

# Illegal Immigration as A Structural Factor of Global Development

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*The present article examines the theoretical and methodological issues in the study of illegal migration and international cooperation aimed at preventing illegal migration. When analyzing the issues of illegal immigration, the theoretical and methodological justification becomes of a special importance. At present, the task of systematization and standardization of terminology with respect to illegal migration analysis seems to be especially relevant, without which it is impossible to start formalizing data on the global scale. The present study reveals possibilities for the investigation of the illegal migration issues.*

**Keywords:** *international migration, illegal migration, migration policy, structure of illegal migration, undocumented/unauthorized entrance, legal entry with false paper, illegal (informal) employment.*

The growing scale of illegal immigration is one of the significant global migration trends. As it was noticed in the Resolution of the 59<sup>th</sup> Session of International Labor Organization (ILO) ‘despite the efforts of main receiving countries, the number of illegal migrants is still significant. And if we consider this question on the global scale we will find that such migration is more likely a rule than an exception’ (ILO 1974). Still nowadays, despite the vigorous efforts of major receiving countries to stand against illegal immigration, the estimated numbers of illegal immigrants continue to increase there. As it was noticed in the Resolution of the 92<sup>nd</sup> Session of the ILO in 2004

the number of migrants in an irregular situation is rising, fuelled by the growth of informal forms of employment, shortages of workers for dirty, demeaning and dangerous jobs (‘3D-jobs’) and lack of opportunities for regular labour migration. The absence of formal management for migration and national policies in some countries contributes to the increasing number of irregular migrants (ILO 2004).

The reasons root in the growing economic and demographic gap between main sending and receiving countries and demand for cheaper labor force against restricted migration management and narrow channels for legal entry and employment of foreign workers in the developed countries. As a result, in the countries with relatively liberal immigration policy, which remain essentially open to immigration (such as Australia, Canada, New Zealand, the USA, *etc.*), illegal immigration is an alternative for those migrants who do not meet the required criteria, and for those who would have to wait longer than they wish in order to obtain an immigrant visa, as well as for those for whom the unauthorized immigration is less expensive. At the same time in the countries with a strict immigration

policy (such as the European Union) illegal migration for the majority of migrants is the only way to implement their spatial mobility. All these things lead to the fact that for many countries illegal migration has become typical.

It is quite difficult to estimate illegal immigration. Different indirect methods can give us just approximate estimations that may greatly vary. For instance, according to the UN experts, every year from 2 to 4.5 million people illegally cross the borders of countries. Moreover, the illegal migrants' number grows with people who arrive to the country lawfully, but overstayed there, thus violating the terms of residence. According to different estimates, today from 10 to 15 per cent of all international migrants (from 20 to 35 million people) stay in countries illegally. Now the number of illegal migrants is about 10–15 million in the USA, from 1.9 to 3.8 million in the European Union, from 3.0 to 5.0 million in Russia, from 0.3 to 1 million in Japan, from 1.0 to 3.0 million in the Middle East, from 1.0 to 3.0 million in South America. We have to admit that illegal immigration affects not only a country's development. All the countries with a higher cost-of-living index than their nearest neighbors may become a victim of illegal immigration. For example, Mexico, the biggest supplier of illegal immigrants in the world, is at the same time a receiving society for about a million illegal immigrants from countries of South America (GCIM 2005: 32–34; ILO 2004: 11–12; Papademetriou 2005; Morehouse and Blomfield 2011: 6).

Over a long period of time, the receiving societies were rather tolerant to migrants including the illegal workers. However, in recent years social, economic and geopolitical circumstances seriously damaged the tolerance in terms of growing negative public opinion on immigration.

In the late 20<sup>th</sup> and early 21<sup>st</sup> centuries, the issues of illegal immigration have become not only urgent but also directly related with the standards of living of indigenous populations, increasing crime rate, international terrorism and other negative points. The public concerns, in their turn, have increased interest in the problems of illegal immigration on the part of public and political figures, non-governmental organizations, scientific community, international organizations (UN, IOM, ILO, the European Union, Council of Europe, *etc.*). After the 9/11 tragedy in the USA, this became especially noticeable when the main topic of the socio-political discourse has become a matter of national security and fight against international terrorism, as well as the events of 'Arab Spring' of 2011, that have significantly aggravated the issues related to forced and illegal immigration to Europe.

### **Methodological Issues of Illegal Migration Studies**

Before talking about contemporary trends and features of illegal immigration we should define who can be considered an illegal immigrant.

The complex character of studies of social phenomena of 'illegal migration' is caused by the lack of an established terminological apparatus. Thus, in the works of the leading Russian and foreign experts one can find not only different definitions of illegal immigration, but also different comprehension of the essence of the phenomenon itself.

To denote the migrants that enter the country irregularly or illegally, violating the established terms of residence or reside in a country without a residence permit, violating

other relevant immigration rules, and the appropriate type of migration in contemporary academic literature scholars use a number of terms and expressions: ‘undocumented’, ‘paperless’, ‘illegal’, ‘unauthorized’, ‘with an irregular status’, ‘irregular’, ‘clandestine’, ‘quasi-legal’ migration *etc.* At the same time, while some scholars consider these terms as interchangeable, others believe these concepts to be fundamentally different. There are nuances in the perception of the terms ‘illegal migration’, ‘clandestine migration’, ‘undocumented migration’, and ‘irregular migration’.

In foreign literature the term ‘illegal migration’ is dropping out of use and substituted by and large by the term ‘irregular migration’. The term ‘illegal immigration’ is mainly used when referring to the smuggling of migrants and people trafficking (see Ghosh 1998; Okolski 2000; Tapinos 2000; Krasinets, Kubishin, and Tyuryukanova 2000; Vorobyeva 2001; Vitkovskaya 2002; Iontsev 2002; GCIM 2005; Papademetriou 2005; Aleshkovski and Iontsev 2006; Jandl, Vogel, and Igllicka 2008; Morehouse and Blomfield 2011; IOM 2011).

In the 1990s, the discussion on the definition of illegal migration obtained in Russia not only scientific but also a wide political and social response. That reaction was caused by the creation of the Commonwealth of Independent States and by a particular attitude to the former Soviet citizens, hundreds thousand of whom moved to Russia after the disintegration of the USSR. Some of them have had an undefined status for many years.

One of the first international documents addressing the term ‘illegal immigration’, was Convention No. 143 on Migrant Workers adopted by the ILO Conference in 1975. This convention defines *clandestine or illegal migration* movements as those where migrants find themselves ‘during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations’. This definition emphasizes different aspects of illegal immigration: *entry, residence* in the host country and *employment*. The Convention also mentions that ‘considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses’ (ILO 1975).

The Programme of Actions of International Conference of Population and Development (Cairo, 1994) underlines that

*undocumented or irregular migrants* are people who do not fulfill the requirements established by the country of destination to enter, stay or exercise an economic activity. Given that the pressures for migration are growing in a number of developing countries, especially since their labor force continues to increase, undocumented or irregular migration is expected to rise (UN 1994).

In the *Glossary on Migration*, prepared for the International Organization for Migration, one finds the following definition:

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of *irregular migration*. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending

country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term 'illegal migration' to cases of smuggling of migrants and trafficking in persons (Perruchaud 2004: 34–35).

The 'Report of the Global Commission on International Migration' published in 2005 states that:

The term '*irregular migration*' is commonly used to describe a variety of different phenomena involving people who enter or remain in a country of which they are not a citizen in breach of national laws. These include migrants who enter or remain in a country without authorization, those who are smuggled or trafficked across an international border, unsuccessful asylum seekers who fail to observe a deportation order and people who circumvent immigration controls through the arrangement of bogus marriages. These different forms of irregular migration are often clustered together under the alternative headings of unauthorized, undocumented or illegal migration. The Commission is aware of the controversy surrounding the adequacy of these concepts, and concurs with the assertion that an individual person cannot be 'irregular' or 'illegal'. This report therefore refers to the people concerned as 'migrants with irregular status' (GCIM 2005: 32).

In the *Handbook on Migration Terminology* prepared in 2011 by the European Union and the International Organization for Migration the following definitions are presented (IOM 2011):

*Undocumented migrant workers / migrant workers in an irregular situation* – migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State.

*Undocumented alien* – an alien who enters or stays in a country without the appropriate documentation. This includes, among others: one (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.

*Irregular migration (clandestine migration)* – movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term 'illegal migration' to cases of smuggling of migrants and trafficking in persons.

*Irregular migrant (illegal/undocumented migrant or migrant in an irregular situation)* – someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country.

Thus, *irregular (illegal) migration* is the spatial population movements through the state borders dealing with the violation of rules of departure in the country of origin, rules of entry/residence in the destination country, or rules of transit through another country.

Illegal migration may appear within a country if it has restrictions for internal population movements without a special permission (*e.g.*, in Russia at the times of the USSR or in contemporary North Korea).

*Illegal migrants* are those who violate rules of entry, departure, residence or transit through a particular country.

There are two main types of illegal migration: *illegal emigration* and *illegal immigration*. Besides, in the last years we observe new forms of illegal transit migration dealing with smuggling of migrants and trafficking migrants.

Let us focus on the differences between two main types of illegal migration.

*Illegal emigration* is usually non-return and very often takes a form of forced migration in case of successful entry to the country, as illegal immigrants often apply for refugee status. In case of failure in getting refugee status many people from this group become illegal immigrants and sometimes may be deported to their native countries that may result in punishment for them.

*Illegal immigration* is usually a return migration related to illegal job placement.<sup>1</sup> In that case, migrants can cross the state border legally (as tourists, business migrants, or by invitation from friends and relatives), illegally (through poorly controlled boundaries) or unduly (using fake documents and transit visas), but in all cases with further illegal job placement.

*Illegal employment* of migrants is the employment without proper juridical registration according to the rules for foreigners in the receiving country.

Thus, significant characteristics for the illegal immigration are: 1) *illegal employment* – the main target of most of illegal immigrants regardless the way of crossing the border; 2) *temporariness of employment* – most of illegal migrants intend to come back to their native country.

We define three types of illegal immigration (see Fig. 1 and also Okolski 2000; Tapinos 2000; Papademetriou 2005; Jandl, Vogel, and Iglicka 2008):

1. *Undocumented/unauthorized entrance* – one of the main types of illegal migration (*e.g.*, in the USA this category accounts for about two-thirds of all illegal immigrants). These are people who enter another state clandestinely. Most of such entrants cross land borders, but sea routes are also used regularly and wherever inspection regimes are permeable, so are the air routes. In all cases, the entrant manages to avoid detection and hence, inspection. At the same time on many borders special channels for illegal migrants have been created by human smuggling organizations.

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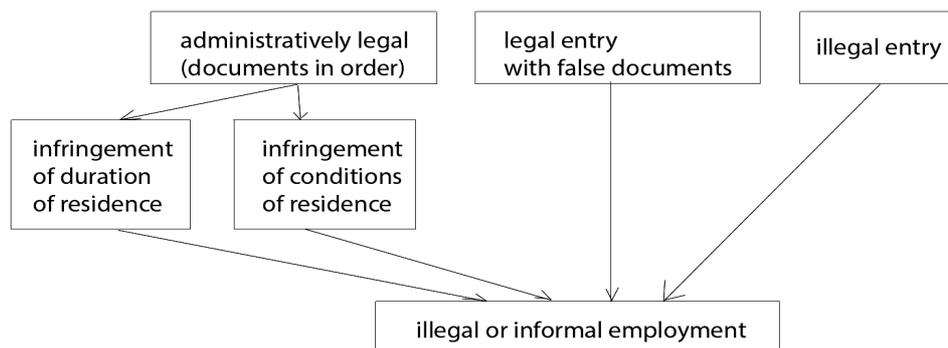
<sup>1</sup> Among illegal immigrants there are asylum-seekers, terrorists and other criminals, however, generally illegal migration is labor migration by nature.

One should distinguish between unassisted and assisted illegal border crossings. Unassisted illegal migrant is a person who plans and executes an illegal entry by himself, whereas an assisted illegal migrant turns to other people (or organizations) for help. Nowadays increasing proportions of clandestine immigrants are smuggled or trafficked. According to the ILO experts, about half of migrants when crossing the borders of a country become victims of human traffickers. Illegal immigrants often rely – voluntarily or forcedly – on the assistance of ‘migration brokers’, that is transnational criminal groups specializing in smuggling and trafficking migrants. Smuggling and trafficking migrants is a powerful international business with high profits and low risks. In fact, it is a specific element of informal migration infrastructure that opposes official international migration management institutions. According to Europol data, incomes of illegal immigration organizing networks are comparable to those of drug business.

2. *Legal entry with false paper (fraudulent documents)*. This type is the migrants who legally arrive to the destination country, but use fake documents for entry (fake passports or other persons' passports, fake or changed visas, fake invitations *etc.*). Here we also attribute fraudulent asylum claims and other documents necessary to claim for the refugee status.

3. *Illegal (informal) employment*. This type includes people who enter another state properly (*e.g.*, with tourist visas or by private invitations), but later they violate the rules of residence. It may be violation of terms and conditions of visa during their legal residence in the country of destination (*e.g.*, illegal job placement of students or tourists, changing the place of work despite the contract terms) and also the violation of the time of residence prescribed by visa or other documents (*e.g.*, foreign students ‘willfully’ exceed the period of legal stay and lap into irregular status; transit migrants with overdue visas working under international agreements and contracts that are run over their period of validity).

**Fig. 1.** Structure of illegal immigration



### **Economic and Political Aspects of Illegal Immigration**

Illegal immigration is mostly an economic process by nature. It is not surprising that the majority of illegal immigrants are people looking for a job or for higher earnings than they have in their native country.

From the economic point of view, the illegal immigration is driven by aspiration for economic benefits on the part of four main participants of this process:

- *migrants*, who decide to choose the illegal way of movement and job placement;
- *employers*, who give job to illegal migrants;
- *sending states*;
- *receiving states*.

As to the *illegal immigrant*, the reasons for his or her illegal entry and job placement in the foreign labor market are concerned with the following factors:

- more opportunities for employment and higher salaries in the destination country in comparison with the country of emigration;
- no possibility to get a legal permission for entry and work in the desirable country of destination;
- possibility not to lose time and money to get residence permit and work permission;
- possibility to evade tax payments.

The immigrants coming for seasonal work in the informal sector (building, agriculture, *etc.*) are especially inclined to get no official registration of their stay.

As to an employer, the advantages of using illegal immigrants are the following:

- possibility to save money on salaries and social payments;
- the illegal migrants' disfranchised position allows the employer to break labor rules and set up his own job conditions, salary, working schedule *etc.*;
- the necessity to fill the vacancies (harmful and dangerous) that are not attractive for local population;
- disproportion of offer and demand for labor in the regional and sectoral markets;
- necessity to use more flexible schemes to hire employees;
- a strict system of registration and licensing of foreign employees.

Thus, immigrants working illegally are the cheapest and disfranchised working force that is a significant reason to hire such people in spite of increasing fines and sanctions (even imprisonment). Thus, one of the reports of the USA Population Council directly points: businessmen get more benefits using the illegal immigrants that live and work in terrible conditions and get the lowest salary. This fact explains why corporate business in the USA lobbies for simplification of immigration rules, up to totally open borders. For example, the government found out that 80 per cent of people gathering the harvest of onion in the state of Georgia were illegal immigrants. The Immigration and Naturalization Service tried to make its job and legalize these migrants or deport them, but the legislative instances of the state hampered the INS activity. The employers in agriculture, construction and low-paid sector claim that they must have a right to employ foreigners even if they are illegal (Buchanan 2004; UN 2002). According to the estimates, the developed countries' governments will face growing pressure on the part of businessmen who need new employees to maintain their competitiveness on the global market. Otherwise, under the conditions of globalization the developed countries with their ageing population and lack of young people will be hardly effective in competition with less developed economies on the global market.

Paradoxically, not only employers get benefits from using labor of irregular immigrants but the receiving state as well, because they can be considered as 'net taxpayers' (Linderdt 1992) who participate in taxation in most cases (indirect taxes rather than direct taxes) but have no access to social security benefits. The research of the American scholars confirm

that receiving states gain from illegal immigrants in terms of lower prices and dampened inflation, higher competitiveness of their products in the world market. So, 'in general illegal immigrants are not a burden for the treasury and they positively influence the receiving countries economy' (Tapinos 2000: 30).

*Sending countries* may also encourage illegal migration as it can positively affect their economy, especially in the short-run. Illegal migration contributes to the decrease of demographic pressure in the countries of origin and reduces the unemployment level. According to some estimates, the labor migration from Mexico to the USA reduces the annual increase of Mexican population from 1.5 % to 1.8 % (ILO 2004). Illegal migration also creates huge flows of remittances to the emigration countries. The volume of remittances sent home by international migrants are growing rapidly. While the precise figures are hard to obtain, the World Bank estimates that the annual value of formally transferred remittances in 2011 was about \$372 billion, showing a 130-percent increase in just five years. Remittances almost triple the value of the Official Development Assistance (ODA) provided to low-income countries and comprise the second-largest source of external funding for developing countries after Foreign Direct Investment (FDI). Significantly, remittances tend to be more predictable and stable than FDI or ODA. They continued to rise during the Asian financial crisis, for example, while FDI flows fell. This is not an isolated case. The World Bank data indicates that when a country encounters political or economic difficulties, citizens who are living and working abroad support their compatriots by increasing the amount of money they send home (GCIM 2005: 26).

The mutual benefit of all participating actors makes illegal migration an essential and everlasting element of the world economic structure despite official attempts to combat it. The problem of illegal migration cannot be solved while on the labor markets of receiving countries there are possibilities for illegal job placement and interest of employers and government in cheap and disfranchised manpower that can provide the decrease of costs for social care and consequently provide lower price and higher competitiveness. On the other hand, the economic situation in the countries of leaving is always an active pushing out factor.

Together with the economic factors of illegal immigration we have to point at the political factor that is contributing to the increase of illegal migration scales provoking it from the side of host country as well as from the side of country of leaving. The Chinese government supposes that the USA in fact encourages illegal migration by giving political asylum to the most of the Chinese migrants while they are usually moved with economical reasons. At the same time, the Mexican Government, aimed at softening the problem of poorness, supports migration to the USA. Future illegal migrants are supplied with a necessary stock of food, water and medicine; they also get the address of social services that welcome immigrants without any questions (Buchanan 2004).

Economic and political relationships between the countries play an important role in the increase of illegal immigration, including traditional migration ties, gaps in economic development and cost-of-living indices, *etc.* Speaking about Russia and other former Soviet states, we mention the following factors affecting illegal immigration:

- a better economical situation in Russia in comparison with other CIS countries;

- weakness of boundaries (poor boundary infrastructure and lack of control especially in the Asian region);
- lack of common Russian labor market;
- a huge share of informal economy;
- lack of language barrier;
- a weak punishment for usage of illegal manpower;
- contradictions in Russian law of foreigners' enter and work placement.

The important factor of illegal immigration in some countries is their geographical position as **transit countries**. Many countries of East and South Europe face this problem. For instance, the Government of Malta claimed several times that they cannot manage with a huge number of immigrants from Africa that pass through Maltese waters to Italy, but have accidents and illegal landings to the banks of Malta. Starting from 2006, the European Union started to control water boundaries of Malta to stop the boats with illegal immigrants in advance.

Russia is facing a similar situation. After it has joined international migration flows in the late 1980s and early 1990s, it has faced different, sometimes unexpected, consequences. One of them is related to Russia's geopolitical position as a transit country for migrants from Asia and Africa forwarding to Europe. One can agree that Russian official bodies responsible for migration management failed to take transit migrants under control. Coming with transit or tourist visa or illegally, they may be simply lost in the large country. At the same time, the border control at the western Russian boundaries is strict. By preventing illegal departure of transit migrants who stay in Russia, the Russian border services make the country a 'settling pot' for illegal migrants.

In the late 1990s, growing illegal immigration has changed its scale and structure. Russia has become the destination country for irregular labor migrants from the former Soviet states. In recent years, the labor migration becomes dominant. This fact influences upon Russian labor market (in particular, the labor markets of Moscow and the Moscow Province, St-Petersburg and its Province, the Krasnodar Province, *etc.*). It is mainly related to migration from neighboring former USSR countries.

The majority of illegal migrants enter Russia legally (for work, study, as tourists or with private invitations) but later they start to work illegally on the Russian territory. The major countries of origin are Uzbekistan, Ukraine, Tajikistan, Azerbaijan, and Kyrgyzstan.

The surveys show that main spheres of employment of illegal immigrants in central regions and big cities of Russia are construction, commerce, public transport, and small-scale industries. In the cities they are usually involved in: jobbing, market trading, private taxies, repairing, cottage building, restaurant service and some others. In the countryside the illegal migrants are usually engaged in seasonal building and agricultural works. Another option is an informal sector that does not require registration and at the same time allows people earn money quickly while avoiding taxes (which is nearly impossible in the developed countries).

When irregular migration obtains a significant scale, it has a number of negative social and economic consequences. We identify the main of them:

- spreading of shadow economy, as the irregular migrants create unjustified benefits for the companies employing them in comparison with other companies;
- by creating goods and services market out of control, stimulating the development of shadow economy and breaking the system of relations between market players and government, illegal immigration hampers the development of effective civilized national labor market;
- illegal immigration can be related to smuggling, prostitution and drugs distribution and other criminal activities;
- illegal immigrants do not pay taxes and the companies employing them do not pay social security payments that lead to the lost fiscal gains. In some cases illegal immigration can also result in the tax increase for native inhabitants as the budget loses money to support immigrants: for education for their children, security, prisons *etc.*;
- illegal immigration challenges and threatens public security, especially when it involves corruption and organized crime;
- the guaranteed minimum wage does not wound illegal immigrants that may cause the decrease of wages for unskilled workers;
- employees can ignore the requirements of safety, health care and accident prevention practices, this can lead to the injuries and even death of the immigrants;
- with an illegal status, migrants do not have medical checkup to define if they have diseases; they do not always make use of public services to which they are entitled, for example emergency health care. At the same time they can be exposed to the risk of illness especially if they travel illegally or under compulsion, because of bad and unsanitary conditions of living, hard labor conditions and extra labor exploitation. It might cause serious medical risks as the diseases may spread among population of the receiving country;
- migrants with irregular status are often unwilling to seek help from the authorities because they are afraid of arrest and deportation, that is why they usually become victims of crime;
- illegal immigration increases the crime rate;
- illegal immigration is usually followed by creation of ethnic communities with significant ethnical and cultural distance from the local population that prevents them from integration into the receiving society. This may result in social and ethnical tension, strengthening of extremist nationalist tendencies;
- illegal immigration can also generate xenophobic sentiments directed not only at migrants with irregular status, but also at regular migrants, refugees and ethnic minorities, that may lead to the social split;
- illegal immigration is the main factor for ultra-right parties to win at the elections;
- social exclusion of illegal migrants from receiving society, forming of separate zones for migrants where they live according to their ethnic-based norms and values (ethnical enclaves) that is making integration of immigrants into the host society difficult or even impossible;
- in case of unfavorable development (prolonged accumulation of illegal immigrants) the situation can get beyond control in some regions of country.

Such combination of factors is the reason for growing problems related to illegal immigration and illegal employment of foreigners. The criminal groups' activities enhance the situation. They 'assist' illegal immigrants to get job in the shadow sector or clandestine industries, or use them for executing risky crimes. In fact, they contribute to the growth of the global scale of illegal immigration despite declared counter-irregular migration strategies in most receiving countries.

### **Illegal Immigration and State Migration Policy**

The increasing scope of the phenomenon in question requires referring to numerous international practices in the field of regulating the migration flows.

In general, according to the state immigration policy the following measures against illegal forms of immigration can be taken: prevention (by information campaigns and special services for potential migrants); enhancement of border control; punishment of human traffickers and smugglers; strict sanctions against employers who hire migrants illegally; development of international cooperation between countries of destination, origin and transit in the field. There are exceptions when such immigrants can be legalized as well; however, it is possible only in limited cases and for particular reasons according to international law. At the same time, when arranging struggle against illegal immigration it is important to maintain a general confidence in asylum granting systems and in common migration channels.

In the recent years, governments in many countries, including Russia, have been toughening up the immigration policy. Confronting increasing international terrorism threat, the following aspects become of prior significance: immigration control; intensification of migrants' filtration according to national security requirements; toughening up measures against illegal immigration.

Strict laws against illegal immigration and against hiring illegal immigrants have passed lately almost in all developed countries: in 1986, 1990 and 2007 – in the United States, in 1988–1990 – in Italy and Spain, in 1999 – in the United Kingdom, in 2002 – in Germany, *etc.*

Measures to reduce illegal immigration are introduced in the following main directions:

- *prevention of illegal immigration.* Information campaigns in the press, on television and radio in the main emigration countries, clarifying terms and conditions of stay and employment abroad, as well as dangers of legal immigration. With these campaigns, potential migrants in the countries of their permanent residence will be able and are expected to receive essential information on advantages of legal ways of immigration, transit and employment in the host countries. For example, under the European Commission initiative, special information centers in the countries with the largest expected emigration flow are settled. Their main function is to provide people with information on legal seasonal employment opportunities in the EU and to carry out information campaign about dangers of illegal immigration.

- *intensifying border control.* The European Commission considers that one of the key security components is an effective guarding of the EU external borders. It is important not only in the context of anti-terrorism protection, but also against illegal immigration,

human trafficking and organized crime as well. European borders protection agency – Frontex – is in charge of this security goal.

- *suppression of criminal organizations activity*, that are engaged in illicit transit of migrants; *granting special visas* to those persons who act as witnesses against participants of such criminal groups;

- *imposing sanctions against transporters* – that is against transport companies bringing illegal immigrants on surface, by water or air;

- *increasing the extent of foreign citizens' responsibility* for illegal stay in the country. Among the measures against such behavior there are administrative penalty, detention, custodial placement, deportation, interdiction or restrictions on re-entering the country;

- *introducing administrative and criminal liability of employers* for hiring illegal labor force (*e.g.*, levying delayed tax payments and social transfers of these companies, commerce license withdrawal, shutdown, deportation expenses payment, imprisonment of directors);

- *intensifying cooperation between countries of destination of illegal immigrants*, interaction with countries of origin and transit of illegal migrants. In particular, re-admission agreements are signed within the frames of this direction.

The analysis of existing laws shows an ambiguous nature of host countries' policy against illegal immigration. On the one hand, policy on newly arriving migrants becomes more and more restrictive. On the other hand, there is a legalization policy for those who arrived to the country earlier and were hired illegally. Thus, during the period from 1980 to 2010 about 25 migration amnesties took place in developed countries and more than 7 millions illegal immigrants was amnestied. It is significant that some experts oppose such campaigns as the last; in their opinion, migrants' amnesties can only increase the scale of illegal immigration (for more details see OECD 2000: 53–70).

In 2003–2005, the Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments. It was given the mandate to provide the formulation of a coherent, comprehensive and global response to the issue of international migration and to achieve a more effective governance of it. One of the eight thematic projects was 'Irregular migration, state security and human security'. This project examines the use and adequacy of different terms to be used in relation to the irregular immigration; examines the ways in which and the extent to which irregular migration constitutes a real or perceived threat to state security and sovereignty; provides an assessment of state policy and practice in relation to control of irregular migration. According to the recommendations of the Commission: border control policies should form part of a long-term approach to the issue of irregular migration that addresses the socio-economic, governance and human rights deficits that prompt people to leave their own country; states should address the conditions that promote irregular migration by providing additional opportunities for regular migration and by taking action against employers who engage migrants with irregular status; states should resolve the situation of migrants with irregular status by means of return or regularization; states must strengthen their efforts to combat the distinct criminal phenomena of migrant smuggling and human trafficking. In both cases, perpetrators must be prosecuted, the demand for exploitative services eradicated and appropriate protection and assistance provided to victims; states

must respect the human rights of migrants, the institution of asylum and the principles of refugee protection ([www.gcim.org](http://www.gcim.org)).

As regards situation in Russia, at the moment almost all the attention of Federal Migration Service (FMS) is concentrated on prevention of illegal immigration and struggle against it. Thus, the FMS is entrusted with developing and carrying out the state migratory policy. This leads to such an attitude of FMS heads to migration processes that is still very similar to the police one, and migration itself (both legal and illegal) is considered, first of all, as a threat to Russian national security. Thus, according to Konstantin Romodanovsky, the FMS Director, illegal labour migration undermines competitiveness of the Russian labor market and in 2012 federal taxes losses caused by illegal migrants staying in Russia exceeded 40 billion rubles (about USD 1,3 billion).

To summarize, it is necessary to note that questions connected with illegal immigration management require complex approach. These problems should be considered in a broader context of the general immigration legislation. First of all, it should include definite juristic regulation of criteria and procedures for legal entrance to the country. This regulation should take into account the variety of modern immigration flows.

International experience of struggle against illegal immigration proves that in modern democratic societies this problem cannot be completely solved. At the same time it can be significantly reduced by encouragement of legal labor migrations.

In order to estimate illegal immigration effectively, first of all, it is essential for Russia to develop a juridical base for legal immigration, extend opportunities for legal residence in the country, and simplify procedures of getting work permit. On the other hand, policies on illegal immigrants and employers that break the law should be toughened up.

With expanded legal safeguards, a part of immigrants who now prefer illegal ways of entering and staying in the country will switch to legal position. It is significant that Russian recent legislative initiatives concerning the migration management that were put into the force in 2007–2012 can help this process. However, they cannot give a fundamental solution to the problem of illegal immigration as long as its advantages are evident for those who benefit from it (businessmen, employers, consumers, representatives of legal bodies, human traffickers, *etc.*).

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