

Illegal Migration To Europe: What Should Be Done?

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There is a real and present danger of overt hostility of majority populations towards the minorities established in the EU. An important factor fuelling rising hostility is the sense that immigration is out of control, most visibly manifested in the rapid increase in illegal and dangerous forms of entry. Migration policies are in evident need of urgent reform. The EU needs an effective policy towards illegal entry. The challenge is to allay reasonable fears without pandering to anti-immigrant prejudices. At a minimum the new policies will need to be common across the Schengen area. Realistically, they will also need to apply to Britain: the crowds of illegal migrants at Calais are, as recognized by its mayor, the consequence of the present differences in policies.

Illegality is a menace. Without rights to work, those who succeed in entering EU territory are at the mercy of the unscrupulous. Their willingness to work illegally rewards bad employers who break wage laws, and such firms can then beat their more decent competitors. Without rights of residence they dare not risk returning to their home countries. The processes of illegal migration are also murderous: to date seventeen thousand people have drowned. In perpetuating the policies which induce illegal migration we are complicit in this mass mortality.

There are only two ways of tackling illegal immigration: either it must be legalized, or the incentive to migrate illegally must be reduced. Unfortunately, an open immigration policy is not a viable option. Given the much higher living standards offered by the EU than most other regions, lifting controls would rapidly induce an unmanageably large influx. The only reason that illegal immigration is still in the hundreds of thousands, and not the millions, is that it is so hazardous and expensive. Only risk-takers with thousands of dollars in cash can undertake it. The rapid escalation of illegal entry indicates that even this is diminishing as a deterrent, but even were it to be effective in keeping numbers to a few hundred thousand, it is clearly a terrible way of controlling immigration. For example, one implication of the fees being paid is that illegal immigrants cannot be among the most needy in their countries of origin: for the typical African such fees are unaffordable.

If illegal migration is to be tackled effectively, the incentives for it must be reduced. But in adopting effective controls, Europe cannot pander to anti-immigrant hostility. The only way to do this is to delink the control of illegality from the reduction in overall immigration. By introducing a balanced package of measures, Europe could make its controls against illegal immigration effective while being more welcoming to legitimate migrants. Toughness against illegality must be balanced by generosity.

Delinking is straightforward: all the reduction in illegal entry achieved by more effective controls should be offset by an increase in the numbers allowed to enter legally. The basic principles for managing legal entry are well-established through points systems which privilege particular categories. This system could usefully be supplemented by lotteries within some categories. Lotteries have long been used in allocating entry rights, examples being the USA and New Zealand and several European governments already use them for other purposes. They are well-understood as fair ways to allocate scarcity. It is also reasonable to have an equitable sharing of the asylum category between host countries.

The effective control of illegality requires that illegal entry ceases to be advantageous. Those apprehended at the border should no longer be rewarded with greater rights than those who apply through legal processes from their country-of-origin. Until getting a foot on a Lampedusa beach ceases to leapfrog the queue of consideration for residence, young risk-takers will be induced to play the Russian roulette of a boat crossing. Only an automatic rule of return without exception can end leapfrogging. Such a rule needs a strategy that counters those who game the system by refusing to reveal their identity. There has to be some default assignment of place of return, perhaps with the added penalty that the subsequent right to apply for legal entry would be forfeit (enforced by biometric identification).

Those who succeed in evading border controls will need to face tightened enforcement of employment laws, habitation control, and access to welfare payments. As part of this, Britain will need to introduce identity cards; and those countries which already have a large stock of illegal immigrants will need to legalize them. This is often critiqued as liable to induce further immigration by creating an expectation of future legalizations. But the reality is that the point of hiring is the vital event to police: businesses that hire illegal workers have to be actively prosecuted and face severe penalties. This is only feasible if they are rare. For example, in the USA where many of the 11 million illegal immigrants are illegally in work, enforcement is impossible.

The control of illegal entry is a defining challenge for the new Commission. It will need to think beyond the formulaic mantras of the past.