Europe: A Continent of Immigration at the End of the Twentieth Century

The end of the Cold War represented a major break for migration and migration politics in Europe. This was not only because of the migratory movements themselves. The descriptions of migration that were circulating in public and political discourse played an equally if not more important role, as did the visions associated with these social constructions of a Europe under suddenly growing ‘migration pressure’ no longer merely from the south, but now also from the east. Observations, projections and visions of migration in the late twentieth century determined migration policies in a European Union (EU) whose integration and openness with the internally border-free single market went hand in hand with the isolation of ‘Fortress Europe’ against undesirable immigration from outside its borders.

1 Cultural Diversity, ‘Migration Pressure’ and ‘Fortress Europe’

Europe west of the Iron Curtain had generally transformed itself by the late 1980s into a continent of immigration; immigration had become a central political issue in all European countries affected by it. From 1950 to 1990, the total foreign resident populations in the present EU countries and Switzerland, Norway and Liechtenstein grew more than fourfold, from 3.7 million (1.3 per cent of the total population) in 1950 to over 10.7 million (3.2 per cent) in 1970 and to 16 million (4.5 per cent) in 1990. The highest absolute figures in 1995 were in Germany with 7.7 million (8.8 per cent), France with 3.6 million (6.3 per cent) and Britain with 2 million (3.4 per cent). The highest ratios of foreign nationals to the total population in 1995 were in Liechtenstein (38.1 per cent), Luxembourg (33.4 per cent) and Switzerland (18.9 per cent). Other countries in Europe with a high proportion of foreign nationals were Belgium (9 per cent), Sweden (5.2 per cent) and the Netherlands (5 per cent).

Figures on numbers of foreigners and ratios to total resident populations in an international comparison say little about actual immigration processes on account of the already noted differences in naturalization practices and acquisition of citizenship based on the *jus soli* principle, for which there are no separate statistics in most cases. From 1986 to 1994, for example, the number of naturalizations in Britain was 537,000; in France, 486,000; and in the Federal Republic of Germany, 253,000. In the Netherlands there were 247,000 and in Sweden, 228,000. However, the naturalization rate in 1986–94 relative to the total foreign population in 1985 was highest in Sweden (58.7 per cent) and the Netherlands (44.7 per cent), and lowest in West Germany (5 per cent), not counting the naturalization of ‘ethnic Germans’ (Aussiedler) from eastern Europe and the Soviet Union. Migrants lived almost exclusively in urban environments, concentrated in certain urban districts and in suburbs of conurbations.

In the former colonial countries, the share of immigrant populations from overseas had grown substantially. In the Netherlands there were a total of 728,400 foreign nationals (5 per cent) registered in 1995 in a population of 15.5 million. A total of 1.4 million people had been born overseas, however, of which 57 per cent possessed Dutch citizenship. The largest groups of foreign-born were Turks (182,000), Surinamese (181,000), Indonesians (180,000), Moroccans (159,000) and Germans (131,000). More than 40 per cent of the entire immigrant population, but only 11.5 per cent of native-born Dutch, lived in the four largest cities in the Netherlands: Amsterdam (20 per cent of the Surinamese), Rotterdam, The Hague and Utrecht.

In 1951, only 74,000 people from the New Commonwealth had been living in Britain. Their numbers climbed from 336,000 in 1961 to 2.2 million in 1981. The 1991 census, the first to request data regarding ethnic descent, registered about 3 million (5.5 per cent) members of these ‘ethnic minorities’, 46.8 per cent of whom were British-born. More than half were of Asian descent and one in five, Caribbean. Most of those of foreign descent lived in the Greater London area, in the West Midlands with its centre in Birmingham, in West Yorkshire with its centre in Bradford (‘Little Pakistan’) or in Greater Manchester.

According to the census of 1990, there were about 1.3 million naturalized immigrants and about 500,000 French citizens from the overseas
The late 1970s and early 1980s, as has been shown, remained marked by a clearly different weighting of trends of liberalization and restriction in European immigration countries. In the course of the 1980s, restrictive forces became stronger and a xenophobic defensive stance came to predominate. The subject of 'immigration' was frequently dramatized and demonized in party politics and by extraparliamentary protest movements. This situation was often triggered by political ineptness in coping with the unexpected social repercussions of migratory processes as well as by political presentations of corresponding 'discoveries' by national conservative parties and ethnonational and racist currents, fostering both fears and aggression. In Germany, for example, as of 1979–80 the matter in hand was the shift from work stays to immigration situations; in Britain from 1979 it was about the emergence of ethnic minority populations from colonial and post-colonial in-migration; and in France from 1984, both of these developments occurred at the same time.

At the centre of these debates was the concentration of immigrant groups in ethnic or regional communities based on place of origin or in mixed immigrant districts. It is a well-known phenomenon in migration history that these concentrations formed as a result of chain migrations. The formation of polyethnic structures prompted many locals, encouraged by political agitation and support by the media, to set in motion processes of negative integration and defensive crowding together at the expense of 'strangers'. The migration discussion was politicized and emotionalized in the 1980s, pushed by the rapidly rising immigration of refugees and asylum seekers from the 'Third World'. Public discussion soon began to focus on their perception, which simultaneously influenced attitudes towards minority populations that evolved from colonial migration and non-European labour migration.\(^1\)

Three main changes were common to the discourse on immigration issues in politics and the media:

1. In the 1980s, the idea was reinforced that limitations on in-migration were a prerequisite for integration of migrants and their acceptance by the receiving societies. While European integration through freedom of movement on the labour market gradually eliminated the inner-European impact of the recruitment ban, its exclusionary functions were moved to the external frontiers of the emerging EU. After labour migration was limited, the next issue was restricting asylum migration, which in the 1980s came increasingly from outside Europe and already showed some aspects of chain migrations. In addition to needing refuge from the tragedy of expulsion, persecution and flight, some asylum seekers also aspired to immigrate. This point was one-sidedly pushed to the fore in anti-asylum agitation, although
immigration was virtually impossible in any other way as Europe was becoming gradually closed off. Limited admission to asylum proceedings and deterrence measures coincided with increasing frequency with the tightening of entry controls at Europe’s exterior borders agreed upon throughout Europe. Thus the past history of European migration policies relating to non-European immigration began as security policies agreed by the ministries of the interior of European countries, largely bypassing the European Parliament. The notion that integration and exclusion were interdependent and growing defensive attitudes towards non-European in-migration initially came together in the European process of integration as a convergence of basic national migration policy positions. By increasing the permeability of internal European borders and ultimately opening them in the single market, the focus at international and supranational levels was first and foremost protection against non-European in-migration. Concrete conditions for European migration and refugee policies, on the other hand, did not assume any fixed form until the Amsterdam treaty entered into force shortly before the turn of the millennium.

2 With respect to immigrant groups, an outward shift could also be observed from intra-European to extra-European cultural definitions and characterizations of foreignness and ideas of exclusion, sometimes with clear Euro-racist connotations: while labour migrants from southern Europe were still described as ‘foreign’ in the 1960s in central, northern and western Europe – disregarding in any case colonial and post-colonial immigrants – in the 1970s this was less the case for southern Europeans but more so, for example, for Turks. In the 1980s, in turn, aversion to the growing immigration of refugees and asylum seekers from the ‘Third World’ became evident. As the European Community was growing into the European Union and preparing a limited eastward expansion, isolation and defensiveness within ‘Fortress Europe’ also moved outward, in terms not only of migration policies but of collective mentalities as well.

3 Popularist alarmism and dramatization and demonization of the migration issue in discourses of politics and the media were occasionally worlds apart from the pragmatic administration of immigration and integration processes. On the one hand, the conflict over defensive measures against mass immigration, which was supposedly already underway or at least imminent, dominated political and media discussions of a ‘Fortress Europe’ with bulwarks at the border against the threat of migration. On the other hand, these borders remained passable for a large number of immigrants owing to the economic or social interests of the host countries (labour and minority migrations) or their immigrant communities (family reunification), and to a limited extent for humanitarian reasons (refugees, asylum seekers) – apart from a broad spectrum of migrations that were controlled but not considered relevant to security issues, such as, for example, elite or betterment migrations or education and training migrations.

Discourses of politics and the media generally exhibited conspicuous differences between reality and the descriptions that determined their perceptions. The immigrant populations that evolved from colonial and post-colonial migration as well as from European labour migration were still the largest in the 1990s; they usually increased through natural growth and transnational family reunification. Asylum migration, with a much smaller total volume, nevertheless dominated migration discourse in many receiving countries, as did fears of ‘new migrations of nations’ from the ‘Third World’ that were concrete only in ‘migration scenarios’ or gloomy forebodings. Fear of mass migrations from eastern Europe had not yet become a major issue in the divided world of the Cold War. Defensive attitudes targeting non-European mass migration and especially asylum migration, on the other hand, had already become widely manifest when the end of the Cold War opened up the subject of east–west migration as the second large dimension of fear.

The end of the Cold War began in 1989 with the opening of the Iron Curtain. Migration played more than just a symbolic role in the external course of events: on 2 May 1989, Hungarian soldiers cut through the barbed wire on the border to Austria, opening the way to the west for would-be emigrants from East Germany (GDR) who had made their way to Hungary. A short time later, locked trains filled with East German citizens who had sought refuge on the grounds of the West German embassy in Prague rolled from Czechoslovakia through their own country – that was an East German condition – to the Federal Republic of Germany. The collapse of the East German regime under the pressure of the peaceful revolution by its citizens and the opening of the GDR to the west without intervention by the USSR signalled the end of the Cold War and accelerated at the same time the process, in many ways with a momentum of its own, that would end with the demise of the ‘eastern bloc’.

In the late nineteenth and early twentieth centuries, east–west migration had led millions of emigrants across the Atlantic and hundreds of thousands of labour migrants annually to central and western Europe. On top of this came a large portion of the over 20 million people who were forced to resettle after borders were shifted or who were victims of expulsions from the end of the First World War until the late 1940s. The Cold War served to cut off east–west migration for decades and also
allowed old fears of such mass migration to recede in the west. The Iron Curtain was condemned in the west as an ideologically motivated bulwark of the ‘evil empire’ (Ronald Reagan) against the pull of freedom.

When the fortified border of the Cold War was broken down in 1989, it became apparent that it had also been a barrier against east–west migration. Border openings, crisis and collapse of the Soviet Union, revolutionary changes, tension and conflict in and between its former member states, from 1991–2 in particular the bloody explosion of the multi-ethnic Yugoslavian republic in wars and civil wars – all of this caused, from 1989 to 1992, the most massive migrations in and from eastern Europe since the refugee and forced migrations of the Second World War. After the end of the permanent state of emergency and of the ideological, political, economic as well as ‘migratory division of Europe’, a kind of fear of normality returned in Europe with an eye towards east–west migrations. 4

‘Migration pressure’ on Europe increased sharply from the late 1980s. It appeared to be the common outcome derived from the much-described, varied complexity of factors leading to migration from potential regions of origin of south–north and later east–west migrations. The apocalyptic inevitability of the feared ‘flood’ of Europe by ‘new migrations of nations’ existed more in the imaginations of Europeans, however, than in the actual migratory events in the east and south. Massive migratory movements did take place. They were not bound for Europe, however, but occurred in the eastern and especially southern parts of the world where it was often the poorest neighbouring countries that took in ‘floods’ of refugees, in addition to large numbers of ‘internally displaced persons (IDPs)’ within the country’s borders and immense rural–urban migrations (see section 4).

In discussions of ‘migration pressure’ on Europe, opinions diverged as to the question of whether, and to what extent, the lack of mass migrations from the east and south in the late twentieth century was also a result of the massive shielding of ‘Fortress Europe’ against movements from both these directions, and especially of the deliberate stemming or breaking off of new chain migrations. A closely related question was how such isolation could be justified without migration-oriented developmental policies or development-oriented migration policies. 5

Undisputed, on the other hand, was the fact that certain countries of Europe were affected by the increase in east–west as well as south–north migrations far more severely than others. This applied especially to Italy with respect to south–north migrations in the Euro-Mediterranean zone starting in the 1980s (see chapter 4, section 2). With respect to the new east–west migrations from the late 1980s, in the north it applied above all to Germany, far ahead (in absolute figures) of Switzerland and Austria.

After the fall of the Iron Curtain, Germany, like Austria, regained its historical position owing to migratory geographical factors as a transit country or an east–west bridge or the central European turntable in transnational migratory events.

Directly after the Iron Curtain collapsed, European, especially German, fears of a ‘flood’ from the east returned, in which new and old aspects were sometimes intermingled. These projections were supported by partly rash ‘migration scenarios’ of a scholarly or popular scientific nature, whose image of humanity appeared to be that of a homeless Homo oeconomicus or (human) animal rationale migrans acting on economic speculations who was drawn as if by a magnet to the comparative wealth of Europe. Underlying this image were not only fearful visions in the west, however, but also the political, demographic way of dealing with migration prospects in the east, as a threat when demanding economic aid.

French demographer Jean-Claude Chesnais estimated that from 1992 to 1995 a total of 4–5 million people would migrate to the west from the territories of the toppling Soviet Union. Yuri Reshetov of the Soviet foreign ministry, on the other hand, estimated about 4–6 million annually for the same period. Diplomat and deputy chairman of Novosti Russian Information Agency Vladimir Milyutenko reckoned on as many as 7–8 million per year or 25–30 million by 1995. Boris Khorev of Lomonosov University predicted an east–west migration of 40 million by 1995 and Anatoli Vishnevski of the Scientific Council for Social Development in the USSR council of ministers even estimated 48 million, or one-sixth of the population, by 1995. 6 With increasing frequency, the potential countries of origin more or less strategically mentioned the feared ‘new migrations of nations’ as a kind of migratory threat in discussions on debt relief, economic aid and questions of global economy. The Polish prime minister was reluctant to rule out the possibility that insufficient economic aid could set millions of unemployed Poles on a westward course and intimidated that, if necessary, he would even open his borders to the east and west, ‘so that refugees from Russia could migrate further to Germany’. From the Russian side, in turn, it was publicly speculated that the size of westward migration from eastern Europe after freedom to travel had been introduced could depend solely on the capacity of the passport printing office. Threatening prophecies from the east joined open threats from the south, such as that by Senegalese president Abdou Diouf in an interview with the French newspaper Le Figaro, in which he expressed an extremely imaginative medieval image: Europe must offer Africa far more massive economic aid than it had hitherto, ‘otherwise you will be overrun by hordes as in the Middle Ages’. 7
Most short- to medium-term predictions and calculations on migration to Europe would turn out to be wrong, oversimplified or grossly exaggerated. The existence of massive migration potential in the east and elsewhere was undisputed, but mass migrations remained limited to the east. East-west movements soon assumed a more manageable volume; by the end of the 1990s, temporary and shuttle migrations increased as permanent emigration declined. The different fears and threats of xenophobic ‘ghosthunting’ and the equally different impacts of actual migrations all served to increase the phenomenon in European receiving countries that migration policies were generally understood as security policies.

Violent attacks on foreigners and general xenophobic excesses in Germany in the early 1990s became best known. Germany was by far the most strongly affected by migration in the first few years after the end of the Cold War in Europe. This involved, first, asylum seekers from the ‘Third World’ and eastern Europe, the geographical weighting of which had completely reversed since the mid-1980s. In 1986, 74.8 per cent of all asylum seekers in West Germany came from the ‘Third World’. In 1993, 72.1 per cent were from Europe, primarily eastern Europe. This was not only because of the collapse of the Iron Curtain and the crises that developed in eastern Europe. Additionally, even before the end of the Cold War, defensive measures against ‘poverty refugees’ from the ‘Third World’ had started to take effect. Second, it involved minorities from eastern Europe (ethnic Germans, Jews, Roma), some of which (Roma) also applied for asylum. Third, it involved refugees and expellees from ex-Yugoslavia, of which Germany took in more in the early 1990s than all other EU countries combined (see section 3). Fourth, there were additional burdens arising from the unification process that at the time triggered a massive east-west (since unification in October 1990, inner-German) migration. From 1989 to March 1992, more than 800,000 people, that is, more than 5 per cent of the population of the former East Germany, went west.

On top of this, the aforementioned migration scenarios or migration threats about east-west migration usually referred to Germany as a kind of central catchment or overflow basin for the ‘flow from the east’. The Basel research institute Prognos estimated in 1992 that because of labour market developments in western Germany, not only would there be continued in-migration of about 1.4 million eastern Germans by the end of the 1990s, but that ‘even with restrictive asylum policies’ there would be in-migration and transit migration up to 2010 involving about 17 million people from eastern Europe, two-thirds of whom would, however, later leave Germany again.

Switzerland and Austria had already closed their borders to asylum seekers from eastern Europe in 1990–1; Switzerland did so also for a number of main countries of origin in the ‘Third World’ (see chapter 4, section 4). In Germany, on the other hand, where partisan disputes paralysed the government’s ability to act and further heated the already highly emotionalized government’s debate, immigration figures rose quickly: from 1989 to 1992, there were around 1 million (1,008,684) asylum seekers in Germany. The convergence of different, rapidly growing migration flows in Germany, and the fears fostered by migration scenarios and threats that it would continue to develop, caused the visions of ‘floods’ from the east to seem like concrete predictions in Germany. Officials for foreigner and refugee interests, people giving practical support on behalf of foreigners, and critical scholars participated in the debate, indicating in vain that many asylum seekers, refugees and other foreigners left Germany each year. Demographic arguments accomplished less and less against everyday experiences of de facto increasing encounters with greater numbers of new ‘strangers’ who many perceived as threatening. Meanwhile, the government coalition and the opposition accused each other of blocking the resolution of a migration situation that mayday messages had demonized into a catastrophe (‘The boat is full’). Anti-asylum arguments often went around in circles: generally only about 5 per cent of all applicants for asylum were recognized as ‘politically persecuted’ in the strict sense and were thus entitled to asylum. Politicians and the media spread demagogic ideas that the remaining 95 per cent who had been rejected were ‘economic refugees’. They regularly made themselves ridiculous in view of the fact that, despite rejection, a considerable portion of applicants and their dependants nevertheless had to be granted either protection from deportation for various reasons or refugee status based on a higher law, which in turn was interpreted as the state’s failure to carry out ‘strict deportation’.

This was the backdrop to the anti-foreigner and xenophobic rioting driven by growing fear and aggression in unified Germany of the early 1990s. Yet prior to this crisis there had already been long-standing, unresolved immigration and integration issues in the ‘immigration country against its will’. As a national welfare state, Germany pragmatically organized the social integration of immigrants, but in its appeals it stubbornly and demonstrably refused to face facts, insisting that it was ‘not an immigration country’ and would not become one. It ultimately became clear that the helplessly escapist attempt simply to ‘denounce’ the reality of the long and unmistakable actual immigration situation was merely the flip side of the lack of a socio-political concept for immigration issues. Social fears grew, as did annoyance and frustration with the absence of policies for the immigration situation, which was nothing short of uncanny, since it was experienced in everyday life yet was politically declared not to exist. Frustration flared into aggression against
strangers' and those thought or declared to be such. 'Below' there was fear of the other; 'above' was fear of citizens as voters. Convergence of fears from 'below' and helplessness from 'above' contributed substantially to the first political legitimization crisis in unified Germany. It threatened for a short time to become a crisis of the democratic parliamentary system; consequently, Chancellor Helmut Kohl spoke of a 'state emergency' in autumn 1992 and of bypassing parliament in changing the asylum law, which even fanned a short but heated debate on 'plans for a coup' by the conservative-liberal federal government.

Fears of foreigners and xenophobia were not a specifically 'German' problem. They existed in other EU countries, even those affected clearly less or, as with Britain, hardly at all by the abrupt climb in immigration in the late 1980s and early 1990s. The excesses in Germany caused a worldwide sensation, to some extent because news reporting was on the lookout for signs of a revival of Nazism in a new form. But the xenophobic movement did not come from rightwing radical splinter groups, which is what made it particularly dangerous, but from the centre of the population, and was stemmed not by politics or the police but by the civil pressure of the majority, which was outraged by the rioting. Countless initiatives opposing xenophobia, violence and tolerance for violence as well as nationwide counter-demonstrations with the famous 'candlelit marches' isolated the perpetrators and destroyed the image they tried to create of acting on behalf of a silent majority. All this prompted the observation of one critical observer that one could get the impression that Germany 'was comprised entirely of pyromaniacs: some throw Molotov cocktails and the others hold candles'.

The outcome of factional disputes on migration policies was the 'asylum compromise' of December 1992, which became law in 1993. It was improvised under considerable pressure by the conservative-liberal government coalition of CDU/CSU and FDP with the oppositional Social Democrats (SPD) — against resistance by the Greens (Bündnis 90/Die Grünen) and the East German successor party for democratic socialism, PDS. In reality, the 'asylum compromise' went far beyond the scope of asylum issues; it was a comprehensive, restrictive 'migration compromise' that also included limitations on immigration by ethnic Germans from eastern Europe and the former Soviet Union (Act to correct the laws dealing with late consequences of the Second World War, Kriegsfolgenbereinigungsgesetz) (see section 2). The legal reform also introduced into Germany's basic right to asylum the 'first country of asylum' clause as well as the 'safe-country' doctrine, which was much more effective as a defensive strategy and had at times already been previously applied. From then on virtually no one who came from 'persecution-free' countries or who entered Germany via 'safe third countries', which, based on unilateral German declarations, surround Germany on all sides, stood a chance of being granted asylum in Germany. Consequently, since then it is generally no longer possible for asylum-seeking refugees to enter Germany legally — that is, with an entry visa — by land. In other words, Germany is accessible by land only through irregular or illegal means. This further profited the already booming international human smuggling organizations (see section 4). Entry by air was used to a very minor degree (5 per cent); due to the costs it clearly served a social selection function (see chapter 4, section 4). This form of entry also generally no longer leads directly to regular asylum proceedings but to summary proceedings in the extraterritorial transit area, especially at Frankfurt am Main airport, to decide whether the refugee is to be deported or allowed to enter into regular proceedings.

Up to 1992–3, Germany had the most liberal asylum law in Europe and the most restrictive asylum law practice to limit the law's application. The restrictive reform of 1993 adapted the immigration-friendly asylum law to the anti-immigration practice, lowering it at the same time to European standards. The German restrictions went even above and beyond those, forcing other European countries to make restrictive modifications in order to limit the number of asylum seekers switching to their country as an alternative. These and other legislative, judicial and administrative chain reactions served a negative coalition of defence in a Europe that is growing together. However, alone they would hardly have led to supranational concepts of defence beyond bilateral or international security policy agreements. The final definitive thrust was the constraint on action linked to the development of the border-free single market within the tension between integration and isolation. Against the background of steeply increasing migration to Europe in the late 1980s and early 1990s and the progressive elimination of internal borders in the process of integration, the isolation of 'Fortress Europe' against unwanted immigrants from outside its borders has been accelerated since the end of the Cold War.

Legal developments in the 1990s were rooted in the history of the EEC, which began with the treaties of Rome in 1957. Its final aim as the European Union was outlined in the Single European Act of 1986: to create a European single market by 31 December 1992. This marked what began in 1986 as the politically meshed process of integration of EC/EU states internally and their closing off externally. Legal developments within these two processes, however, for the most part proceeded separately. The creation of the single market took place within the scope of the EC/EU, while external closing off was negotiated at bi- and multilateral levels between the ministries of the interior and of justice of EC/EU countries. The treaties of Maastricht (1992) and Amsterdam
(1997) then finally transferred visa policies (Maastricht) and asylum policies (Amsterdam) from the competence of the respective countries to the EC/EU level. This represented the decisive step to 'communitization', that is, EC/EU-wide application of asylum law.15

The basic trends of this dual-track development were the steadily increasing freedom of movement with social security within the single market for EC/EU citizens and the simultaneously decreasing freedom of in-migration for citizens of 'third states' not belonging to the EC/EU. Internally, the objective was to adapt the social standards either 'up' or 'down' to achieve international agreement. Externally, it was a matter of deciding which cross-border in-migrations should be treated as desired, tolerated or irrelevant for security issues and which were deemed unwanted and treated accordingly. Of course, the above-noted 'liberal paradox' (James Hollifield) prevented Europe from shielding itself off completely due to its humanitarian obligations in international law (such as the Geneva Convention on Refugees and the European Convention for the Protection of Human Rights and Fundamental Freedoms). We shall review this dual-track development of integration and isolation more closely in order to try to identify the conditions thereby determined for in-migration to Europe in the 1990s.

In accordance with the treaty of Rome (1957), freedom of movement in matters of residence and employment was guaranteed as of 1968 on the basis of citizenship in the initially six member states of the EEC. This is why, for example, the recruitment bans and immigration restrictions in the early to mid-1970s had increasingly less long-term influence, and ultimately none at all, on the Euro-Mediterranean region of origin that was gradually entering the EC. Their powers of exclusion were then enforced only against third-country nationals. The aim of the Single European Act of 1986, which entered into force in 1987, was, in addition to promoting the integration process and economic growth by eliminating Europe's internal borders, to implement the 'four freedoms' of movement of persons, services, goods and capital. The establishment of the single market brought with it far-reaching equal treatment of EC nationals, which meant not only free movement in choosing a place of residence and work, but also protective regulations for these labour migrants. However, this did not create general regulations valid for all EC citizens, that is, including students or dependants of employees. Complete freedom of movement for persons was not guaranteed until the Amsterdam treaty was implemented in 1999, finally eliminating all controls at internal European borders.16

Freedom of services was achieved in late 1992, which allowed services to be offered EC-wide. This also meant, however, that a British building contractor could send workers to construction sites in Berlin, or a Portu-
guese contractor could send work brigades to France to build a TGV (high-speed train) line. Both contractors sold regular services but were engaged indirectly in wage dumping, since they paid their labour according to British or Portuguese law, while German and French law offered workers higher rates and obliged employers to pay higher social security contributions. Rate-cutting resulted and local employers were forced to hire inexpensive foreign labourers, which led to higher unemployment rates for the national labour force. This problem is countered by the 'posted workers directive' that was passed in 1997 and came into force in 1999, which provides for general minimum wages; but it is hardly able to cope with the problem of 'dependent self-employment', in which 'self-exploiters' from the EU appear in the destination country as both employer and employee.17

Much more problematic than regulating transnational migration within the EC/EU was the question of access to this region from the outside. Border and entry controls are classic responsibilities of state sovereignty and had led, up to the 1980s, to greatly varying entry regulations among the different countries. Creation of the single market by opening internal borders led to a loss of control, which, according to the respective ministries responsible for internal security, had to be compensated for by intensifying controls at the external borders, viewed as particularly necessary since immigrations from outside the EU had increased considerably since the mid-1980s, above all in the area of asylum. This led to the development of the instruments of the Schengen agreement (Schengen I, 1985), the corresponding implementation treaty (Schengen II, 1990) and the Dublin agreement of 1990. These agreements were the outcome of intergovernmental cooperation by the ministries of the interior and of justice beyond the actual EC/EU integration process.18

Compensation measures in the 1985 Schengen agreement to maintain a constant high level of security served as complementary elements for breaking down inner-European border controls. The contracting states (Benelux, France, Germany) committed themselves, among other things, to moving their entry controls to the EC/EU external borders, to aligning their entry conditions and regulations for issuing visas, and to taking measures to combat illegal entry. Not until 1990 were the general objectives of this working programme expanded by the implementation agreement (Schengen II). It entered into force EU-wide in 1993, but was not implemented until 26 March 1995 in Belgium, Germany, France, Luxembourg, the Netherlands, Portugal and Spain. The Dublin agreement of 1990, which was identical to Schengen II as far as asylum law regulations were concerned, was intended primarily to prevent the filing of multiple applications for asylum ('asylum shopping'); every asylum seeker was to be permitted to petition for asylum in only one EC/EU country and
rejection from one would apply to all other EC/EU countries. Implementation of the agreement was problematic from the outset, however, because every signatory country had a different asylum law with correspondingly different practices. This could lead to differences in asylum rulings in the ratio of 1 to 100, considering that, for example, in 1990 only 0.7 per cent of all asylum petitions by Tamils were decided positively in Britain as compared with 70 per cent in France.

Political issues also complicated the implementation of the agreement, such as Denmark’s and Britain’s unwillingness to transfer control over admission of third-country nationals to the EC. In Britain’s view, freedom of movement applied only for EC/EU citizens. France, too, insisted on retaining border controls for reasons of internal security until 1996. There were also conflicts over jurisdiction with the EC/EU Commission, which considered itself responsible for migration issues since 1986, while individual countries held to their sovereign decision-making jurisdictions. Institutional diversification, chaos over jurisdiction and different national standpoints all contributed to delaying implementation of the treaty, which entered into force long after it was signed. Schengen II did not enter into force until 1995 and the Dublin agreement in 1997. The EC/EU Commission, European Court of Justice and European Parliament therefore played only a secondary to insignificant role on migration issues until the end of the 1990s.

The Maastricht treaty founded the European Union in 1992 with its three pillars. Supranational decision mechanisms apply for the first pillar encompassing the European Community, European Coal and Steel Community (ECSC) and the European Atomic Energy Community (Euratom). The affairs of the second (Common Foreign and Security Policy, CFSP) and third (Justice and Home Affairs) pillars are decided at intergovernmental level. Regulations relating to migration issues were consequently dealt with by the first and third pillars, which is why, for example, the list of countries for which a visa is compulsory could be issued as an EU decree. At the London summit of the ministers for immigration of the 12 EU member states in November–December 1992, resolutions (WGI 1281–3) were also made concerning ‘manifestly unfounded applications’ for asylum, a ‘harmonized approach’ to questions concerning host third countries and countries in which there is generally no serious risk of persecution. These were not treaties under international law, but the treaty of Maastricht opened up the possibility of ‘communitizing’ areas of national policy, that is, transferring them to EU law, if approved unanimously by a council resolution. It was also possible to set EU-wide standpoints in the area of migration, make agreements and take measures. Subjects that had been treated in the ‘ad hoc group on immigration’ under ministries of the interior were conse-

quently taken up by the third EU pillar and declared to be matters of common interest. This included asylum policies, border-crossing regulations, immigration policies and policies towards third countries, including combating illegal immigration and stays.

This intermediate step towards ‘communitizing’ asylum and immigration law was followed by the Amsterdam agreement of 1997, which became effective in May 1999. It transferred to EC/EU law the subjects of the Schengen agreements that had previously been treated outside the EC/EU, and the entire area of visas, asylum and immigration issues was transferred from intergovernmental cooperation (third pillar) to the jurisdiction of the EC (first pillar). The agreement was presented to the political public as a major step forward in the direction of a European ‘area of freedom, security and justice’. The flip side was joint isolation against unwanted immigration from outside the EU, whereby decisions on positive and negative lists for visa-free countries or those requiring a visa remained tied to qualified majorities. Until the Amsterdam treaty entered into force, legal developments of the 1990s generally involved a slow adjustment of asylum and immigration regulations of individual member states, connected with extraordinary problems. The focus remained on border controls, combating crime and defence against unwanted immigration. In addition there were problematic regulations such as the concepts of ‘safe third countries’ and ‘manifestly unfounded applications’. Both possibly contradict the regulations of the Geneva Convention on Refugees and the European Convention on Human Rights and could lead to a kind of ‘complicity between receiving and persecuting countries’ at the expense of refugees.¹⁹

The path to a common EU asylum and immigration law²⁰ was still a long way off at the end of the century. But the patterns of migration from third countries into the Europe of the EC/EU had long since been determined by diverse regulations, limitations and prohibitions.

An initial stable and lasting immigration movement, despite some attempts to restrict it, has been created by chain migration in the form of family reunification, with narrow- to wide-ranging interpretations of the concept of family. As has long been the case in the United States, family reunification in Europe is on the verge of becoming one of the most important forms of immigration. It has developed, in cases of limited admissions, increasingly at the expense of other immigrant groups because it includes only those who already have, or wish to start (‘marriage migration’), close ties to the destination country, or those who want to create them for their children by their being born in the country (‘birth migration’). A second large area of admission includes traditionally privileged migration relations, sometimes still in the form of post-colonial in-migration, though since the opening of the Iron Curtain it is
more often mainly in the form of ‘ethnic’ or minority migrations within the scope of east-west migrations.

A third area includes international and global labour migrations, within which two major dimensions should be distinguished: expert and elite migrations at the ‘top’ or relatively ‘high up’; and the often limited stays of certain employee groups in some occupational fields at the ‘bottom’ or relatively ‘low down’.

At the top of the professional and social pyramid is the mobility of those in elite functions. They generally show high transnational and intercontinental or global mobility and are considered politically safe or irrelevant for migration controls. In the 1990s there was strong growth in this area owing to the market-oriented mobility of technicians, businesspeople and managers of companies operating internationally and multinational firms. In addition to the extra-European mobility of European specialists and managers, there was also an increase in work stays of non-Europeans in the major European economic regions and metropolises. Where immigration restrictions and recruitment bans were in force, this kind of migration was generally made possible through applications by employers with the help of exceptional or special authorization. At the same time, there was an increase in transnational elite mobility within the economic region merging to form the EU. Unlimited mobility, that is, not only transnational but clear openness to global mobility, has become a self-evident prerequisite since the 1980s, and especially the 1990s, for professional and social advancement in leadership positions of multinational firms with the attendant management structures and worldwide internal labour markets spread out via global networks of branch offices.  

After the Iron Curtain opened, European corporations made greater and faster strides in the age of globalization of production and sales organization and personnel management. Highly qualified economic and technical specialists and management from ‘western Europe’ also increasingly took action in eastern Europe, a sign of the end of the separation of systems. Conversely, a growing out-migration of technical experts (‘brain drain’) to the west could be observed, which soon became problematic for the economic future of the ‘reforming countries’. The area of elite migration also includes the transnational mobility of, for example, artists, scholars, migrants for study and/or training purposes and (usually not included in the statistics on the resident population) the staffs of embassies, consulates and international organizations.

At the bottom of the social pyramid, usually employees from third countries cross Europe’s external borders, with limited authorization within the framework of bilateral agreements. Their migrations often lead to work and employment areas that can no longer attract nationals, earlier immigrants or citizens of other EU countries. This includes fixed seasonal agricultural work that is sometimes highly paid, but according to piece rates, such as flower, grape, asparagus and hop harvests. It also applies to parts of the building trade. In Germany, admission quotas agreed upon within the scope of east-west migration have special significance in this context for the status group of ‘guest employees’, ‘contract employees’ and ‘seasonal employees’. Also part of temporary east-west migration are the pronounced movements of cross-border commuters. Especially as regards temporary or seasonal east-west migration, misplacement at lower qualifications on the labour market is often taken for granted because of exorbitantly high wages. Polish surgeons can earn considerably more working on the grape or asparagus harvest in Germany than in their highly specialized profession in Poland.  

There is also a new transnational mobility among low-wage labourers within the EC in a number of areas of employment at the lowest levels of the internationalized labour market that have low demand, or none at all, despite extremely high unemployment: the number of Italians in Germany in 1987 had dwindled to about 500,000, while the new immigration country Italy had moved up to being one of the leading economic powers in the world. In the 1990s the number of Italian immigrants (often with family) rose again considerably. Many of them, like the earlier ‘guestworkers’, come from southern Italy. They are unable or unwilling to live on the wages offered there, leaving the largely agricultural jobs mostly to North African seasonal workers. These Italians seek work in northern Italy and, if unsuccessful there, in Germany, often working for Italians or Germans of Italian descent, especially in the catering trade or in construction. Many are forced to work illicitly or are perhaps paid the same wages as illegal workers from eastern Europe by Italian subcontractors on construction sites. The number of illicit Italian labourers in Germany was estimated in 1997 by Fillea-CGIL, the Italian building and construction union, at 27,000 at least; illegal work contractors (caporalato) are most widespread in the new federal states (the area of former East Germany). Beyond the labour market, there is hardly any contact between the socially advanced descendants of the ‘guestworker’ population and the ‘newcomers’ starting ‘right at the bottom’.

A fourth major form of legal immigration to Europe includes refugees and expellees. Though to a greatly restricted extent, Europe still offers these groups two ways to enter: political asylum and generally limited stays with various different forms of refugee status. Entry as an asylum seeker is still possible, albeit severely limited by the measures described above, or through ways that are often irregular or illegal. There is also event-related, or rather catastrophe-related, admission of quota refugees
and larger numbers of refugees from war and civil war. This group comprised almost entirely refugees from Europe; in the 1990s, it included especially those driven from former Yugoslavia. Facultative agreements, as during the 1999 Balkan War (see section 3), displayed substantial discrepancies among individual countries as regards admission declarations as well as between the declared willingness to take in refugees and actual admission. A binding regulation at the European level that covers the crucial financial sphere and thus the long-demanded implementation of 'burden sharing' remained a postulate until the turn of the century.24

Where no legal 'main gates' or 'front doors' were open, and even legal 'side doors' appeared hardly accessible despite migrants' willingness to adapt, irregular or illegal 'back doors' are being used more and more: after the recruitment ban and the immigration restrictions of the early to mid-1970s, there was a distinct rise in asylum migrations; and after these in turn were sharply limited in the 1980s and early 1990s, irregular or illegal immigration and employment rose all the more. Closed doors – also for asylum-seeking refugees without any chance of legal immigration – are circumvented in part by means of regular entry to irregular employment and in part by illegal immigration in the strict sense. In Europe, this still affects primarily but no longer exclusively the countries of the Euro-Mediterranean zone (see chapter 4, section 2); since the end of the Cold War, a similar situation exists in 'reform countries' in east central Europe such as Poland, the Czech Republic and Hungary. Together with southeastern Europe, they have become buffer or bottleneck zones for immigration unwanted in the west and the north.25

The flip side of shielding off Europe against unwanted immigration and of the increasingly confusing restrictions on entry, stay and participation is new forms of immigration and residence that have become firmly established in the grey zone between legality, irregularity, illegality and criminality. They range from regular shuttle migration that has a legal appearance ('tourists', 'family visits') in order to engage in illegal employment (such as across the Polish border to work in Greater Berlin) to going 'underground' after being instructed to leave or informed of deportation measures. Fictitious or contract marriages occasionally arranged through 'agencies' or performed abroad are also used to establish legal residency. These can lead to serious, far-reaching dependencies, for example when the foreign national spouse loses his or her residence permit if divorce is filed before a certain length of time has passed.26

With some qualification, it is possible to distinguish four main – complex and occasionally overlapping – forms of irregular or illegal migration.27

The first area begins with legal entry, for example as a tourist, seasonal worker, business traveller, asylum seeker or refugee. The person's status turns illegal when they become undocumented, staying beyond the approved length of stay and/or through employment without a work permit ('overstayers', 'sans-papiers'). This is particularly prevalent in the Euro-Mediterranean zone, as well as, for example, in France. A second area includes illegal or secret entry or crossing the border with forged documents, followed by staying in the country and working illegally, not being registered or being registered with false papers. Sometimes a series of related violations takes place when working without a work or residence permit or having entered the country illegally, not to mention the related violations or subsequent offences that can often be unavoidable when living illegally, such as renting a flat under false pretences.28

Both of these forms involve irregular or illegal labour migration leading to the informal sector, which varies throughout Europe but is generally expanding. It is primarily in the areas of construction and related trades, cleaning services and fixed seasonal employment as well as a wide variety of replacement and additional employment. Based on sound estimates, about one-third of French motorways were built by 'illegals', and about one-third of all automobile production in France was and still is done by irregular workers. In Italy, about 20–30 per cent of the gross national product is earned by irregular labour.29 Immigrant labour is part of a clandestine workforce which keeps the wheels going round, commented the Financial Times with respect to Britain as early as 1990; the construction industry including the Channel Tunnel relies on it, the fashion industry would collapse without it, domestic service would evaporate.30 In unified Germany it was an open secret that at 'Europe's largest construction site', Berlin in the 1990s – even apart from the irregular work arrangements on private construction sites – the margin on costs set by the federal government would have been difficult to keep, and the 1999 completion date impossible, without illegal labour. In nursing and care services, women from eastern Europe are increasingly employed in Germany in poorly paying irregular or illegal positions. Physicians and clerics occasionally even discreetly refer their patients and congregation members to them, since they do not know how else to help those who receive insufficient care because of nursing costs.

The informal sector therefore depends on this irregular or illegal labour, in which a far higher level of illicit national workers also participate. Consequently, irregular or illegal arrangements, cunning and difficult to detect, enjoy a high degree of unsupervised approval, ostensible social legitimacy and often also tacit tolerance by authorities. This is so despite the well-known fact that irregular or illegal work is usually underpaid, uninsured, untaxed and often connected with extremely hard labour and health hazards. Symbolic threatening gestures and occasional raids to deter the employment of 'illegal immigrants' are therefore rather suited
to reinforce xenophobic defensive attitudes in the broad public. This is also true of Germany, where about 3,500 staff members of the labour administration and customs office were assigned to combating illegal employment in the late 1990s; however, the tightened control measures and increased penalties, especially in the building sector, obviously acted only as a minimal deterrent or were relatively easy to evade.\(^{31}\)

The third form caught in the tension of migration and illegality includes the predominantly international human smuggling organizations, serving a kind of feeder and bridging function for would-be immigrants lacking any other options. Smuggling organizations appear in cities of the 'Third World', often as regular 'travel agencies' specialized in this lucrative business, and are the main profiteers abroad from the closing off of 'Fortress Europe'. This international feeder criminality frequently overlaps with the international organization of fraud, theft and violent crime, and even negligent homicide: fraud and theft as regards the deception and looting of migrants, who are helplessly at the mercy of their smugglers; violence and negligent homicide in cases where, if there is a chance of being discovered at the coasts, the victims of international human smugglers are put out at barely crossable rivers or elsewhere under life-threatening circumstances, or left to their fate aboard dangerous methods of 'transport', for example in sealed containers or on unsavoury ships. Only the rescued victims and recovered bodies are counted by the European border authorities, the number of which steadily increased in the 1990s.\(^{32}\)

A fourth form of illegality, sometimes overlapping with the third, is the diverse area of criminal migration in the strict sense, that is, cross-border mobility for criminal purposes or to avoid prosecution for crimes that have been committed.\(^{33}\) This includes connections - often one-sidedly emphasized in popular notions - between ethnic communities or migratory networks and criminal milieus, especially in the area of Mafia-like organizations. These no longer exist only throughout east central Europe but also in its diaspora, such as among Albanians in Germany. Movements of individual criminals across borders also belong to this category, which can be a minor form of criminal 'labour migration', such as for smuggling and transnational fencing of stolen goods. Also to be mentioned is the deliberate employment of bands of trick thieves and burglars, which are occasionally made up of children and adolescents brought over the border in groups.

These and other forms of transnational mobility for criminal purposes or flight across borders to avoid criminal prosecution will not be discussed here. Relevant overlap between migration and criminality, on the other hand, occurs in the cases of irregular or illegal migration and internationally organized crimes of human smuggling and trafficking.

In the area of irregular or illegal migration, this overlap emerges, for example, regarding forged documents. In south-north migration in particular, visas are needed; in east-west migration, it is primarily verification of minority affiliation in the Commonwealth of Independent States (CIS) that opens up prospects for immigration in the west. The overlap between migration and criminality is most significant, however, in worldwide human smuggling operations. Though there is also much overlap here, a kind of informal service sector can be distinguished from the area of organized serious crime.

Belonging to the first-named area are illegal 'travel agencies' and human smuggling organizations, operating worldwide and with increasingly complex networks. 'Travel agencies' outside Europe offer for sale real albeit unenforceable contracts for people to be taken across the border or referred to work, with a wide range of services offered, from 'smuggle guarantees' to 'children's discounts'. The area of worldwide organized crime includes in particular international trafficking in women, which, often overlapping with related referral businesses (such as fraudulent job placement and marriage referral), has become a serious crime of massive proportions. In Germany, the International Organization for Migration has estimated that about 80 per cent of women criminally trafficked for prostitution purposes are from east central Europe and the CIS.\(^{34}\)

Since the Iron Curtain has opened, in addition to migration patterns, the routes of intercontinental south-north and east-west migrations have changed. There is increased overlapping, forming south-east-west and east-south-north migrations. The implosion of the eastern bloc, especially the Soviet Union, led to an abrupt rise in migration, not just in and around the region. Migration from the south also increased and affected countries of the former eastern bloc to varying degrees. This was the result of liberalization in the post-Soviet age, deficient administrative structures for managing migration processes and weak border controls, which made it easier to enter and remain in CIS countries. With growing success, western European governments therefore pushed for tightening of the corresponding control regulations, especially the practice of having visa stamps in passports, based on western examples.\(^{35}\)

Nevertheless, more and more migrants become 'stranded' in transit countries in east central and eastern Europe or fall victim to smuggling organizations there, if their paths to those countries were not determined by smuggling arrangements in the first place. A clear increase in transmigrants from Africa and South-east Asia bound for western Europe and North America could generally be observed in the 1990s in east central and eastern Europe. In Moscow alone, an estimated 250,000 Asians, mostly from China and Sri Lanka, were waiting to be transported further.
migrations from northern and western Europe. These existed as a north–south migration within Europe, at first in the opposite direction to the transnational labour migrations of the 'guestworker' period. In the area of mass tourism it included especially trips to Italy, Greece, Portugal and Spain. It also applied to Yugoslavia in the 1970s and 1980s. Like Turkey, Yugoslavia was increasing significantly as a destination until the multi-ethnic country collapsed in war and civil war, cutting the area off from mass tourism from 1992 apart from a few coastal strips. Parallel to this development, from the late 1960s there was also a north–south affluence migration with shuttle migrations and extended stays, as well as some permanent relocations. This movement was at first strictly limited to the socially privileged from Germany, Britain and Scandinavia who had a second residence or retirement home in southern Europe, such as in the Dordogne, Tuscany, on the Canary Islands, the Costa del Sol and especially on Mallorca. From the 1970s the numbers started to grow and were made up increasingly of the upper middle class. In the 1980s, more and more people in the lower middle class migrated in this direction as temporary retirement migrations. Retirement at discount prices in the off-peak season on the Balearic Islands or Spain's Costa Blanca was not only more relaxing in spring, autumn and winter, it was occasionally even less expensive than retirement in wet and cold central, western and northern Europe. This led to considerable seasonal fluctuations in age structures in some destination areas. On the Spanish 'vacation island' of Mallorca, for example, spring, autumn and winter in the late 1980s belonged to the European elderly; in the summer the vacation population regularly became 'rejuvenated'.

In the 1990s, inner-European north–south migration led to isolated instances of tension between local populations in southern European destinations or in-migration regions. Their protests against the ‘selling out of their homeland’ expressed fears of cultural ‘overforeignization’ and that they were being economically and socially cheated. This happened in the late 1990s on Mallorca, where exclusive ‘German’ and ‘English’ districts developed parallel infrastructures with residential settlements, stores, medical and other forms of care, while the local population felt the pressure of increased property prices, rents and costs for everyday commodities.  

Temporary in-migration for tourists from third countries remained unrestricted in Europe as long as they were not from the ‘Third World’, in which case they were considered ‘suspect’ and presumed to want to ‘abuse’ their tourist visa to file an application for asylum. Conversely, regions outside Europe became dependent on seasonally fluctuating, short-term and wide-ranging mass migrations of tourists, many of whom came from Europe. This applied especially to regions of the ‘Third
World’ which either did not have sufficient resources of their own or which became dependent on multinational firms because of low producer prices of agricultural monocultures that had partly been implanted in colonial times. These multinationals took the place of earlier colonial companies, while the descendants of their former colonial overlords returned as tourists. Even torturous hells have been discovered for tourism, such as the West African slave trade centres or the penal colony island known as Devil’s Island in French Guinea, on which most of the prisoners did not survive to complete their sentences.

Apart from family reunification and elite and affluence migration, which were not subjected to any group-specific rules or restrictions, the tension between attributes assigned as either ‘own’ or ‘other’ identities was further reinforced in migration and migration policies at the close of the century, a tension between migrants’ images and descriptions of themselves and migrant identities as defined by migration policies. Yet migrants have to attempt to correspond to these assigned identities in order to achieve their goals of crossing the border and obtaining residency permission. Therefore, the boundaries between legal definitions of what comprises ‘labour’, ‘asylum’, ‘flight’ or ‘minorities’ have become more fluid in the ‘multiple identities’ of migrants than ever before. This must also be kept in mind when considering the major groups selected as examples for discussion in the following sections.

2 MINORITIES FROM EASTERN AND SOUTH-EASTERN EUROPE: ETHNIC GERMANS, JEWS, ROMA

Very few groups formed major minority migrations from Eastern Europe during the Cold War: the largest groups of the 1.2 million people who were able to leave the USSR between 1948 and 1990 were those of Jewish (52 per cent) and German (36 per cent) descent, followed by much smaller groups of Armenians (7 per cent), Greeks (2 per cent) and others (2 per cent). Emigrants of German or Greek descent were bound almost entirely for West Germany and Greece, respectively; Jews went to Israel, the United States and its smaller groups to central and western Europe; Armenians went mostly to the United States (California) and France. Emigration options negotiated by organized interest groups for certain minorities that were referred to in the USSR as ‘nationalities’ offered bridges to the west. In this context, the agreements of the Commission on Security and Cooperation in Europe (CSCE, 1975) on cooperation in humanitarian areas played an important role. They led to a limited liberalization of exit practices in Poland, Yugoslavia, Hungary, Czechoslovakia and especially the USSR, which hoped they would bring relaxed or beneficial relations with the United States (regarding Jewish emigrants) and West Germany (regarding those of German descent).

The opening of the Iron Curtain and the collapse of the Soviet Union changed the basic conditions entirely. The minority groups therein mobilized were considered, or regarded themselves, partly as having been liberated, partly as being driven out as expellees or as refugees. Others were viewed or saw themselves as return migrants or homeowners, even if their ancestors had left their homeland generations earlier. Still others, as in the conflict-ridden establishment of new nation-states after the end of the Austro-Hungarian monarchy and the Ottoman Empire, were again victims of the movement of borders over people, without their or their ancestors’ ever having crossed borders to emigrate or immigrate. Migrations of minorities in Eastern Europe exhibited strongly opposing movement patterns after the end of the Cold War. At an international conference on refugees and persons in refugee-like situations in the CIS, held in May 1996 in Genoa, United Nations Secretary-General Boutros Boutros-Ghali reported that about 9 million people in the CIS were refugees as of 1991. Of those, according to the Office of the UN High Commissioner for Refugees (UNHCR), about 3.6 million were seeking refuge in other CIS republics due to ‘open ethnic conflict’ (for example in Chechnya, Georgia, Armenia and Azerbaijan). Roughly 3.3 million people had fled back to their ‘former homeland’ due to ‘latent ethnic tension’. There were also refugee movements and resettlements on other grounds, such as environmental catastrophes (see section 4).

In the European part of the CIS, there were a number of migrations in opposite directions across external CIS borders. They were bound, for example, for Finland (from Karelia), Greece (from Macedonia), Poland (from Lithuania, Belarus, Ukraine), the Czech Republic (from Volhynia and Serbia), Slovakia from Hungary and Carpatho-Ukraine (Zakarpats’ka) and Hungary (Slovakia, Transylvania, Carpatho-Ukraine). In the other direction, millions of former Soviet citizens, such as Russians and Ukrainians, who became non-dominant minorities in the independent former republics of the Soviet Union, migrated back to the territorial centre of the collapsed empire or to the Ukraine. The only relatively reliable statistics are the migration data collected at the soon to be fortified borders in the west. Data on migration within the eastern and southeastern regions remain unreliable, often based only on estimates: in 1990 and 1991 alone, more than 1 million people each are estimated to have left the Soviet Union and Romania; about 400,000 people left Bulgaria. From 1989 to 1992, a total of more than 4 million people left the territories of the former Soviet Union and other former eastern bloc countries.41 They were largely members of minorities that had long been oppressed on political, religious or, in a broad sense, cultural grounds.
Macedonia thought it would be able to accommodate at most 20,000 refugees, but according to UN figures, at least 125,000 Kosovars had already arrived in the first week of April. At the peak of refugee movements in May–June 1999, the figure reached 220,000. At the same time, more than 30,000 tried to flee over the snow-covered mountain path to Montenegro, where up to 70,000 refugees were taken in. Only when Macedonia threatened to turn away all further refugees if they were not allowed to migrate on to the west did western countries start issuing admission statements. According to these, 100,000 refugees were to be distributed among the NATO countries; Germany was to take in the most (40,000), and the United States and Turkey 20,000 each. Far fewer people were in fact flown out; only about 15,000 entered Germany, for example. This is again evidence of the ‘protection loophole’ in the asylum law: those expelled from Kosovo were without a doubt in need of protection, yet in Germany, for example, they had to be content with insecure status granting them temporary protection against deportation, tolerated ‘as quasi-illegals’.

As soon as the fighting ended in June 1999, Kosovars began to return, sometimes following directly on the heels of the United Nations KFOR troops. By late July 1999, 737,000 of about 900,000 refugees had already returned to Kosovo. This took place despite the destruction — in Peć, for example, 80 per cent of all homes and shops were destroyed — and despite urgent warnings by the KFOR troops and relief organizations regarding Serbian landmines, booby traps and scattered explosives from the bombs used in the NATO attacks.

When Serbian units retreated and Albanians started returning, the refugee movements within Kosovo reversed; the Serbs now fled or were driven out, as were often Roma, who were considered pro-Serb. Based on data from the UNHCR, more than 172,000 people had already fled to escape revenge by the Kosovo Albanians by early June to late July 1999, headed for Serbia and Montenegro. Roma attempted to cross the Strait of Otranto on smuggler boats as the Albanians had done before them; they were chased out of Kosovo and unwanted in Italy. An illegal crossing in a high-powered open boat costs more than £300 per person. They race across the Adriatic Sea at night without lights and often lose passengers on the way, or, if threatened with being caught, smugglers simply throw passengers overboard in order to turn those chasing them into rescue squads, enabling them to escape all the faster. In Kosovo itself, some returning Albanians looted homes of the new refugees that the KFOR troops could not manage to protect everywhere, and sometimes even attacked Roma and Serbs. The establishment of an International Protectorate, in which the ‘international community’ aims to rebuild society, turned into a ‘test case for post-Cold War liberal internationalism’ from the outset.

The outcome of Milosević’s Greater Serbian power politics was not only the suffering of civilian populations in the areas of conflict; for the third time the Serbs were expelled from the respective region — after Croatia (200,000 from the Krajina) and Bosnia (50,000 from the suburbs of Sarajevo alone), this time from a space that was even considered ‘the cradle of Serb culture and civilization’ in Greater Serbian national mythology, and which was to be ‘ethnically cleansed’ of Albanians. Whether the territory of ex-Yugoslavia ceases to be a centre of conflict after the end of the Kosovo War depends not only on the effectiveness of programmes for international development and, if necessary, pacification to fight the causes for these refugee movements. It depends on how seriously Europe takes the economic and social, political and humanitarian challenges that are in the background connecting past and present. The new Balkan War at the end of the twentieth century was a ‘symptom of a profound European crisis’ (Eric Hobsbawn), a ‘key event in recent European history’ (Dan Diner). It reminds us that Europeans have not been able to secure peaceful coexistence of different ethnic groups in stable, liberal and democratic states since the decline of the authoritarian multi-ethnic empires at the end of the First World War. This is why Mark Mazower called his history of twentieth-century Europe Dark Continent.

4 INTERCONTINENTAL SOUTH–NORTH MIGRATION: MIGRATIONS FROM THE ‘THIRD WORLD’

In late twentieth-century Europe, the ‘Third World’ continued to be a formidable opponent of the first order in terms of migration. As such it was the subject of defensive security policy strategies at national and European levels, although two-thirds of all migrants in western Europe had come from eastern Europe and only one-third from the south, and although south–north migration to Europe increased by only about 1–2 per cent in the 1990s, whereas east–west migration rose 21 per cent. Ideas about the course and future of south–north migration reflected, on the one hand, a warning sign of Africans on the ‘march’ to Europe that was reminiscent of the earlier nightmare visions of Enoch Powell in his 1968 ‘Rivers of Blood’ speech or of Jean Raspail in his 1972 novel about the fictional landing on the Côte d’Azur of an invading fleet of starving immigrants from Calcutta. On the other hand were prevailing images of a kind of successive migratory infiltration, in which asylum seekers (in central and northern Europe) and irregular labourers (in southern Europe) were pioneer migrants who would open up migration routes for family reunification and irregular or illegal chain migrations.
However, by far the major part of the global migration movements that involved an estimated 120 million people in the late 1990s continued to take place within the 'Third World', about one-third in Africa alone. Most of the refugees in the sense of the Geneva Convention on Refugees who are living abroad are women and children; their numbers have doubled since 1980 and, according to estimates, will double again by 2005 to about 70 million people. Including not only those considered refugees according to the narrow definition of the Geneva Convention, which involves crossing borders, but also environmental refugees or even subsistence migrations of poverty refugees moving from the countryside to the slums of the 'giant cities', then the numbers would soon exceed the thousand million mark.68

At the end (only in calendar terms) of the 'century of refugees', there was a gaping difference between global dramas in actual refugee movements and Europe's staging of its 'concern' regarding the growing 'migration pressure' worldwide. The history of south–north migration to Europe is less the history of migration movements than of the fear of and defensive responses to them, as has already been discussed; the movements themselves, therefore, will be dealt with only in a closing summary. Emphasis will be placed on late twentieth-century development trends that can be observed in the evolution of migratory events and the forms and routes of south–north migration to 'Fortress Europe'.69

Worldwide migratory events in the late twentieth century are driven by long-acting structural tensions and problems that were intensified to different extents by the collapse of the Iron Curtain, along with diverse and mutually reinforcing correlations.

In pride of place for the southern hemisphere is the divide between high population growth and stagnating or even dwindling job opportunities. It is particularly evident in the agrarian crisis resulting from growing scarcity of land, environmental problems, automation of production and world trade influences. As the increasingly impoverished rural population tries to escape the crisis mostly by migrating from the land, the crisis worsens in overcrowded urban immigration areas with inadequate infrastructure, which in turn sets new migratory movements in motion.

World population reports for the 1990s have indicated that the acceleration in global population growth is slowing down slightly, but this change is due primarily to population developments in developed industrial countries. Growth rates in the 'Third World', which is responsible for 97 per cent of worldwide population growth, are still extremely high. This is the case above all in Africa and Asia, where more than half of the world's population growth takes place. The world's population reached the level of about 6,000 million in 1999, and according to estimates by the US Bureau of Census, it might be as high as 9,000 million by around 2050. Projections of the United Nations predict growth from 96.9 million to only 107.2 million for eastern Europe in the period 1992–2025, and from 284.5 million to only 344.5 million for the CIS. In Europe's neighbouring countries to the south-east (western Asia including Turkey but not Iran), on the other hand, the population is estimated to grow from 139.3 million to 286.6 million; and in the six North African countries, from 147.7 million to 280.4 million. This means the population in this region will double from about 287 million to about 567 million people by 2025.

Contrasts in population developments (natural growth and migration) are even more extreme if the calculations and extrapolations are extended over the range of an entire century: for the period from 1950 to 2050, a total growth of 10.5 per cent is estimated for Germany, France, Italy, Spain, the Netherlands and Belgium. For Algeria, Morocco, Tunisia, Egypt, Libya and Turkey, the estimated growth is 457 per cent. Especially in the Afro-Mediterranean zone, a dramatic tension has developed between the disproportionate growth of population and employment opportunities. The starkly contrasting developments in natural population growth between the Euro-Mediterranean and Afro-Mediterranean zones are even more clearly revealed, influencing the re-emergence of a new form of Euro-African migratory system in the Mediterranean realm. A projection for sub-Saharan Africa in 1991 concluded that economic growth rates in the next two decades would have to increase threefold in order to keep up with the expected doubling of the size of the labour force – a hopeless proposition.70

Moreover, climatic and human environmental destruction was a mobilizing force in many regions of origin. There are currently about 1.6 thousand million people living in environmentally critical zones worldwide. According to statistics of the UN Environmental Programme (UNEP), the living space of about 135 million people is acutely threatened by environmental destruction, especially desertification. Since 1960, the amount of per capita forest area with respect to the world population has declined by a factor of two, to 0.6 hectares; by 2025 it could dwindle further to 0.4 hectares, an area smaller than a football pitch. According to cautious estimates, by 2050 massive migration movements will be triggered when at least 150 million people become 'environmental refugees' due to the greenhouse effect and rising sea levels. In addition to global warming and rising sea levels is the problem of drastically sinking groundwater levels, because at the end of the twentieth century, 260 million hectares of cultivable land had to be irrigated by pumping up groundwater. For this reason, cultivable land in the 'Third World' uses far more water than is compensated for by precipitation.
These factors force migratory movements not only in arid regions of the 'Third World' and in South-east Asian flood regions. They partly also apply to successor states of the Soviet Union, which have to deal with serious additional burdens in the transformation process, including indifference to environmental issues by the former economic system, one-sided agrarian policies based on monocultures, lasting ground pollution from uncontrolled use of fertilizers and the neglect of infrastructure. General supply shortages, especially of water, energy and food, have created potential for a catastrophe that could suddenly erupt, triggering mass migrations. Since 1989, about 700,000 people have had to leave their homes in the territory of the former USSR because of environmental catastrophes, including, for example, the shrinking of the Aral Sea in Central Asia, radioactive contamination of the nuclear test site in Semipalatinsk (Semey) and the aftermath of the nuclear disaster at Chernobyl.

In addition to the environmental problems that ensue from environmental destruction comes the battle over resources, which are becoming ever scarcer yet are indispensable for life and survival. This includes especially the growing conflicts over inshore waters that extend over borders. Such threatening 'water disputes' over the subsistence basis for hundreds of millions of people can erupt, according to the assessment of development expert Franz Nuscheler, between, for example, Egypt and Sudan over the Nile and between Israel and Jordan over the River Jordan. Other possible areas of conflict involve Turkey and Syria over the Euphrates, India and Pakistan over the Indus, and India and Bangladesh over the Ganges. But even before these tensions break into open conflicts, the scarcity of water resources serves to push up the number of environmental refugees in the 'Third World'.

The global and regional development gap has worsened as a result of disproportionate growth. According to the Human Development Report of the United Nations Development Programme (UNDP), 1.6 thousand million people were living in worse conditions in 1996 than they had been 15 years earlier and the per capita income in 70 'Third World' countries was lower than two decades earlier. The development gap has intensified since the end of the east-west division, encouraged by the release of capital movements, production and market relations in the globalization process. At the same time, the end of the system rivalry reduced willingness for 'development aid' in the broadest sense, as it served not only humanitarian purposes during the Cold War but had been motivated also by power politics. Against this complex background and in conjunction with it, the 1993 world population report of the United Nations Population Fund (UNFPA) assumed that the search for better income options is becoming increasingly overshadowed by subsistence migration in search of work and income.

The globalization process also directly or indirectly influences migratory events themselves in that more and more countries have been incorporated as regions of origin or destination since the 1980s, even those that had been totally cut off by the worldwide system boundaries until the end of the Cold War. The worldwide stripping of bounds in production contexts and market and capital movements also corresponds to a certain lifting of boundaries in migratory events, albeit very limited with respect to specific classes and groups. Images of the comparatively wealthy north and west transported through globally networked media provide not only consumer incentives in the south and east but also migration incentives, not necessarily to head for the supposedly 'golden' west or north but in any case to leave the home regions either temporarily or permanently.

Networking of global transport and communications offers increasing options to carry out such migration incentives - not for the poorest of the poor, however, but primarily for the educated middle class. Above all, the emigration of highly qualified people ('brain drain') accelerates the relative process of impoverishment of the region of origin. In particular young urban middle-class people in the 'Third World' with educational and professional qualifications who are looking for work, for example, are migration potential for intercontinental long-distance migration to Europe. Where they are unable to reach the few migration doors that are open - for example, educational and training migrations to support the elite - they are often forced by European obstacles to in-migration to try to enter the west through asylum applications or illegal means. Their motivation as regards their migration behaviour is related to their image of Europe, in part taken from the media and sometimes unrealistic, and in part a concrete picture gained through schooling and vocational training. This group does stand some chance of being able to finance the usually illegal 'trip' and the attendant costs of the smuggling services. The destitute generally have no options at all, not even as refugees or expellees, as they have neither sufficient information nor the necessary means to cover the 'travel costs'. Talk of 'poverty refugees' is therefore often misleading, because the economic refugees - in the strict sense of this much-abused expression - who arrive in Europe are acting in response to economic and social motivations; they are usually fleeing not because they are impoverished but to avoid poverty. Compared with the social situations in their home regions, they sometimes even come from such high standards of living that their migration could be classified as 'elite migration'.

At the same time, migration is assuming greater and greater diversity worldwide. The proportion of women involved is growing, not only in refugee migrations but also in regular and irregular or illegal labour
migration. All in all, globalization of production and labour market structures has created a new class society that is characterized by a global mobility of varying ranges and frequencies: 'Scientists, engineers and managers circulate around the globe as highly remunerated employees of “multi”'. Migrants with fewer qualifications find employment as low-paid workers in private households or as seasonal labourers in agriculture and construction. At the lower spectrum are the ‘new helots’ of the international division of labour: without rights and exploited, irregular labour migrants and the victims of internationally organized trafficking in women.\(^7\)

Mobility potential and options separate ‘those who can reach every place on earth by plane and without a visa from those who lack the material prerequisites to leave their home and who do not receive a visa out of fear of immigration’. In 1965, for example, citizens of 43 African countries could enter the Federal Republic of Germany without a visa; in 1995, this was possible from only 14. The greater the crush of asylum seekers and refugees, the more restrictive the immigration restrictions.\(^7\)

What applies for the ‘Third World’ as regards the class society and freedom to travel is also true for travellers from the CIS. Poor CIS citizens have little chance of obtaining a visa to the west, in contrast to the members of the group lately referred to as ‘novarich’, a neologism combining the Russian tovarich (comrade) and nouveau riche.

In addition to structural problems, the development gap and the globalization process as forces leading to or supporting migration, other mobilizing factors are the tensions and conflicts – partly from indigenous developments and partly from colonial and post-colonial conflict potential – between population groups in the regions of origin that could lead to migration or flight and expulsion of minorities. As ‘ethnic power and distribution struggles’, they were partly triggered or intensified by worsening structural problems and by the contest for political power or control of limited resources. In categorizations of ‘self’ and ‘other’, however, they were often viewed as being isolated from these contexts as ethnic, religious or cultural conflicts. This applies to the situation in Sudan, for example, where apart from an almost ten-year interruption a civil war between north and south has been raging since 1955. It cannot be considered a regional ‘clash of civilizations’ between the Arab-Islamic-dominated north and the African-influenced south with its mixture of natural religions and Christianity. The result is that 3–4 million of the roughly 6 million inhabitants of Khartoum are refugees, mostly from the war zones in the south. Yet the same also largely applies for the militant Islamism in North Africa. It is most pronounced and has had the most serious migration consequences in Algeria, having been ignited there in 1991 as a result of political oppression by the military government of the fundamentalist Islamist Front Islamique du Salut (FIS), which was trying to assume power. According to official sources, despite restrictive emigration requirements about 410,000 people found a way to emigrate or flee between 1990 and 1995, including many senior employees and intellectuals.\(^7\)

Such conflicts sometimes have a long history preceding them. In the southern hemisphere, this includes the crisis and conflict potential originally implanted by European colonial rule; in successor states to the Soviet Union, problems resulted from frequently forced mass migrations or ‘resettlements’ and deportation of entire populations at the time of Stalinism. Such migration-inducing tensions were pushed or unleashed, for one thing, by the retreat of the ‘Second’ from the ‘Third World’ after the end of the system rivalry; for another, by the collapse of the Soviet Union and the end of totalitarian control of this tension in the Soviet multi-ethnic empire and its neighbouring countries.

The former colonies, especially in Africa, remained largely alone in coping with post-colonial problems. After the end of the Cold War, many major areas of the ‘Third World’ lost their economic and strategic interest, especially in Africa. In place of the former missionary legitimization of colonial intervention as a ‘cultural mission’ in the age of high imperialism, Europe referred to the legitimization of post-colonial non-intervention, noting that Africa has to find its own way to its own future, and that, after all, Europe had had to deal with its own development problems on its way to the modern age. It was often forgotten that Europe had been concerned mostly with its own problems, while Africa and other parts of the former colonial world also had to deal with colonial-induced problems from Europe and their repercussions.\(^7\) As regards the former colonial regions, there was a wide range of factors leading to colonial-induced and post-colonial escalating tensions and conflicts: colonial powers enforced biased preferences and disadvantages for certain population groups, which led to unequal distribution of property, education and social opportunities. Also, colonial borders were drawn without consideration for economic and ethnic structures. Furthermore, the colonial strategy of forced resettlement in the struggle against indigenous liberation movements triggered refugee migrations, further migrations and returns after the end of colonial rule.

These and other problems are part of the background, in Africa for example, to conflicts and tragedies of genocide and mass refugee movements in Burundi, Rwanda (Hutu/Tutsi) and Zaire. These also involved power and distribution battles including ethnic motivations led by rival traditional and new elites, as well as by regional and local ‘warlords’ with their respective militias and armed bands. These struggles are fomented by highly armed private armies recruited on the free mercenary
market and other external groups, especially those interested in natural resources (such as diamonds in central Africa). In increasingly chaotic war and civil-war zones, they can reach infernally bestial proportions, as in Congo and Sierra Leone. Wars and civil wars in some African countries have caused the share of refugees in the population to increase to 10–20 per cent. In Malawi, for example, the 1 million refugees from Mozambique represented more than 10 per cent of the population of the host country. After the attempted coup in Burundi in October 1993, about 1 million people fled, mostly to neighbouring Rwanda. Rwanda had had its own serious ethnic conflicts, which had been only superficially resolved, and still had about 900,000 of its own IDPs. At least 500,000 people were murdered in the Hutu massacres of the Tutsi in Rwanda from April to June 1994, and many more were injured and mutilated. Millions of people fled to the supposedly secure south-western part of Rwanda and about 1.6 million fled across the border, especially to Zaire, which was soon faced with its own serious internal conflicts.

In the 1990s civil wars became the most significant driving forces of forced and refugee migrations in the ‘Third World’. In the Middle East, in Asia and Latin America, the number of warlike conflicts declined considerably in the 1990s. In Africa the number remained constant from 1992 (14 wars) to 1998 (14 wars). In 1998, 44 per cent of all wars in the world took place in Africa. Research on the causes of war has determined that a stagnating or reverse trend in the development process coincided with the increasing instance of war and the attendant repercussions as migratory movements. In other words, the collapse of economic order and social structures, the establishment of authoritarian regimes or terrorist dictatorships and the resultant dwindling of professional and social life prospects promote migration-readiness among highly qualified people with external contacts and the minimum of means to facilitate emigration or escape.

The subsequent intensification of the already powerful ‘brain drain’ is forced by the cause-and-effect relation into a vicious cycle, with dire consequences for the ‘development process’, because any slowdown, stagnation, or even reversal, of the development process gives additional thrust to the migration process. According to the 1992 Human Development Report of the UNDP, Africa lost almost 60,000 executives from mid- and high-level management from 1985 to 1990. Ghana lost about 60 per cent of its physicians in the 1980s. In some fields, ‘development aid’ degenerates into an absurd cycle of the limited replacement of a far higher number of local specialists who have emigrated by development aid workers from industrial countries that have often directly or indirectly financed the professional qualification of those emigrated specialists.

Intercontinental in-migration to Europe was substantial from a European perspective. Compared with worldwide migration movements, however, it has hitherto been insignificant, despite the noticeable ‘deregionalization of migration’ in the ‘communicative’ and ‘mobile integration of the world’ that is accompanying the globalization process. In Europe – apart from the former colonial countries – this was attributable to the lack of privileged migration relations or bridges in the form of intercontinental migration networks; in the potential regions of origin it was partly caused by a class-specific scarcity of informational and material options. It was also a consequence of exclusion regulations that keep such movements away from the borders of the OECD countries and try to stem them or break them off as soon as they start assuming the character of chain migrations.

In Europe, opinions are divided in the dispute on how to assess the ‘migration pressure’ from the south. At the heart of the matter are the following questions: whether or not it is even targeting Europe, whether it is inevitable that it will continue to grow, and whether it can be reduced through coordinated, that is, not just European but global intervention (‘global governance’) to keep the causes of migration in check. It is above all a matter of combating the causes of flight and refugee movements by economic, political and humanitarian efforts, as well as, if necessary, by the means described in UN jargon as ‘peace-building’, that is, military efforts. In Rwanda such measures were not taken owing to rivalries between France and the United States; in Kosovo, global intervention in the form of the NATO bombing of 1999 initially led, in the absence of a UN mandate, to the further escalation of ‘ethnic cleansing’; in September 1999, intervention was initiated in East Timor through the stationing of international peace-keeping forces. In view of the much-debated yet hitherto unfulfilled economic stemming of the causes for flight or migration, Europe faces the ‘alternative between lasting high migration pressure or increased employment opportunities in the countries of origin by means of better options for participation in international competition’. Of all conceivable scopes and forms of action, Europe has thus far done the least towards fighting the causes for flight and migration in the regions of origin and the most towards combating refugee migrations to Europe. This is true despite numerous initiatives, appeals and declarations of intent to combat the causes of refugee migration; there have also been concrete plans – which have remained non-binding owing to unclear participation and financing issues – and even resolutions at national, European and UN levels.

All in all, the concept of ‘Fortress Europe’ is simultaneously both true and false. It is false because Europe has remained open for many immigrants who are wanted at the national level or tolerated on the basis of
higher European law or universalist principles. This allows a substantial yet manageable amount of admission. It is true as regards restrictions on immigration and the defensive measures taken to reject unwanted migrants before they cross European borders and enter the jurisdiction of European law and principles. The number of people thus excluded can only be estimated, but it is in any case incomparably higher. Because the unrestricted power of definition regarding whether immigrants are wanted or unwanted lies with the continent of immigration and its countries, the conflict over 'Fortress Europe' remains an issue of splitting hairs. It is definitely the purpose of a fortress to offer protection to those living within from actual or presumed threats from without and to allow entry only to those whom its inhabitants deem to be wanted or in need of protection.

The delimitation of 'Fortress Europe' has left open very few options for entry to immigrants from the 'Third World', and these options simultaneously became tighter and more specific in the 1990s. The legal dimension of migration still includes elite migration, education and training migrations limited to the middle and upper classes and, often overlapping with this, privileged albeit increasingly limited migration relations in the form of post-colonial and 'ethnic' immigration. There is also family reunification following earlier migrations and the ever-more restrictive admission of asylum seekers and refugees. Beyond these legal options for entry there begins the grey area of irregular or illegal immigration and residence.

The definition of in-migrant groups to be accepted under certain conditions, such as asylum seekers, and the specific opening of immigration gates for these groups is the European role in the intercontinental play about chances to immigrate from the 'Third World'. Moreover, there are very limited interests in Europe in opening those gates. The role played by would-be immigrants is to orient themselves to these regulations, that is, to adapt to them through corresponding self-descriptions. The very European question of whether someone is a 'genuine' refugee, for example, can ultimately be reduced to whether the person can credibly show that he or she corresponds to the criteria that the European side has defined as describing acceptable immigrant groups. Whether or not these criteria are in fact important in the person's individual motivation for migration is irrelevant.

Wherever scarce options are available for regular immigration, other means than those intended must be resorted to instead, such as applications for asylum. Apart from quota refugees, the restrictions imposed essentially force everyone involved to play cards with a stacked deck. The restrictions in the asylum law are less a matter of keeping a way open for humanitarianism than a means of securing borders against unwanted immigration. In this context, it has become a common defensive game to deploy arguments about security policy and imminent global threats. The gap between not admitting individual asylum seekers from crisis regions outside Europe and the fear of Europe's decline under the crush of massive chain reactions triggered by such migration is so great, however, that it can be used only for demagogic purposes. As long as the counterpart to defensive measures against refugees from the 'Third World' – that is, combating the causes for flight and migration in the regions of origin – is absent, this defence remains a historical scandal by which future generations will judge Europe's understanding of humanity in the late twentieth and early twenty-first century.