CAPTURING IRREGULAR MIGRATION THROUGH A MACRO-SOCIOLOGICAL LENS: 12 STEP PROCESS FROM AND THROUGH NORTH AFRICA TO EUROPE

ARTICLE

Dr. Mohamed Saib Musette*

Introduction

There is a vast literature on irregular migration. Each country develops its vision and appreciation without knowing either the magnitude or depth of this particular migration movement. In the same way, each discipline tries to develop its specific contribution to form a picture of the phenomenon that has taken on a complex dimension during this millennium.

In contrast to the wealth of literature on irregular migration, we can note a paucity in terms of measuring this phenomenon. A handful of analysts (Tapinos, 1999; UNODC, 2010; Kraler & Reichel, 2011; IOM, 2015; Macauliff & Koser, 2017) have made an attempt to measure the phenomenon, albeit with difficulties due to lack of data.

Drivers of irregular migration are not the same as for regular migrations. There is a third active actor involved in the process: smugglers. In this paper, we deliberately limit our analysis to migrants. The business of smugglers needs other tools for the quantification of many outcomes: the benefits of the business, their networks including transnational actors providing travel documents, logistics and lodgings.

First, it is important to know what we are measuring: stock or flows of migration? Inflows or outflows? Measuring stock relates to the number of irregular migrants, as defined by the United Nations (UN) recommendations (1999), either short- or long-term *migrants,* those staying over 90 days without a legal residence permit. Measuring flows is quite different. Irregular migration refers to the rule of law from the country of departure to the country of arrival.

Our definition derives from three international conventions. First, the International Labour Organization (ILO) Convention 143 (1975) sets out the different forms of irregularity: from the country of departure, during their journey, on arrival or during their period of residence and employment (for workers). Second, the UN Convention on Migrant Workers and Members of their Family (1990) states that irregular migrants must have the same basic human rights as nationals. Third, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime (2000) considers smuggling as a criminal action.

*Research Director, Research Centre in Applied Economics for Development, CREAD – Algiers

We have developed a global vision of the process of irregular migrations in 12 steps, with a focus on *harga* from North Africa to Europe crossing the Mediterranean Sea. The first sequence has three steps. Migration, regular or not, begins at the *entry box* with the intention to leave, then the decision-making begins with the first prospections and finally the departure starts with the choice of the route and the mode of departure. The final sequence has three options: asylum seekers, regularisation and naturalisation. Between these two sequences, there is the "black box" that each analyst observes, with his resources, on three routes (land, sea and air). The measurement of migration flows (entry/exit) is carried out according to the regularities of border crossing. The detection of irregularities is done in the home country, during the journey, on arrival to and during the stay or overstay in the host country.

Figure 1. Mapping the process of irregular migrants in twelve steps
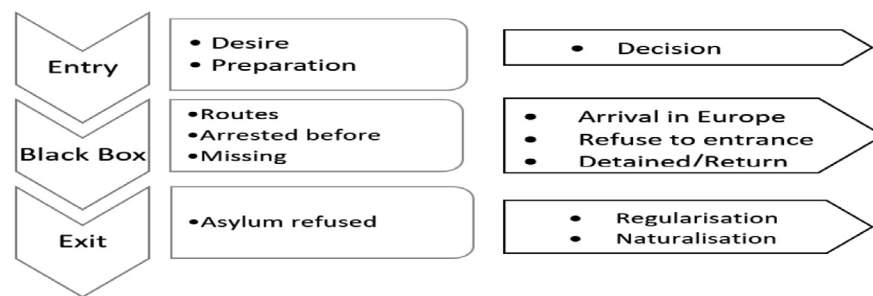
This construction provides a macroscopic view of the process of irregular maritime migration. This means that a single small rotation of the view gives a shift of all narratives, myths and options to transform irregular into regular migration. The economic situation in 2020, coupled with the COVID-19 pandemic, has given rise to temporary border closures. The strict control of border movements has significantly changed the perception of regular and/or irregular migration. This change brings to light another paradox: an upsurge of irregular migration by sea from Maghreb countries to Europe.

1. Entry Box with Three Steps, Mainly Observed by the Country of Departure
These steps are not relevant to the stock of migrants and so the persons involved are not yet migrants but potential migrants or *migrants to be*.

Step one relates to the desire or the aspirations expressed by people to migrate. The intention of migration provides the intensity of expected flows, quite different to prediction. Many surveys have been carried on this topic. Gallup runs a world survey on potential migration (2017): more than 750 million persons would move if they could, an average of 15% worldwide. Middle East and North Africa (MENA) countries account for 24%. A recent survey (BCG, 2021) shows a decline in world global talent move, from 63% in 2014 to 50% in 2020. The rates are higher for Maghreb countries: 92% for Tunisia, 84% for Morocco and 83% for Algeria. Other regional surveys (Afro & Arab Barometers) also provide figures on the intention to move. For North African countries, the SAHWA survey (2015), targeting youths, goes deep to capture the intention to move, even irregularly, if there is the opportunity to do so.

Step two goes further behind the intention or the aspiration to migrate by detecting whether there is a plan or initiative. People who desire to move may be just dreaming and others lack the means to do so. The preparedness to move is thus important, as is the country chosen. The Gallup Survey provides such data: the preparation rate worldwide is 7.6% for those who hope to move during the next 12 months, but only 3% have really taken some initiatives to do so.

Step three concerns the decision to move. There are many theories on the determinants of the decision to migrate. The best decision tool to measure migration from North Africa to Europe is the visa application. Failing to have a visa to travel to Europe can change the decision to migrate and the route chosen may be reconsidered. The latest trends from EU Statistics show around 25% of visa applications were refused (2019), with Algeria the top Maghreb country (40%). The decision to migrate by sea, during the COVID-19 pandemic, with closed borders and visa application centres, seems to be the only option left for potential migrants.

2. The Black Box: Six Steps from Country of Origin Through the Mediterranean Sea to Europe

These steps are very important as they concern the "migrant to be" and can be divided into two sequences mixing rules of law from departure and arrival countries. The first three steps provide information from the country of departure's efforts to combat irregular migration on different routes (land, air and sea). Our focus will be on the sea route. Some people are arrested on the southern Mediterranean shores before boarding. Others are saved, drowned or reported as "*missing migrants*".

Step four sets up the scene for migration routes. Eurostat published data on migrating by different routes. An assessment of the main migration routes is possible using the refusal at entry as a proxy. Refusal at entry, from 2013 to 2020, with an average of 83% at the land border, 14% at the air border and only 3% at the sea border.

Step five sheds light on statistics produced by the *countries of departure* on the *harga*[1] process, *haraga* and smugglers arrested. Morocco detected 27,000 irregular migrants and dismantled more than 60 smuggling networks in 2019; in Algeria, 8,184 Algerian *haraga* and 3,085 foreigners have been arrested, and 190 smuggling networks dismantled; in Tunisia, from 2011 up to 2016, police arrested some 14,000 persons trying to migrate. For 2019, Tunisian Coast Guards intercepted some 1,020 *haraga*. Sometimes, Maghreb security coastal forces provide data on *haraga* bodies that are washed ashore. Thus data has been collected through refusal of entry as a proxy over the last decade.

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[1] The term *harga* in Arabic means the action of burning. The term used in Maghreb countries for the action of crossing borders irregularly, burning not only border control but also their identity or travel document. Harag means the migrant to be and its plural form is *haraga.*

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Step six gives additional figures from the International Organization for Migration (IOM) Missing Migrant Project, which is worldwide. The Mediterranean Sea is described as the deadliest zone in the world. Attempted crossings during the first quarter of 2021 rises up to 27,584 (quite close to overall attempts in 2020, with 34,000) and nearly 600 deaths registered this year, twice more than in 2020. Apart from IOM facts, other non-governmental organizations (NGOs) help rescue "migrants to be" in the Mediterranean Sea.

The second sequence relates to three more steps mainly involving European countries' migration management and cooperation or agreement with North African states: refusal at entry detention of migrants and return migrants.

Step seven brings us back to the arrival in Europe, focusing now only on the sea border. Out of a stock of 618,000 migrants in an irregular situation in 2017, 13% came from North Africa. A 10-year trend shows that Morocco stands alone with more than 40% of all North African migrants. A recent study on the stock of irregular migrants in Spain has approximately the same structure: less than 10% of migrants are from Africa, half of which are from Morocco.

Step eight gives another picture on *harga* flows in Europe, with data released by FRONTEX in 2020. For *haraga* from Algeria, out of 42,000 *haraga* arrested by sea at European Borders, nearly 40% came from Morocco, and 30% from Tunisia and Algeria.

Step nine introduces return migration as one solution to fight irregularity of movement from North Africa to Europe. FRONTEX reports that 298,190 irregular migrants were given a "return decision" by EU member states in 2019. Of this figure, 138,860 people were effectively returned (either forcibly or voluntarily); that is 46%.

3. Exit Box: Asylum Seekers, Regularisation and Naturalisation

The exit box deals with asylum seekers[2] whose demands are pending or refused, with the regularisation process of migrants and, finally, naturalisation of migrants or foreign-born persons.

Step ten relates to asylum seekers from North Africa in Europe. According to United Nations High Commissioner for Refugees (UNHCR) data, Algerian asylum demand in the EU increased twofold from 2011 to 2020. Moroccan demand multiplied by five during the same period. Tunisian demand fell slightly after the exceptional upsurge in 2011.

Step eleven concerns the regularisation of part of the stock of irregular migrations to Italy and Spain, not we argue in response to migrant demands but to the economic needs for seasonal labour during the COVID-19 pandemic. No assessment of these

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[2] Refugees are protected under international law against being penalized for unauthorized entry or stay if they have travelled from a place where they were at risk. Convention relating to the Status of Refugees and its 1967 Protocol.

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regularisations has been published to date. During these last 25 years, some 70 regularisation programmes have been conducted in Europe concerning some 6 million migrants.

Step twelve deals with the naturalisation process, namely within the stock of migrants and foreign-born people. During the last decade, more than 9 million migrants became European citizens. Two and a half million (26%) of them came from Africa. Within Africa, North African migrants amount to 50% of Africans granted naturalisation. Within North Africa, the share of Moroccan migrants is the largest, with 65% becoming European citizens. The three north Mediterranean countries (Spain, France and Italy) grant 40% to Africans.

Conclusion

In the face of COVID-19, the rhetoric must change from discrimination to solidarity. The UN launched a campaign to fight misinformation and discrimination against irregular migrants, in line with the Leave No One Behind (LNOB) principal of its Sustainable Development Goals (SDGs) Agenda 2030.

In this paper we have attempted a synthesis of the different stages of the process of irregular migration but this analysis remains unfinished. Further in-depth studies will be necessary to consolidate the model to estimate the volume of irregularities observed to achieve this global vision.

A first simulation of the model gives a share of less than two percent of potential migrants who have taken the initiative to leave. We have also seen that the steps may not be successful: the decision can be revised. A third of potential migrants will be intercepted and thus experience the end of the dream. Some will meet their death or will be saved in extremis by NGOs in the Mediterranean Sea. Others will be apprehended on entering the northern shores. There are also many more unknowns. They can also be arrested during transit at land borders. Finally, some migrants will be detained and others deported. Only a very few will get out of the exit box. They will try to obtain a refugee status or else be regularised and perhaps naturalised in the long run.

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