcement strategies, while reconciling the competing demands of migration interests.

*Disclaimer: The views and opinions expressed in this paper are those of the authors and do not necessarily reflect those of the EUI’s Forum, its constituent parties or scientific directors and convenors.*

## ENDNOTES

<sup>1</sup>Amnesty International (2007) has been concerned that carrier liability laws for example have been applied in ways that obstruct asylum seekers and refugees fleeing to safety, and that misconstrue the 1944 Chicago Convention in ways that may be incompatible with the spirit of the 1951 Geneva Convention relating to the Status of Refugees .

<sup>2</sup> According to the European Commission 's action plan related to the Stockholm Program (2010-2014), "the prevtion of irregular immigration in line with the Charter of Fundamental Rights is equally important for the credibility and success of EU policies".

<sup>3</sup> According to the Surveillance Project survey, 34% of Americans, 40.6% of Spaniards, and 37.8% of French state that "under no circumstances should a private sector organization share information" with their national government, compared with 53%, 61% or 56% of respondents who thought that private companies should not share with other private companies, respectively (2008: 28).

<sup>4</sup> Egypt in fact rejected this initiative.

<sup>5</sup> By 2013, six EU member states (Cyprus, France, Greece, Italy, Malta, Portugal, Spain) were in different stages of negotiation with Morocco, Algeria, Tunisia, Libya and Egypt (Volkel 2014)

<sup>6</sup> As defined by A-M. Slaughter (2004: 371) as 'formal and informal bundles of rules, roles, and relationships that define and regulate the social practices of state and non-state actors in international affairs."

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## MORE ABOUT THE EUI FORUM ON MIGRATION, CITIZENSHIP AND DEMOGRAPHY

### Scientific Directors

**Professor Joseph H. H. Weiler**, President of the EUI  
**Professor Brigid Laffan**, Director of the Robert Schuman Centre for Advanced Studies, EUI

### Mission Statement

The **EUI Forum on Migration Citizenship and Demography** is a 2-year programme (2014-2016) that brings together professors, senior fellows, post-doctoral researchers and PhD students from the four EUI departments, the Robert Schuman Centre for Advanced Studies and the Max Weber Programme, over a set of themes of common expertise and interest.

Building on a wealth of academic publications, policy papers, conferences and workshops, produced by EUI scholars in the wider field of citizenship and democracy, demography and migration management, cultural diversity and ways to address it, the Forum offers critical analysis, informed debate and policy recommendations.

Topics to be addressed by the Forum activities in the form of Oxford debates, policy workshops and academic conferences include:

- The management of cultural and religious diversity in Europe at times of intensified globalisation trends and increased migration flows
- Balancing demographic and labour market challenges. How to build an effective and efficient migration and migrant integration policy in Europe?
- Upholding our asylum commitment in an increasingly volatile geopolitical framework: Ethical and political considerations.
- EU law and policy on migration and asylum: Fit for purpose for 2030?
- Europe: a continent of emigration, immigration and mobility. Past experiences, present challenges and future trends.

### FORUM website

<http://www.eui.eu/Projects/TheForum/Home.aspx>