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Title: Immigration and Border Control – A Worldwide Concern

by

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1. Introduction.

While the issue of immigration is most often discussed in a narrow local context it is significant that every nation has a unlimited public dialogue regarding both the security of its borders and the laws governing persons seeking to enter into the country. The discussion of immigration also necessarily needs to address the countries of origin and transit as well as the country of destination. Another way to state the scope of the immigration issue is that to "institutionally compartmentalize" immigration leaves out the fact that migratory routes are inter-linked. This discussion is intended as a reminder that the United States is not the only nation where immigration is among the most controversial public topics. Indeed, it is estimated that there are 200 million people "on the move" in the world today and thus every country is a destination for some number of those persons.

Most of my remarks consist of noting immediate events or circumstances and are not intended to give a comprehensive review of any one country. Indeed, the selection of the countries discussed is not deliberate but rather an attempt to cover three parts of the world – Europe, the Americas, and the Pacific Rim and illustrate the broad reach of the issue.

2. Europe.

European Union. Immigration has become even more complex with the establishment of the ever growing political body of the European Union. Prior to the EU's creation in 1992, each nation singularly dealt with borders and migration. The EU currently consists of 25 individual countries, with 457 million citizens, entitled to live, travel and work in the country of their choice. Citizens travel, work, retire, or just vacation without any problems. The "Single Market" provides that people, money, services and goods move freely within the EU. Each nation, however, still has some options in dealing with the issue of immigration. Each country has different immigration programs in terms of foreign work programs, obtaining citizenship, inheritance of citizenship, and other official programs. Some immigration programs can end with citizenship while other programs are time limited and related to work or tourism.[1] Low birth rates and a troubled social-welfare system have created powerful economic incentives for increased immigration. The addition of countries into the EU has highlighted the issue of the exterior borders of future EU member countries.

Illegal immigration, particularly, facilitated illegal immigration, is said to be a continuously growing problem in the EU.[2] The methods by which illegal immigrants are smuggled into the EU vary, often according to the region of origin. Non-EU nations are a critical component to enforcement in that an illegal immigrant who is detained can only be returned under an existing protocol with the origin or transit country. It is estimated that approximately a half a million illegal immigrants enter the EU every year.[3] The

[1] European Union Immigration, Live and Work in the European Union.

[2] EUROPOL, Organized Illegal Immigration into the European Union.

[3] EurActiv.com, Illegal Immigration, Asylum and Border Control, 21 June 2006.

North African route is acknowledged to carry the largest volume of illegal immigrants into the EU.

The European Union immigration effort, initiated in 1999, is to work towards developing a common system for immigration and asylum and a single external border control strategy. EURODAC, a common database for asylum seekers, has reduced asylum shopping.[4] The asylum policy, completed in late 2005, adopts minimum EU standards and limitations on national legislation. Minimum standards have been adopted for the return and readmission of illegal immigrants.[5] Readmission agreements are bilateral agreements between the EU and a non-EU country and are designed to facilitate the expulsion of illegal immigrants. The non-EU country has an obligation to readmit, without any formalities, its own nationals and persons coming from or having lived in that country. In return they receive funds to take back and resettle these persons. The European Commission has proposed that it be provided new powers in harmonizing law enforcement issues in the EU, now slowed by national vetoes.[6] The plan, citing both terrorist and organized crime concerns, would include giving an EU court the right to decide on individual asylum and immigration cases. The European Commission is implementing a plan to tighten borders against illegal immigration and against terrorism. The cost of the plan is one billion pounds. One part of the plan is the utilization of unmanned aerial vehicles (UAVs) which have become very sophisticated, cheap and reliable.[7]

A summary look at several European Union nations illustrates the ongoing public concerns over illegal immigration.

Spain. Spain continues to be the destination, both short-term and long-term, for migrants from sub-Saharan Africa. The Western Mediterranean route, the 8.75 mile crossing of the Strait of Gibraltar separating the Moroccan and Spanish coasts, has been an attraction for illegal immigration since the 1960s and 1970s when many took advantage of the open borders. A new immigration amnesty law, approved in December 2004, resulted in over 700,000 persons applying to legalize their status in the country during a three month registration period.[8]

Canary Islands. More recently the Canary Islands, Spanish islands just off Africa's west coast, has been an often selected destination with 14,500 migrants this year to date, nearly three times last years total, landing this year.[9] The departure points are primarily in Mauritania and Morocco. Using small precarious, low-floating wooden boats the journey can be risky. It is estimated that between 1,200 to1,700 lives are lost annually in these hazardous crossings.[10] Spanish authorities note that the European Union will

[4] EUROPOL, Organized Illegal Immigration Into the European Union.

[5] EurActive.com, Illegal Immigration, Asylum and Border Control, 21 June 2006.

[6] The Times On Line, Row Over Proposal for 'European Home Office', 29 June 2006.

[7] Europe Immigration News, European Commission Plans Spyplanes to Patrol EU Borders, 05 June 2006.

[8] BBC News, Spain's Immigration Amnesty Ends, 7 May 2005.

[9] BBC News, Spain Arrests Fairground Migrants, 08 August 2006.

[10] Terraviva online, No Way to Fence Off the Sea, 09 May 2006.

commence on-going surveillance operations this summer. In the Canary Islands an electronic surveillance system known as SIVE (Integrated External Vigilance System) is backed up by mobile surveillance units, both boats and helicopters.[11] Officials have had difficulty in determining the immigrant's country of origin or, when origin is determined, lack deportation agreements with such country. In similar fashion Mauritania officials have asked the EU and the international community for help to control is borders.[12]

Ceuta and Melillia. In Ceuta and Melillia, Spanish enclaves in northern Africa that border on Morocco, twin fences, five metres apart, topped with barbed wire and equipped with cutting-edge surveillance technology have been built to deter illegal immigrants, often sub-Saharan African. Last year, would be immigrants stormed the enclaves resulting in eleven persons being killed.

Malta. In similar fashion the small island nation of Malta is a stopping place for more than 1,000 illegal immigrants this year. The majority were from Libya and were attempting to reach Italy by this Central Mediterranean route. Many are seeking refugee or humanitarian status. Malta has been asking for EU and various member nations for help.[13] Malta officials point out that the smaller and more densely populated the country, the bigger the problem is to deal with.[14] The EU has promised Malta that EU joint sea patrols will start this summer off Malta.[15] In desperation, Malta refused to receive 51 Africans picked up from a sinking craft by a Spanish trawler 100 miles south of the island, outside its search and rescue area.

Great Britain. It is fair to say that Great Britain has been among the European countries most accepting of immigrants, especially those from former colonies and Eastern European immigrants able to enter England due to EU membership. However, in a major departure from the Labour party's immigration policy, Home Secretary John Reid now states that he wants to see an optimum level of immigration set for Britain.[16] Town councils are anticipating a six per cent raise in local taxes for the next five years due to the underestimate in immigrant arrivals.[17] It is also of concern that such immigration is putting great pressure on British housing and public services.[18] This is especially true in the East of England where new housing needs have raised a controversy over whether a planning review of land in the Green Belt area, a fifty-year planning effort to stop London from expanding, will result in new housing in the countryside.[19] The British government had estimated that the newly admitted East European countries would provide no more than 13,000 migrants a year however a recent study estimates the

[11] Terraviva online, No Way to Fence Off the Sea, 09 May 2006.
[12] Washington Post (AP), Mauritania Calls for Help On E.U.-Bound Migrant Flood, 17 March 2006.
[13] Workpermit.com, Malta Experiences Illegal Immigrant Crush, Requests EU Help, 04 July 2006.
[14] MaltaMedia.com, Minister Urges for Illegal Immigration Solution, 11 July 2006.
[15] Times of Malta, EU Pledges Patrols Off Malta This Summer, 12 July 2006.
[16] Guardian, Home Secretary Wants to Set Optimum Level of Immigration, 07 August 2006.
[17] Daily Mail, Council Tax Must Rise to Pay for Migrants, 07 August 2006.
[18] Market Place American Public Media, Legal Immigration Boom Stressing UK, 07 July 2006
[19] Welwyn & Hartfield Time 24, Immigration to Blame for Homes Crisis, 05 July 2006.

number at half a million.[20] Concern also is expressed as to whether to impose on new migrants from Romania and Bulgaria – the next countries to join the EU – a seven-year transitional ban on working. The total number of illegal migrants is officially estimated at between 310,000 and 570,000 while others put the number as high as 870,000.

Ireland. The 1990's economic boom in Ireland with its unprecedented levels of prosperity transformed the country into one of immigration. For the first time in its history, Ireland experienced a significant inflow of immigrants – both workers and asylum seekers - from outside the European Union. Consequently immigration policies had to be developed in a very short period of time. The labor immigration policies have been among the most liberal in Europe. Without quotas the number of non-Irish migrant workers, the great majority low-skilled, increased from less than 6,000 in 1999 to about 50,000 in 2003.[21] Ireland also granted citizens of the 10 new EU member states free immediate access to the Irish labor market. Only the UK and Sweden shared this policy. The level of illegal immigration is thought to be fairly low due to its lack of porous land borders. It has, however, recently passed a number of laws aimed at combating illegal immigration and has increased the number of deportations. More restrictive policies regarding work permits have also been prescribed.[22]

We recognize but have not attempted to include in this discussion:

- Albanians crossing the Strait of Otranto into Italy.
- Italy, the island of Lampedusa is stressed with the arrival of boatloads of illegal immigrants.
- Netherlands, Ayaan Hirsi Ali, a Somali immigrant member of Parliament, who received death threats as a result of her opposition to Islamic fundamentalism, and now faces expulsion for lying on her asylum papers.
- Scotland, a support rally for a Thai born national who has lived in Shetland since childhood and is being deported for having a criminal record.

Some European immigration experts recommend that the EU adopt selective skilled immigration laws similar to Australia, New Zealand and Canada. Already the United Kingdom, Germany and France have such laws.[23] Others fear that such policies contribute to a "brain drain" from poorer countries.

In July, in the Moroccan capital of Rabat, a Euro-African Conference on Migration and Development attended by 58 countries provided agreement on a draft plan containing various common actions including joint monitoring of sea and border routes, more temporary work visas for African migrants and making it easier for them to send remittances back home, and increasing development aid.[24] The approach recognizes that African migration to Europe has become too large a phenomenon for any single country

[20] Market Place American Public Media, Legal Immigration Boom Stressing UK, 07 July 2006.

[21] Migration Policy Institute – Oxford University, Ireland: A Crash Course in Immigration Policy, Oct. 2004.

[22] Workpermit.com, Who Needs a Work Permit/Ineligible Occupational Sectors.

[23] Workpermit.com, Immigration Experts Want Changes to EU Immigration Laws, 19 April 2006.

[24] International Herald Tribune, Leaders of 50 Counties Reach Agreements on Immigration, 12 July 2006.

or even a single continent to handle on its own. In many cases refugees travel alongside migrants as part of mixed migratory movements and the agreement seeks help from the United Nations Commissioner for Refugees (UNHCR) to address their rights.[25] The European Commission has proposed a $3.8 billion fund to promote good governance. The signatories of the Rabat declaration will meet again within the next four years to review progress in the plan. Another EU-AU Conference is scheduled for Tripoli in early 2007 with the Central Mediterranean route a major topic.

3. The Americas.

Triple Frontier. The Triple Frontier, an area also known as the Tri-Border Area, was thrust into the spotlight in October 2002, when Jeffrey Goldberg wrote "In the Party of God" for the New Yorker magazine.[26] The area derives its name from the point where the Argentina, Brazil and Paraguay borders intersect. The area encompasses the cities of Ciudad del Este, Paraguay, Puterto Iguazu, Argentina, and Foz do Iguacua, Brazil, with a combined population of more than 700,000. The area is located about 15 miles from Iguazu Falls in Argentina, one of the largest waterfalls in the world and a significant tourist attraction. More than 25,000 Middle Eastern immigrants, most from Lebanon and Syria, are long time residents. The area has also, however, long been South America's busiest contraband and smuggling center. It has been described as being a lightly guarded frontier and used for years both to collect and launder money for terrorist groups and for trans-national mafias, as providing a haven for fugitives, for smuggling, for counterfeiting, and for arms and drug trafficking. Since the attacks of September 11, 2001, the area has been scrutinized much more intensely for its suspected links to Islamic terrorists with at least two groups, Hezbollah and Hamas, operating in the area. The U.S. Department of State in its 2002 Patterns of Global Terrorism document takes special note of the Tri-Border Area as having "long been characterized as a regional hub for Hizballah and Hamas fundraising activities."[27] The report notes that the three countries were working together to examine specific counterterrorism issues, in particular terrorist fundraising. The Department has also stated that it has no "credible information" confirming an established presence of al-Qaida in the area.[28]

The U.S. Treasury Department designated Assad Ahmad Barakat and two of his companies as extremist under Executive Order 13224 in June of 2004. The Department found that Barakat had long served as a treasurer and fund raiser for Hezbullah in the Tri-Border Area, used strong-arm tactics and coercive measures to raise large sums of money, was involved in a counterfeiting ring, and brought funds raised from the Tri-Border Area to Lebanon. He is currently in prison in Paraguay for tax evasion.[29]

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[25] ANDnetwork.com, UNHRC Asked to Tackle Migration from Africa to Europe, 13 July 2006.

[26] The New Yorker, In the Party of God, Jeffrey Goldberg, Issue of 28 October 2002.

[27] U.S. Department of State, Patterns of Global Terrorism - 2002

[28] U.S. Department of State, Press Release, 10 February 2004.

[29] U.S. Treasury Press Release, Treasury Designates Islamic Extremist, Two Companies Supporting Hizballah in Tri-Border Area, 10 June 2004.

The U.S. has recently taken a more aggressive role in the general area. First, it has received an immunity grant from the Paraguayan government for its military personnel. Second, it is building a base in the Chaco region large enough to hold 16,000 soldiers and to handle transport aircraft. The area's illegal trade continues to receive some media attention.[30] The area is recognized as the central point for Arab drug trafficking organizations for cocaine smuggling operations to Brazil, Europe, and the Middle East.[31] U.S. Treasury officials have held workshops in the region to encourage more banking sector involvement in regional efforts against money laundering.[32] The U.S. Federal Bureau of Investigation Director Robert Mueller, has testified that one route taken by "special interest aliens", persons from countries designated as terrorist, is from Brazil, where they assume false identities, and then travel to Mexico before crossing the U.S. border.[33]

Mexico. Mexican immigration policies can fairly be described as restrictive.[34] This is true for both legal and illegal immigrants. The 1917 Mexican Constitution and Mexico's General Law of Population set out the rights and obligations of foreigners.[35] Of note is that since 1974 illegal migrants can be prosecuted as a felon. Over the centuries, Mexico has received immigrants from the Americas, Europe, and Asia, but not to the extent of other counties in the Americas such as the United States, Brazil, or Canada. Mexico is not an immigrant-receiving country. Foreign-born Mexicans make up only 0.5 per cent of its 106 million citizens, compared with 13 per cent of the 299 million people in the United States. The 625 miles southern border of Mexico with Guatemala was long ignored compared with the longer northern border with the United States. Its dense jungle makes an effective law enforcement presence nearly impossible and the numbers of persons who cross over the border are not known. Fewer than 450 agents patrol the five states along this frontier. The Mexican military has assisted in guarding the southern frontier for several years. The migrants are known as the "kamikazes of poverty". Perhaps of even greater impact is the exploitation of illegal migrants by both local authorities and citizens and incurring injuries or death during their transit. Some migrants find work picking bananas and coffee in Chiapas, but most who cross the southern border are using Mexico as an entry point into the United States or Canada. In Chiapas some 40,000 Guatemalan field hands earn minimal wages.[36] Mexico has, however, begun a re-examination of its own immigration policies and practices.[37] The Mexican authorities report that detentions and deportations have increased in the past four years by an estimated 74 percent, to 240,000.[38] Nearly all come from three Central American countries, Honduras, Guatemala and Nicaragua and nearly half from along the

[30] CBS News, South America's Terror Connection, 04 August 2006.
[31] U.S. House Committee on International Relations, Michael Braun, DEA, 30 April 2006.
[32] Washington Post, U.S. Targets Hezzbollah Money in Remote Area of Paraguay, 04 August 2006.
[33] Newsmax.com, FBI Warns of "Special Interest" Aliens, 9 March 2005.
[34] Center for Security Policy, Mexico's Glass House, J.M. Waller,
[35] Mexperience, About Mexican Immigration.
[36] International Herald Tribune, Mexico Worries About Its Own Southern Border, 18 June 2006.
[37] International Herald Tribune, Mexico Worries About Its Own Southern Border, 18 June 2006.
[38] The Glove and Mail, For Illegal Migrants In Mexico, the Dream Can Shatter Quickly, Marina Jimenez, 28 June 06.

southern border. It has tightened its visa regime to require that nationals from countries that were sending large numbers of illegal immigrants apply for visas before entering the country. Mexico has signed an agreement with Guatemala governing the repatriation of Guatemalan citizens who are in Mexico illegally and with Belize in an effort to reinforce their shared border against illegal crossings. The United States has supported the Mexican government's efforts to control its southern border by establishing, training, and equipping three specialized mobile interdiction teams, and providing three highly-sophisticated mobile inspection vans that can inspect cargo vehicles for contraband and hidden passengers.[39]

Meanwhile a record number of Cubans have landed on Honduran beaches this year, 380 in the past six months, compared with 179 in all of 2005 and 47 in 2002.[40] They make their way by land to the U.S.-Mexican border. The U.S. has a wet-foot, dry-foot immigration policy under which Cubans caught at sea, but not on land, are sent back to Cuba. The country is a magnet because it does not have a deportation accord with Cuba.

4. Pacific Rim.

[39] U.S. Department of State, U.S. Government's Efforts With Mexico to Address Immigration Issues (Testimony before House International Relations Committee), 26 July 2006.
[40] McClatchy News Service, Honduras Now the Latest Illegal Gateway Into U.S., 27 July 2006.

Australia. Immigration to Australia is described as attractive for relatively young and skilled persons who desire to move to a country with a great lifestyle and excellent job opportunities.[41] Immigration of skilled migrants is encouraged and is assessed on a points system with points awarded for work experience, qualifications and language proficiency. The 2004-2005 program provided for a total of 120,000 immigrants. Australia's Migration Act 1958 requires that all non-Australian citizens who are unlawfully in Australia be detained and, that unless they are given permission to remain in Australia, they must be removed as soon as practical.[42] One challenge has been to deter persons from entering Australia illegally by boat. The first experience of the "boat people" phenomenon was in the late 1970s with the arrival of asylum seekers from Vietnam who had traveled in fishing boats from Vietnam. The numbers of unlawful arrivals again rose dramatically toward the end of the 1990s. More than 9,500 persons, mainly from Afghanistan and Iraq, arrived in Australia unlawfully by boat between August to December of 2001.[43] With a series of new laws designed to strengthen Australian territorial integrity the number of illegal entries dropped significantly. No persons were found entering Australia on suspected illegal entry vessels in 2004.[44]

However, small boat migration was again a highlight of the news early this year when 43 asylum seekers from Indonesia's West Papua province arrived by boat in northern Australia.[45] They alleged human rights abuses by Indonesian security forces in West Papua and began a claim for refugee status. The asylum seekers were transported to an Australian immigration detention facility on Christmas Island. Forty-two were granted Temporary Protection Visas drawing Indonesian concerns.[46] Indonesia then responded by temporarily recalling its ambassador from Canberra. The crisis prompted a summit meeting between Australian Prime Minister John Howard and Indonesian President Susilo Bambang Yudhoyono at which the strained relationship was discussed.[47] Then, in August, the government's denial of refugee status to the remaining asylum seeker, on the basis that he could have sought refugee status in Japan, was overturned by the independent Refugee Review Tribunal.[48] The Papuan rebels have fought a disjointed war against Indonesia for forty years. It is estimated that 100,000 Papuans, ten per cent of the Papuan population, has been killed by the Indonesian military since Indonesia gained control of the providence in the 1960's.[49] The Australian parliament is considering the enactment of tougher immigration laws which would require asylum seekers who arrive by boat to be processed overseas.

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[41] Workpermit.com, Australian Immigration.

[42] Australian Government, Department of Immigration and Multicultural Affairs, Immigration

[43] Australian Government, Department of Immigration and Multicultural Affairs, Fact Sheet 75, Processing Unlawful Boat Arrivals.

[44] Australian Government, Department of Immigration and Multicultural Affairs, Managing the Border: Immigration Compliance, 2004-2005 edition.

[45] ABC Radio Australia, Australia Indonesia Relations 04 April 2006.

[46] ABC Online, Visiting Indonesian MPs Keep an Eye on Immigration Bill Debate, 16 June 06.

[47] Gulf Times, Indonesians, Australians Make Up After Papua Row, 27 June 2006.

[48] Theage.com, Papuan Asylum Detention Overturned, 01 August 2006.

[49] ABC Radio Australia, Significant Changes In Papua's Independence Movement, 28 July 2006.

5. Conclusion.

Border security and immigration issues are a part of the reality of the 21st Century for every country. While there are many reasons, often disputed and controversial, as to why migration, both legal and illegal, occurs it would seem that certain new factors have emerged or have become more apparent:

- An increasingly trans-national world is more fluid. The world is temporary, circular and multi-directional. (Yes, I have been reading Thomas Friedman's, *The World is Flat*).
- The distinction between migrants, both legal and illegal, and refugees needs to be fairly addressed and the determination of status process needs to proceed in a more accelerated pace and with consistent and just results.
- The pace at which immigrants assimilate into their new country has a significant effect on the opinion of the general public when immigration issues arise.
- The many descriptions of terrorism and the groups advocating terrorism are necessarily a part of the discussion.

One can look at the experience of other countries not necessarily for the correct response to border and immigration issues but for the wide variety of circumstances and events that have led to numerous suggested options with varying results of success with the option selected.